

## **MEN'S BASKETBALL CLUB**

### **"SPARTAK" SUBOTICA**

**Subotica, Dimitrija Tucovića no. 2.**

**PIB: 105572930**

On March 8, 2022, the BOARD OF DIRECTORS of MKK "SPARTAK", headed by the PRESIDENT of MKK SPARTAK, Slobodan Jaramazović, adopts the following:

## **DISCIPLINARY RULES**

### **I – GENERAL PROVISIONS**

#### *Article 1.*

The Disciplinary Rules of the Men's Basketball Club "Spartak" Subotica (hereinafter the Rules) determine violations, responsibilities, penalties and the procedure for their imposition, as well as other issues in cases of non-compliance with normative acts and decisions of the bodies of the Men's Basketball Club "Spartak" Subotica (hereinafter the Club).

#### *Article 2.*

Decisions of the club's Board of Directors may determine other violations and prescribe penalties for cases that are not provided for in this rulebook.

### Article 3.

The club regulates issues of disciplinary responsibility for violation of club discipline with its normative acts. Responsibility for violations of club discipline does not exclude disciplinary responsibility under the Disciplinary Regulations of the Basketball Association of Serbia and vice versa.

Disciplinary punishments imposed according to the normative act of the Club are effective only within the Club, unless otherwise provided by the normative act of the KSS.

Disciplinary Decisions are submitted to KSS.

### Article 4.

No one can be considered a perpetrator of a misdemeanor before being determined by a final decision of the competent authority.

### Article 5.

For misdemeanors committed by members of the Club, and the responsibility lies with the Club, those members may be sanctioned by the Club, which decision is made by the Board of Directors of the Club.

### Article 6.

The responsibility of the responsible person exists if the violation occurred due to his action or failure to perform the action and if he acted negligently.

The responsibility of the responsible person does not end with the termination of membership or office in the Club.

#### Article 7.

This Rulebook applies regardless of whether the offense was committed on the territory of the Republic of Serbia or outside it.

#### Article 8.

Ignorance of normative acts does not exclude responsibility.

## **II – DISCIPLINARY OFFENSES**

#### Article 9.

The offender is responsible when he commits the offense intentionally, grossly carelessly or negligently.

It is not a misdemeanor within the meaning of this Ordinance if it was committed in self-defense or as a last resort.

#### Article 10.

The perpetrator of the offense is responsible for the offense, as well as the instigator and abettor of the offense committed.

#### Article 11.

The attempt is punished only if it is so determined by this Rulebook.

### **III – TYPES OF PENALTIES**

#### Article 12.

The offender may be sentenced to the following penalties:

- warning and reprimand,
- suspension,
- ban on playing in a certain number of matches, ban on coaching and performing duties in the Club,
- fine (by payment or deductions from fees),
- expulsion from the Club,

#### Article 13.

Warnings are issued for offenses committed under particularly light circumstances, for which the punishment of banning from playing or performing duties for a certain number of matches is normally foreseen, and the acting authority assesses that the purpose of punishment will be achieved with such a punishment.

A reprimand is issued according to the same criteria as a warning, but for offenses committed under slightly more serious circumstances, for which the punishment of banning from playing or performing duties for a certain number of matches is

otherwise foreseen, and the acting authority assesses that the purpose of punishment will be achieved with such a punishment.

#### Article 14.

The suspension implies a ban on playing and training and can be imposed for a certain period of time or on a certain number of matches (and a ban on training in the same period), certain types of competitions (championship, friendly, cup, international and for the national team), or on all types of competitions.

The suspension may refer only to the prohibition of training during the suspension period, and the measure of training in another team or independently under the control of a specific coach may be imposed until the decision on punishment becomes final.

The ban on playing and training is imposed for a minimum of 1 and a maximum of 13 games or for a certain period of time provided for in this Rulebook.

#### Article 15.

Bans from performing duties in the Club may be imposed for a certain period of time provided for in this Rulebook.

The penalty of performing duties in the Club is imposed for a minimum of 1 week and a maximum of 6 months.

#### Article 16.

A fine can only be imposed against the perpetrator of the offense who, on any basis, obtains monetary compensation in connection with the Club.

The amount of the fine for an individual is determined by the Board of Directors in the range from 1,200 dinars to the amount of the defendant's annual compensation, not counting the compensation for the damage that was caused and which is included in the final amount of the fine.

