

# **SCOTTISH VOLLEYBALL ASSOCIATION BYELAWS (REVISED MARCH 2010)**

In order to ensure the smooth running of the business of the Association, the following byelaws are to take effect from the dates as noted.

## **Byelaw 1: Starting Membership of the Association**

- 1.1 Any individual or group may make application in writing at any time for membership of the Association. Such application should be accompanied by the appropriate fee.
- 1.2 The equity policy of the Association as amended and updated by the Board from time to time shall be incorporated into the byelaws. The Association will not discriminate against any applicant member on grounds of race, sex, age or any other basis.
- 1.3 In the event of the Board refusing the application of membership, the fee will be returned.

## **Byelaw 2: Ceasing Membership of the Association**

- 2.1 Any member of the Association will be deemed to have ceased membership of the Association if one or more of the following prevail –
  - (a) Membership is cancelled as a result of disciplinary action by the Board against the member. Such cancellation will take effect fourteen days after notification of cancellation of membership is issued to the member.
  - (b) The annual affiliation subscription is not paid within twenty-eight days following a final demand. Such final demand should indicate that unless the affiliation subscription is paid within twenty-eight days from the issue of the demand, membership will be cancelled. The member will be notified upon the cancellation of his membership.
  - (c) A letter is received from the member, or in the case of a club, from the Club Administrator, advising the Association that the member wishes to cancel membership. Such a cancellation may only take effect when the member receives notification that all monies due to the Association or any of its members have been paid.
- 2.2 Membership fees are paid on an annual basis and there will be no refund for any unexpired portion of subscription.

## **Byelaw 3: Membership Registration**

- 3.1 The Board has the power to require that any person participating in a match, competition or tournament organised by the National or District Association must have registered with the National Association through a member club of the Association.
- 3.2 The process of registration will be as follows:
  - (a) The Team Secretary will submit to the Association a schedule of proposed registered persons on the Association's standard registration form.

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- (b) The appropriate fees will accompany the form.
- (c) Confirmation of membership will be issued by the Association to each Team Secretary in respect of all registered players for the club.
- (d) As a condition of membership, the person agrees to be bound by the Memorandum of Agreement, Byelaws and Statutes of the Association.

3.3 Article 4.3 of the Rules of Competition notwithstanding, a registered player may only play in official competition for the club through which he/she is registered, or for a representative team recognised by the Association.

## **Byelaw 4: Player Transfer**

4.1 The terms of Byelaw 4 are only applicable on players entering, leaving or moving between teams in the National League. The applicability of Byelaw 4 to other competitions is at the discretion of the competition organiser, and if deemed applicable, taken as read.

4.2 A player has the right to be released from a club of which he/she is a registered player and thereafter to transfer to another club.

4.3 Procedure for transfer of player within Scotland

4.3.1 A player wishing to be released from the club of which he or she is a member must notify the Association requesting to be released.

4.3.2 On receipt of this written request the Association will send a notification of transfer to the player's club for completion and return by the Club Administrator.

4.3.3 The Club Administrator must complete and return the Player Transfer Form to the Association within fourteen days of the date on which the Association received the written request to be released from the player.

4.3.4 If the Association is not in receipt of the completed Player Transfer Form within fourteen days the player will automatically be released from the club concerned and will be informed that he/she is free to transfer to and register for another club, with no further obligation to the original club. In such cases the club will be subject to a fine of £25 for failing to comply with Byelaw 6.4.

4.3.5 The Club Administrator must indicate at the time of the notification of transfer that the club (i) approves the release of the player or (ii) refuses to release the player stating reasons for this.

4.3.6 If the club approves the release of the player, the Club Administrator should notify this to the Association. The player will be informed by the Association that he or she has been released and is free to transfer to, and register for, another club.