The violator is obliged to pay the fine within 8 days of the decision becoming final or at a pace defined by the decision of the Management Board. Otherwise, he is under suspension until the payment of the fine.

The fine can be calculated from the income that the violator earns in the Club.

#### Article 17.

The penalty of exclusion from the Club is imposed for offenses committed under particularly serious circumstances when the perpetrator showed particular determination, persistence or recklessness during its execution or caused particularly serious consequences for the Club.

#### Article 18.

In the event that a penalty is imposed on an offender who is serving a previously imposed penalty, a single time penalty may be imposed for the duration of the competition season.

If the violator commits a new violation after the second period of service, the penalty of expulsion from the Club may be imposed.

#### Article 19.

When imposing a time penalty of a ban on playing, or a ban on the performance of duties and a fine, the competent authority can postpone the execution of the imposed penalty (suspended sentence) for a period that cannot be shorter than 6 months, nor longer than two years, with the provision that the imposed penalty will not be executed if the offender does not commit a new offense within that period.

Postponement of the imposed sentence will be determined if, according to the circumstances under which the offense was committed and according to the behavior of the offender after its execution, as well as considering his earlier life, the competent authority (Administrative Board) assesses that the offender will not commit offenses in the future even without serving the imposed sentence, as and that only the imposition of punishment will accomplish the purpose of punishment.

### **IV – SENTENCE**

#### Article 20.

When determining the punishment, all the circumstances that influence the punishment to be greater or less are taken into account, especially the severity of the committed offense and its consequences, the degree of responsibility of the offender, the motives from which it was committed, the circumstances under which the offense was committed, the expressed intention, the moral qualities of the perpetrator and behavior after the offense has been committed.

#### Article 21.

Aggravating circumstances exist when the offense was committed in return when there are particularly severe consequences or other circumstances due to which the offense received a more severe form of consequence.

The perpetrator is in recovery if he was previously punished for the offense committed.

#### Article 22.

Mitigating circumstances exist when the perpetrator was of exemplary sportsmanship before committing the offense, or this is indicated by his seniority, reputation or participation in the national team, or other merits and recognitions for the development of basketball.

The offender's admission that he committed the offense can be taken as a mitigating circumstance.

#### Article 23.

In the case of determining the penalty for several offenses that are decided at the same time, the penalty for each offense is first determined separately, and then a decision is made on a single penalty.

**V – OBSOLETE**

## Article 24.

The initiation of disciplinary proceedings expires within six months, counting from the day of learning about the violation.

Disciplinary proceedings cannot be conducted if a first-instance decision has not been made within six months from the date of initiation of the proceedings.

The statute of limitations for the execution of the sentence starts from the day the decision became final.

Serving the imposed time penalty or banning from playing or performing duties for a certain period of time or for a certain number of matches does not run during military service, serving a prison sentence imposed by a competent state authority or while playing abroad.

## **VI – PENALTIES RECORD**

### Article 25.

Final decisions are recorded in the records kept by the authority responsible for sentencing in the first instance.

### Article 26.

After three years from the day of the served, pardoned and expired sentence, the convicted person is deleted from the records of convicted persons.

The suspended sentence is deleted from the records of those sentenced after one year has passed, counting from the day of the passage of time for which the execution was postponed.

## **VII – DISCIPLINARY PROCEDURE AND DECISION-MAKING AUTHORITY**

### Article 27.

Disciplinary proceedings are initiated on the basis of a report that can be submitted by any member of the club, official, body or organization of the KSS, against a member of the club.

### Article 28.

The applicant is obliged to submit the application in writing, authenticated by the signature and the date on which it was submitted.

The application is submitted to the Board of Directors of the club, and delivered to any member of the Board of Directors or the secretary of the club.

The recipient of the application must certify it with a signature and the date of receipt.

The disciplinary report can also be submitted electronically to the Club's official email address, which is registered in the APR.

### Article 29.

Decisions in terms of this Rulebook can be made by disciplinary bodies:

The board of directors of the club,

other bodies provided by special acts of the club.

### Article 30.

The decision of the Board of Directors or another body provided for in the special acts of the club on the penalty is enforceable. An appeal does not prevent the enforceability of the decision.

If the club forms a Disciplinary Committee, it must make its decisions in accordance with the Club Statute and its own work rules.

### Article 31.

Appeals against the Decisions of the Management Board on disciplinary punishment are submitted to the Management Board, which is obliged to submit the Appeal to the Assembly of MKK "SPARTAK" within 8 days for further decision-making.