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- 4.3.7 If the club refuses to release the player the reasons for this must be intimated. Clubs may refuse to release a player only on the grounds that:
- (i) the player owes the club money,
  - (ii) the player owes the club goods such as strip, tracksuit, balls, etc,
  - (iii) the player is subject to disciplinary action within the club.
- 4.3.8 In such cases, the player's request to be released will be considered and a decision made, by a Player Transfer Subcommittee formed by the Competitions Commission plus a Director of the Association.
- 4.3.8.1 Should the player's request to be released be upheld, the club and the player will be informed. The player will then be free to transfer to, and register for, another club.
- 4.3.8.2 Should the club's decision to refuse to release the player be upheld this will be communicated to the club and the player who will also be informed of the reasons why release from the club has been refused. The player will be free to transfer when his obligations to the club are fulfilled.
- 4.3.9 No request for a transfer made by a club or a player will be granted by the Association if either club or player are, at the time of the transfer request, the subject of any disciplinary proceedings by the Association. The transfer request will be suspended until such time as said disciplinary proceedings, and any appeal relative to said proceedings, have been completed.
- 4.4 Procedure for transfer of player to Scotland from another federation
- 4.4.1 A player wishing to be registered in Scotland must notify the Association of this intent in writing, providing their full name, date of birth and federation of origin, via the Club Administrator
- 4.4.2 On receipt of this written request the Association will contact the federation of origin to ascertain that the player is free to be registered, and is not currently registered for a club within that federation, or subject to any pending disciplinary action.
- 4.4.3 The federation of origin will have 14 days from the date of application by the player for a registration to defend their rights to the player. If there is no response from the federation of origin within 14 days of application, the player will be deemed eligible to be registered in Scotland.
- 4.4.4 In such case, or in the case that the federation of origin agrees to the player being licensed in Scotland, the Club Administrator of the club for which he/she wishes to play will be notified, and the player licence issued.
- 4.4.5 In the case that the federation of origin indicates that the player is not free to be registered, the club and the player will be notified, and no licence will be granted until the reasons for refusal are moderated.

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- 4.4.6 The only suitable grounds for refusal of registration on the part of other federations are (a) that the player is currently licensed in their or another federation (b) that the player is in debt to a club within their federation, or owes the club goods or money or (c) the player is subject to disciplinary action on the part of the federation or one of its member clubs.
- 4.4.7 If 4.4.6 applies, the player may only be licensed in Scotland on completion of (a) release from the club holding the player's registration, (b) settlement of debts owed to the other club or (c) fulfilment of the terms of the disciplinary action.
- 4.4.8 If a player is playing in Scotland as an amateur player then no transfer fee will be applicable to the federation of origin, but the receiving club must be prepared to pay any reasonable administrative costs associated with processing the transfer, in addition to the standard registration fee. However, if a club elects to play in organised CEV or FIVB competition, then any players who are from another federation of origin will be required to be formally transferred from their original federation.
- 4.5 Having been released a player is free to transfer to and register for another club.
- (a) The Club Administrator of the club to which the player is transferring should notify the Association that the player concerned is now a playing member of that club. The appropriate fee must be paid to the Association.
- (b) On receipt of the letter and the appropriate registration and transfer fee, the Association will process the new registration, thereby verifying that the player has transferred to, and is now a playing member, of the club concerned.
- 4.6 Date of Release - this is determined by one of the following:
- (i) Fourteen days after the date on which the Association received the request to be released from the player, should there be no reply from the Club Administrator, as in Byelaw 4.2(c)(ii).
- (ii) The date of receipt by the Association of the notification of transfer indicating that the player has been released, as in Byelaw 4.2(e).
- (iii) The date on which the player's request to be released is upheld by the Player Transfer Subcommittee, as in Byelaw 4.2(g)(i).
- (iv) The date on which the releasing club notifies the Association that a disputed transfer has been resolved and the player is free to transfer.
- (a) If the date of release falls between May 1 and December 31 inclusive, the player is eligible to register and play for another club immediately without penalty.
- (b) Players released between January 1 and April 30 inclusive will not be allowed to transfer registration to, and play for, another club except in exceptional circumstances. The Board of the Association reserves the right to grant such exceptional circumstance transfers.

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## **4.7 Date of Transfer**

This is the date on which the Association receives the letter from the Club Administrator of the club to which the player is transferring, indicating that the player is now a playing member of that club, and the appropriate registration and admission fee.

The Board reserves the right to refuse any transfer it considers may not be in the interest of the Association. In that event the relevant fees would be returned.

**4.8** A club seeking to obtain the service of a player from his current club may initially approach either the player's current Club Administrator or the player himself. If the player is willing to transfer, a request for the release of the player should be communicated to the current Club Administrator and the procedures outlined in Byelaw 4.2 should be followed.