An appeal can be filed by the applicant and the person who was sentenced.

### Article 32.

In case there is reasonable suspicion that the defendant has committed a serious offense, he may be suspended before the end of the proceedings.

The suspension is pronounced by the president of the club's Board of Directors, or the coach if authorized by the president of the club's Board of Directors.

The suspension on this basis lasts 7 (seven) days.

The time spent under suspension counts towards the penalty.

The decision on suspension on this basis is communicated to the defendant orally, by email or by phone, and the decision is delivered in writing within 3 (three) days.

### Article 33.

In the case of:

exclusion of players in the match, reports submitted by the delegate or referee, the suspension is automatic according to the disciplinary rules of the KSS and the decisions made by the KSS published in the official acts of the KSS.

In case of exclusion of a player in a match, submitted by a delegate or referee, the suspension is not automatic according to the Club's disciplinary regulations. The decision on suspension on this basis is pronounced or not pronounced by the president of the club's Board of Directors or the director, that is, the coach if authorized by the president of the club's Board of Directors.

### Article 34.

The Board of Directors decides with a written Decision that contains:

the name and composition of the authority that makes it, as well as the time of making the decision,

the name and surname and functions of the person, i.e. the name of the body that imposes the sentence,

sentencing decision,

explanation of the decision,

• Instruction on legal remedy.

### Article 35.

The decision is made in a sufficient number of copies for the punished person, the applicant and the club.

## **VIII – EXTRAORDINARY LEGAL REMEDIES**

### Article 36.

Repetition of the procedure can be requested:

- if there is a reasonable suspicion that the decision is based on false facts,
- if there are facts and new evidence that were not known before, and which would have an impact on the decision-making process.

### Article 37.

A proposal for repeating the procedure can be submitted by:

- punished,
- Club,
- applicant.

The proposal for repeating the procedure shall be submitted within 6 months from the date of finality of the decision.

The authority whose decision is challenged decides on the proposal to repeat the procedure.

## **IX - REQUEST FOR PROTECTION OF LEGALITY**

### Article 38.

A request for the protection of legality can be filed against legally binding decisions made contrary to the normative acts of the KSS.

The KSS Assembly decides on the request for protection of legality.

A request for the protection of legality can be submitted within three months from the day the decision becomes final.

#### Article 39.

The request for the protection of legality can be rejected or accepted, in which case the final decision is revoked, and the case is returned for re-solving and decision-making.

### **X - EXTRAORDINARY REDUCTION OF SENTENCE**

#### Article 40.

Based on the petition of the punished person, the club's Board of Directors or the club's Assembly can release the punished person from further serving the sentence or reduce the sentence in case of the existence of such circumstances that justify making such a decision.

A request for an extraordinary reduction of the sentence can be submitted after the passage of at least one month from the finality of the decision on the sentence.

A request for mitigation of the penalty, punishable by exclusion from the Club, can only be submitted after one year has passed since the penalty was imposed.

### **XI – SPECIAL PART**

#### Article 41.

A club official who authorizes a player to go to another club or abroad without the consent of the Board of Directors, i.e. who terminates the contract with the player by agreement contrary to the provisions of the contract with the club and without the consent of the Board of Directors or the President of the Board of Directors, shall be punished by dismissal from the position he holds and a fine in the minimum amount of damage caused.

If, on the basis of actions from the previous paragraph, an official has appropriated funds for himself, it is mandatory to apply the punishment of exclusion from the Club, return of the appropriated funds to the Club with a report to the court if positive acts have been violated.

#### Article 42.

Who, summoned before the club authority, behaves rudely or unsportsmanlike, or does not respond to the invitation unjustifiably or does not act according to the Club's Decision:

- will be punished by a temporary ban from playing or performing duties and a fine.

#### Article 43.

Whoever expresses himself offensively or presents and conveys untruths about the basketball leadership, the Club or a member of the Club, makes public political statements, makes public statements about club members:

- will be punished by a temporary ban from playing or performing duties for at least one month, and a fine.

#### Article 44.

Who persuades a competitor or a club official that the team does not perform, or that it does not perform in the best composition, that it does not advocate, or that it does not play to the best of its knowledge, or that it leaves the game or the field:

- will be punished by a temporary ban from playing or performing duties for at least six months and a fine.

When persuasion was successful:

- expulsion from the Club and a fine may be imposed.

A player, or another member of the club, who accepts the persuasion from paragraph 1 of this article:

- will be punished by exclusion from the Club and a fine.