**4.9** (a) If a player is subjected to repeated unwelcome approaches by players, officials or office bearers of another club to join that club, the player should report the matter to their Club Administrator who shall seek clarification from the club concerned.

(b) If the Club Administrator is unable to resolve the situation the matter should be referred to the Board for deliberation and, if deemed appropriate under Byelaw 10, Disciplinary Action.

## **Byelaw 5: Club Administrator**

**5.1** Each member club of the Association shall have a Club Administrator who shall be responsible for all correspondence with the Association.

**5.2** The name, address and telephone number of the proposed Club Administrator must be advised to the Association in writing no later than July 1 each year. The period of office will be to June 30 the following year.

**5.3** The Board has the right to reject any nomination that it deems unsuitable.

**5.4** A change of Club Administrator may be requested in writing at any time following the usual nomination procedure and payment of a charge of £10.

The new Club Administrator will hold office for the balance of the period appropriate to his/her predecessor.

## **Byelaw 6: Responsibilities of Member Clubs**

**6.1** To pay all affiliation, registration and other fees due by the club and its members to the Association.

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- 6.2 To control the behaviour of their members. This responsibility is not restricted to the duration of an Association organised match. It will, for example, extend to the period before and after the match and will also be in respect of matches not organised by the Association. It may extend entirely outwith the match situation if the behaviour is deemed by the Board to be against the interests of the Association.
- 6.3 To enforce all penalties and other disciplinary action required by the Board in respect of its members
- 6.4 To supply any information requested by the Association.
- 6.5 To release any players required by representative team training or matches if requested to do so by the Association.
- 6.6 To submit a Constitution for approval by the Board. (A standard format can be provided by the Association containing the required articles necessary for approval.)
- 6.7 To submit all proposed constitutional amendments, and any byelaws or other statutes that the club may wish to adopt for approval by the Board.
- 6.8 To keep a register of all members.
- 6.9 To supply one senior member annually as a candidate to form the Disciplinary or Appeals Committee.
- 6.10 To submit to the Association the minutes of any meeting held by the club or any related meetings.

### **Byelaw 7: Matches not organised by the Association**

- 7.1 Any member club or group wishing to organise a competition or tournament must seek the approval of the Association in writing no less than twenty-eight days prior to the proposed date. Details of the proposed competition or tournament should be given, including the names of teams it is intended will participate. Clubs who fail to obtain approval may be liable to disciplinary action under byelaw 10.
- 7.2 The Board reserve the right to refuse permission for a member club to organise and/or participate in any match, competition or tournament that it feels may not be in the interests of the Association.

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## **Byelaw 8: Change of Name**

- 8.1 A member club may request in writing that its name or that of one or more affiliated teams, entered into an Association organised competition, be changed.
- 8.2 The Board has the power to refuse such a request if it feels that the change would not be in the interests of the Association.
- 8.3 If the request is approved, the Board has the power to levy such fees as it deems appropriate: an administration fee of £10, or otherwise where further expenditure is necessary to accommodate the changes.

## **Byelaw 9: Licensing of Officials and Coaches**

- 9.1 Any qualified official of the Association or another relevant body may apply to become a licensed official.
- 9.2 Any person may apply to become a licensed coach.
- 9.3 The process of licensing will be as follows:
- a) The person will submit an application in writing.
  - b) The appropriate fee will accompany the form.
  - c) The Board reserves the right to refuse a licence to any person it deems unsuitable. In that event, the relevant fee will be returned.
  - d) A licence card will be issued by the Association to each official/coach. The licence card will show the date until which the licence is valid.
  - e) By completing the licensing process, the person agrees to be bound by the Memorandum of Agreement and Byelaws of the Association.

## **Byelaw 10: Disciplinary Procedures**

- 10.1 The Board has the power to investigate and take action against any of the following:
- (a) Any alleged or possible breach of the Association's Memorandum of Agreement or Byelaws.
  - (b) Any action, conduct or comments, whether written or verbal, by a member of the Association, that the Board considers is or may be injurious to the interest of the Association or volleyball in Scotland
- 10.2 Notice of a Disciplinary Matter
- 10.2.1 Any person wishing to raise a matter under Byelaw 10 shall submit to the Board a written notice to invoke the Byelaw containing
- 10.2.1.1 the names, addresses and relevant contact details of all parties relating to the disciplinary matter, and notification of any person involved is under the age of 18

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- 10.2.1.2 a statement describing the nature and circumstances of the dispute or disciplinary matter
- 10.2.1.3 copies of all documents upon which the person is relying or relevant to the disciplinary matter; and
- 10.2.1.4 confirmation of the Regulations or Byelaws (if any) that have allegedly been breached.
- 10.2.2 The date of receipt by the Board of the Notice shall be the date of commencement of the disciplinary investigation under these Byelaws

10.3 Investigation into a Disciplinary Matter

- 10.3.1 If the Board is asked to investigate any matter to which Clause 10.1 applies, a suitable person will be appointed to carry out all necessary investigations, referred to hereafter as “The Investigating Officer”.
- 10.3.2 Any matter referred to under 10.1 shall be investigated and dealt with as follows:

The Investigating Officer may seek such additional information as may be required to clearly establish the nature of any complaint to be investigated. In particular, the party making the complaint and/or witnesses referred to in the complaint shall be obliged to provide the Investigating Officer with such information as the may be required.

- 10.3.3 Within fourteen days of receipt of the complaint, the Investigating Officer shall notify the Association member, who is the subject of the complaint, full details of the complaint to be investigated. In the event that a complaint is made against a member of a club, full details of the complaint shall also be notified to the Administrator of the Club which said player or players are members. If subsequent to such information, the Investigating Officer receives further details in respect of the nature of the complaint, such further details or information shall be notified to the member, player, official or coach forthwith.
- 10.3.4 The member against whom the complaint is directed shall respond to the complaint in writing, addressed to the Investigating Officer, within fourteen days of the date on which the complaint is intimated upon him or her.
- 10.3.5 On receipt of a response from the member, complained against, the Investigating Officer shall, after any consultation or further investigation that is deemed appropriate, and within fourteen days of receipt of said response, dispose of the complaint by (a) dismissing the complaint or (b) by issuing a warning letter to the party complained against, or, (c) by referring the matter to a Disciplinary Committee, consisting of at least three members to carry out further investigation and to hold a hearing on the complaint.

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- 10.3.6 In cases of certain gravity, the Investigating Officer may decide upon the provisional suspension from the Association and/or any event or competition of the Association of the Respondent until the case is heard by the Disciplinary Committee. While suspended the Respondent shall not participate in any activity related to the sport (including competition or coaching).
- 10.3.7 If the matter is referred to a Disciplinary Committee as aforesaid, a hearing shall be assigned to take place no later than twenty-one days from the date of the decision of the Investigating Officer in terms of sub-clause (c) hereof. Intimation of the hearing shall be sent to the member in question to arrive at least fourteen clear days prior to the date fixed for the hearing. Said intimation shall include notification of the composition of the Disciplinary Committee and an invitation to that member to attend the hearing with any relevant witnesses he or she may wish to call. In the event that a registered player or players are requested to attend a hearing, intimation of the hearing shall also be sent by registered letter to the Administrator of the club of which said player or players are members.

## 10.4 Formation of the Disciplinary Committee

- 10.4.1 The Disciplinary Committee shall consist of a minimum of three senior members of the Association, having no Declared Interest in the matter being investigated.
- 10.4.2 Positions on the Disciplinary Committee shall be filled by rotation from the list of eligible persons held by the Association office under the terms of Byelaw 6.9
- 10.4.3 The Disciplinary Committee shall elect one of its number to serve as Chair of the Committee for the duration of the hearing. The responsibility of the Chair is to control the development and regularity of the procedures and to take appropriate measures to ensure the fair operation of all disciplinary processes relating to the Association.
- 10.4.4 A member of the Association may challenge the appointment of any member of the Disciplinary Committee where there are justifiable doubts as to the member's impartiality or independence or where the party raises any other valid and material objection(s). If a member intends to challenge any appointment, that member shall, within seven days of notification of the members of the Disciplinary Committee, or any appointment or change in the membership of the Disciplinary Committee, provide in writing to the Board of the Association and to Sports Resolutions the reasons why that member is challenging the position of the member of the Disciplinary Committee. Sports Resolutions shall determine the outcome of the challenge in accordance with Sports Resolutions' procedure and rules, and if the challenge is upheld, shall appoint the next eligible member on the list in place of the relevant member of the Disciplinary Committee. Any decision of Sports Resolutions under this clause shall be final and binding.

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- 10.4.5 If any member of the Disciplinary Committee after appointment dies, resigns, is removed or refuses to act, the Board shall appoint another member to the Disciplinary Committee, and shall so inform the member(s) under investigation and any remaining members of the Disciplinary Committee within seven days of such appointment.
- 10.4.6 Once a member has served on the Disciplinary Committee they shall be excused from sitting on any Disciplinary Committee or Appeals Committee for a period of 24 months.

## **10.5 Jurisdiction of the Disciplinary Committee**

- 10.5.1 The Disciplinary Committee is competent in disciplinary matters and these Byelaws shall apply to all Members. The Disciplinary Committee shall have power and competence to resolve all conflicts and disputes between members, members and persons and all conflicts, disputes or matters arising between Members or Persons and the Association in all cases insofar as relevant to the sport and provided the matter is a disciplinary one which falls under the jurisdiction of the Disciplinary Committee under the terms of these byelaws.
- 10.5.2 For the avoidance of doubt, the Disciplinary Committee shall not act in relation to any policy matters that have been determined by the Board in relation to the Association that are not disciplinary matters or in relation to any employment or anti-doping matters (unless it is otherwise determined by the Disciplinary Committee).
- 10.5.3 The Disciplinary Committee shall not deal with disciplinary matters where the BVF, CEV or FIVB has jurisdiction in accordance with its rules (unless it is otherwise determined by the Disciplinary Committee)

## **10.6 Proceedings of the Disciplinary Committee**

- 10.6.1 The Disciplinary Committee shall make such procedural provisions as shall be necessary for the just and efficient disposal of the hearing. Any decision of the Disciplinary Committee in relation to the conduct of proceedings shall be consistent with its duties at all times to act fairly and impartially, to allow the parties reasonable opportunity to put their respective cases and to deal with that of their opponent, and to avoid unnecessary delay or expense, so as to provide a fair and efficient means for resolving the dispute.
- 10.6.2 The Disciplinary Committee shall be entitled to call upon, receive and consider such evidence as it thinks appropriate. The Disciplinary Committee may require the attendance at a hearing or to give such information, verbal or written, as is deemed necessary for the purposes of the hearing.

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- 10.6.3 In any case where a person required by the Disciplinary Committee to attend a hearing refuses or fails to attend, or to submit verbal or written evidence as required, the Disciplinary Committee may adjourn the hearing, proceed with the hearing in the absence of that person, allow or refuse to allow the evidence of that person, or allow their evidence to be given in another form.
- 10.6.4 Refusal to co-operate with the Disciplinary Committee may be regarded in its own right as grounds for disciplinary action. In this instance, it would be at the discretion of a separately-formed Disciplinary Committee to act on the matter.
- 10.6.5 At their own expense, those concerned will have the right to be heard by the Disciplinary Committee alone, or through a lawyer or third party, provided that they shall notify the Disciplinary Committee at least seven days in advance of any hearing of the identity of any such lawyer or third party.
- 10.6.6 If any party wishes to call a witness or expert before the Disciplinary Committee they must notify the other parties no less than 14 days prior to the date of any hearing of the identity of any witnesses or experts they wish to call, and, if the Disciplinary Committee requires it, each party shall disclose the subject matter and content of the evidence on which each such witness or expert will be relying and how their evidence relates to the points at issue.
- 10.6.7 Where the Disciplinary Committee decides to have personal hearings, these shall not be public, and only members of the Disciplinary Committee and the parties concerned (together with their duly appointed representatives) shall be entitled to attend. The deliberations of the Disciplinary Committee shall be held in private.
- 10.6.8 Where disciplinary proceedings are taken against more than one Respondent as a result of an incident or incidents occurring at or in connection with the same circumstances, any such proceeding may be heard together, where the Chair of the Disciplinary Committee so determines, provided that there is no manifest prejudice to anyone against whom such proceedings are taken.
- 10.6.9 Each member of the Disciplinary Committee shall have one vote. Decisions of the Disciplinary Committee on any case shall be determined by a majority vote and if there is an equality of votes the Chair shall have a second and casting vote.
- 10.6.10 The Disciplinary Committee shall, within seven days of the hearing, notify all relevant parties of its decision. The decision and/or sanction of the Disciplinary Committee shall be in writing, and shall state the reasons on which it is based.
- 10.7 Sanctions of the Disciplinary Committee
- 10.7.1 Following its investigations and upon the establishment of culpability on the part of any party, the Disciplinary Committee has the power to take such disciplinary action as it deems appropriate. The disciplinary penalties open to the Disciplinary Committee to impose on all Members include but are not limited to:

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- (i) **Warning:** a warning may be given by the Disciplinary Committee for a minor act of misconduct where no other warnings have been given to the Member in question. A warning may set out the nature of the misconduct, the change of behaviour required and (if possible) the likely outcome of further misconduct.
- (ii) **Reprimand:** a reprimand may be given in a case which is more serious than a minor act of misconduct or where previous warnings have been issued to the Respondent. The reprimand may set out the nature of the misconduct, the change of behaviour required and (if possible) the likely outcome of further misconduct.
- (iii) **Sports Penalties:** any such penalties shall be at the entire discretion of the Disciplinary Committee to determine as appropriate in the circumstances, and may include a restriction on the Respondent from participation in competition or any other activity associated with the Sport.
- (iv) **Financial Penalties:** any such penalties shall be at the entire discretion of the Disciplinary Committee to determine appropriate in the circumstances and may include a fine on any Member.
- (v) **Suspension:** the Respondent may be suspended from membership of the Association and/or from membership of any Member Club and/or from participation in the sport for a period of time, in a case of serious misconduct or where in the opinion of the Disciplinary Committee the suspension of the Respondent is required in order to secure the safety of any persons involved in the sport or the integrity or good reputation of the sport.
- (vi) **Expulsion:** the Respondent may be suspended from membership of the Association and/or from membership of any Member Club and/or from participation in the sport for a period of time, in a case of serious misconduct or where in the opinion of the Disciplinary Committee the suspension of the Respondent is required in order to secure the safety of any persons involved in the sport or the integrity or good reputation of the sport.

10.7.2 The Disciplinary Committee can impose any such measures as it deems necessary on the Respondent to ensure that the matter concerned is not repeated, the safety of those involved in the sport is protected and that the integrity and good reputation of the sport is maintained. The Disciplinary Committee may impose more than one sanction in relation to a disciplinary matter at its entire discretion. The Association shall retain a written record of all decisions and sanctions made by the Disciplinary Committee.

10.7.3 When determining any sanctions the Disciplinary Committee shall, without limitation, have regard to

10.7.3.1 the seriousness, size and nature of the matter

10.7.3.2 the extent to which the disciplinary matter was deliberate or reckless

10.7.3.3 the general compliance history of the Respondent, and any specific history of the disciplinary matter in question; and

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10.7.3.4 the responsiveness and conduct of the Respondent in relation to the disciplinary matter in question.

## **Byelaw 11: Right of Appeal**

11.1 Members of the Association have the right to appeal against decisions made by the Board, or by any other Committee or Commission appointed by the Board, or by any District Association, or by any full or part-time employee of the Association.

### 11.2 Appeals Procedures

11.2.1 Any such appeal must be addressed in writing to the President of the Association within ten days of the decision being taken. A deposit of £35.00 must be lodged with each appeal and the grounds for the appeal clearly articulated. This deposit will be returned in the event that the appeal is upheld.

11.2.2 On receipt of any such appeal, the President of the Association shall appoint a Appeals Committee consisting of at least three members of the Association to hear the appeal. Such persons shall be the next eligible persons from the list maintained in terms of Byelaw 6.9. Only such persons who are not directly interested in the outcome of such appeal or who were not involved in any way in the original hearing shall be entitled to consider the appeal.

11.2.3 The Appeals Committee shall deal with the appeal as follows:

11.2.3.1 The President of the Appeals Committee may seek such additional information as may be required to clearly establish the grounds of the appeal to be considered.

11.2.3.2 An appeals hearing shall be assigned to take place no later than twenty-one days from the date of receipt of the appeal in terms of Clause 11.2.1 hereof. Intimation of the date of the appeal shall be sent to the party lodging the appeal to arrive at least fourteen clear days prior to the date fixed for the appeal. Said intimation shall include an invitation to the party lodging the appeal to attend the appeal hearing. In the event that an appeal is lodged by a club member, intimation of the date of the appeal hearing shall also be sent to the Administrator of the Club of which said persons are members.

11.2.3.3 The Appeals Committee shall make such procedural provisions as shall be necessary for the just and efficient disposal of the appeal.

11.2.3.4 Following an appeal hearing, the Appeals Committee may uphold the appeal and dismiss any action, decision or penalty previously imposed, or it may dismiss the appeal and uphold the original decision either by re-affirming the action, decision or penalty imposed or varying such action, decision or penalty as the Appeals Committee considers fit.

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11.2.3.5 The party submitting the appeal shall be notified in writing within seven days of the decision of the Appeals Committee,

11.2.3.6 The decision of the Appeals Committee shall be final and binding on all parties and there shall be no further right of appeal. In the case of an appeal by a player or players, notification of the Appeals Committee's decision shall also be made upon the Administrator of the Club of which said player or players are members.

11.3 Until such time as an appeal is completed, any comments made to any branch of the news media by any member of the Association, about any matter relating to the appeal may be considered as being injurious to the interests of the Association or volleyball in Scotland and may in itself be the subject of further disciplinary proceedings under Byelaw 10.

## **Byelaw 12: District Associations**

12.1 Each District Association shall have a District Organiser who shall be responsible for all correspondence with the Association.

12.2 The name, address and telephone number of the proposed District Organiser must be advised to the Association in writing no later than July 1 each year. The period of office will be to June 30 the following year.

12.3 The Board has the right to reject any nomination that it deems unsuitable.

12.4 A change of District Organiser may be requested in writing at any time following the usual nomination procedure and payment of a charge of £10.

The new District Organiser will hold office for the balance of the period appropriate to his/her predecessor.

12.5 District Associations shall adopt the standard constitution provided by the Association.

12.6 Any proposed constitutional amendments shall be submitted to the Board for approval.

12.7 District Organisers are required by the Board to implement those matters of policy pertaining to competitions, statutes, returns and records as approved or required.

12.8 District Associations may receive such monies or loans from the Association as the Board deems appropriate for the efficient management of the District Association.

12.9 All member clubs of the Association are automatically members of the District Association to which the member club is allocated by the Board. They are eligible to enter competitions or activities of that District Association on payment of the required entry fee to the District Association, subject to its rules and regulations.

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## **Byelaw 13: Doping Control**

- 13.1 The Association forbids doping.
- 13.2 Doping is the use by, or distribution to, a person of any substance defined by the World Anti-Doping Association (WADA) as a banned class.
- 13.3 The identification of a substance and/or its metabolites in a person's urine will constitute an offence. Evidence of blood doping, pharmacological, chemical or physical manipulation is also an offence which may be penalised.
- 13.4 The Association reserves the right to initiate a programme of in and out of competition testing for drug misuse. No advance notice will be given as to when and where the drug testing will take place.
- 13.5 Any person assisting or inciting others in the contravention of doping regulations shall be considered as having committed an offence against these rules and may be penalised.
- 13.6 Doping control collection and testing procedures shall conform to the guidelines, as amended from time to time and laid down by the WADA, UK Sport and SportScotland.
- 13.7 Any person found guilty of a doping offence will be subject to disciplinary action which may result in a life ban.
- 13.8 Any person found guilty of a doping offence will have the right of appeal in accordance with procedures set out within Byelaw 11.
- 13.9 It is an individual's duty to ensure that any medication used is not included in the list of substances banned by the WADA.
- 13.10 Refusal to submit to testing for drug misuse will be taken to be an indication that the person concerned has been taking banned substances with a view to improving performance. In such cases, disciplinary actions will be taken as outlined in 13.7.

## **Byelaw 14: Sponsorship**

- 14.1 In Byelaw 14 when the following terms are used their definition is as follows:
- (a) Advertising - all activities which aim to get a message across to the public in order to make them buy a product or service, or make them favourably disposed towards a firm, organisation or idea.
  - (b) Sponsoring - agreement in which one of the parties (the sponsor) provides the financial aids against which the other party (the club) provides the means of communication, resulting from practising its sport.
  - (c) Sponsor - natural or legal body who provides money or goods in consideration of which the club supplies the means of communication.

## **SCOTTISH VOLLEYBALL ASSOCIATION BYELAWS (REVISED MARCH 2010)**

- 14.2 All clubs entering or re-negotiating sponsor/advertising agreements which involve change of name and/or advertising on club equipment (club strips or tracksuits) shall be required to produce the agreement in writing.
- 14.3 No club is permitted to enter into a new agreement which results in the club, or any individual club team, being known by a sponsors name alone, but the club or team shall require to retain as part of its new name part of the name used by it immediately prior to entering a change of name agreement with a sponsor.
- 14.4 All written agreements entered into as provided by Byelaw 14.2 shall run for a minimum of one year.
- 14.5 No sponsorship/advertising agreement shall have any clauses inserted which are in conflict with:
- (a) The Regulations or Byelaws of the Association, CEV and/or FIVB.
  - (b) The regulations of the club concerned.
- 14.6 Clubs are not allowed to enter into a sponsorship agreement within one year after this sponsor has terminated a sponsorship contract with another club. In special cases, the Board can reduce this as it sees fit.
- 14.7 The sponsorship contract: the club is not obliged to draw up a contract in line with the Association's standard model contract, but the use of that model contract is recommended. All sponsoring contracts must include in exact terms articles 1, 6, 8, 10, 11, 16, 20, 21 and 22 of the model contract and, in addition, clauses must be inserted dealing with the matters covered by articles 2, 3, 5, 9 and 12 of the model contract. Any contract submitted to the Association differing from the Association model will be liable to a scrutinising fee of £25.
- 14.8 All sponsorship/advertising contracts shall be examined by the Sponsorship Committee and the signature of the President or designate of that committee shall be required on all concluded agreements.
- 14.9 No club entering or renewing a sponsorship agreement shall release details of that agreement to the Press or other agency without the contract being signed and approved by the Association Sponsorship Committee.
- 14.10 Clubs with new contracts which have not been approved by the Association Sponsorship Committee before the National League entry date will be given until July 20 of that year to have their contract approved. Failure to meet this date will incur an administration fee of £10 payable to the Association.
- 14.11 Sponsorship agreements concluded after the publication of the Association's handbook will be reported on the Association website, but the Association accepts no responsibility for the updating of any printed material.

# **SCOTTISH VOLLEYBALL ASSOCIATION BYELAWS (REVISED MARCH 2010)**

## **Byelaw 15: Communications and Notices**

15.1 Any notice to be given under these Byelaws:

- (a) shall be in writing in the English language (or be accompanied by a properly prepared translation into English);
- (b) shall be sent for the attention of the person specified in the relevant Byelaw at the address last notified to, and held in the records of the Association; and
- (c) shall be delivered personally, delivered by commercial courier, sent by e-mail, sent by fax, sent by pre-paid first-class post or recorded delivery or (if the notice is to be served by post outside the country from which it is sent) sent by registered airmail.

15.2 The address for service of notice to the Association is:

Scottish Volleyball Association  
48 The Pleasance  
Edinburgh EH8 9TJ  
Fax number: 0131 557 4314

15.3 A notice is deemed to have been received:

- (a) if delivered personally, at the time of delivery; or
- (b) if delivered by commercial courier, at the time of signature of the courier's receipt;  
or
- (c) if sent by fax, at the time of transmission; or
- (d) if sent by recorded delivery, 2 Business Days from the date of posting; or
- (e) if sent by registered airmail, 5 Business Days from the date of posting; or
- (f) if deemed receipt under the previous paragraphs of Clause 9.3 is not within business hours (meaning 9.00a.m. to 5.30p.m. Monday to Friday on any Business Day), when business next starts in the place of receipt.

15.4 To prove service it is sufficient to prove that the notice:

- (a) if sent by fax, was transmitted by fax to the fax number of the party;
- (b) if sent by post, that the envelope containing the notice was properly addressed and posted and accompanied by a recorded delivery slip; or.
- (c) in the case of e-mail, when a successful delivery receipt is generated during that or the next Business Day.

# **SCOTTISH VOLLEYBALL ASSOCIATION BYELAWS (REVISED MARCH 2010)**

## Interpretation Section

“Appropriate fee”	means the relevant sum of money required by the Association. A schedule of fees is available [on the Association website/ on request/ published in the association handbook];
“Club”	means any incorporated or unincorporated body established for the purposes of playing and/or coaching volleyball
“notification”	means any communication delivered in accordance with the terms of Byelaw 15;
Person	means any natural or legal person;
“official competition”	means any competition organised by the Association for which an entry fee is payable, and for which participants are required to be registered
“Player”	means any person registered as a player with the Association or equivalent body outwith Scotland