#### Article 45.

Who in any way influences or participates in fixing the results in a basketball game:

- will be punished by a temporary ban from playing or performing duties for at least one year or exclusion from the Club and a fine.

#### Article 46.

Whoever declares or in any other way, knowingly misleads the Club authorities, bodies or officials in those authorities, and as a result a decision is made that would not have been made otherwise:

- will be punished by a temporary ban from playing or performing duties and a fine.

#### Article 47.

Who gives a false statement in the procedure before the Club authorities:

- will be punished with a ban on playing or performing duties for at least three months and a fine.

#### Article 48.

Who behaves inappropriately in a public place, as a member of the Club:

- will be punished with a ban on playing or performing duties for up to one year and a fine.

Who, as a member of the Club, behaves inappropriately at a basketball game, but is not a participant in the game:

- will be punished by a temporary ban from playing or performing duties for up to one year and a fine.

#### Article 49.

Whoever insults, provokes or physically attacks a competitor, coach, official of the Club or another club, delegate, judge or spectator at the game, or outside the basketball court:

- will be punished with a ban on playing or performing duties for at least one month and a fine.

In particularly serious cases, expulsion from the Club may be imposed.

If a player commits a violation of this article in a KSS junior category competition, the team coach or a responsible person of the Club at that game whose player committed the violation will also be punished with a time penalty of banning the performance of duties for up to two years.

#### Article 50.

Whoever has been punished by a final decision or is under suspension, and publicly or covertly performs any function related to the sport of basketball:

- will be punished additionally by doubling the already imposed penalty and a fine.

The same penalty will be imposed on responsible persons who allowed or facilitated the performance of functions in the sense of the previous paragraph.

#### Article 51.

For all acts referred to in Articles 41 to 50, the Club may impose a fine along with a ban on playing or serving in the Club.

#### Article 52.

If the penalty was obtained due to the inadmissible and inappropriate behavior of the perpetrator, which exclusively harms the results and reputation of the Club and was imposed on a player, coach or other official of the Club during the match:

- will be punished by a ban from playing in a certain number of matches and a fine,  
or
- will be punished by a ban from playing in a certain number of matches and a fine,  
or
- will be fined in the amount of the fine received from the competition commissioner,  
i.e. KSS.

The club does not have to punish its member if it considers that he was unjustly sanctioned in the match.

A player who is penalized in a match for a foul that seriously injures an opposing player:

- will be punished with a time ban and a fine.

#### Article 53.

Penalties from Article 12 of this Rulebook apply if:

1. A player, official or coach causes an interruption of the game through his own fault, which is not resumed later,
2. A player or coach removed from the bench continues to behave in an unsportsmanlike manner,
3. A player or coach who physically attacks an opposing player during the game,
4. A player, coach or other member of the Club publicly and unsportingly criticizes the decisions of the referees of the competent authorities of the KSS and the competent authorities of the Club,
5. In the registration process, the player gives incorrect data,
6. A player performs for another club without the approval of his Club:

7. The coach, without the approval of the Club, puts players from another club in the team:
8. is unreasonably late for a meeting, training session or game, refuses to perform in a game or unreasonably fails to attend team training sessions,
9. A player, coach or club official who participates in the national team or in an international game, damages the reputation of the basketball sport by his actions,
10. The player signs the application form for two or more clubs during the transitional period, i.e. the player concludes several valid contracts with different clubs,
11. The coach or the responsible person of the Club in the match includes in the team a player who has not been medically examined or whose performance is prohibited by a doctor,
12. The coach or responsible person of the Club includes in the team a player who is suspended or does not have the right to perform for any reason,
13. Officials of the club perform their duties negligently, carelessly or insufficiently engaged in matches.
14. Do not act on the Decision of the Club.

#### Article 54.

After receiving the Disciplinary Report, the Management Board invites the applicant and the person charged with the offense to make a written or oral statement on the allegations in the Disciplinary Report. On this occasion, the Minutes are drawn up. Requests for statements are sent electronically, via email, phone message or post. In the invitation, the deadline for statements is set and an oral hearing is scheduled

before a member of the Management Board for the purpose of conducting disciplinary proceedings.

The decisions of the Management Board on the Disciplinary Report are delivered to the applicant and the person who committed the offense, electronically, by email or by post.

In the Decision deciding on a disciplinary offense, there is a mandatory instruction on the legal remedy, i.e. appeals with a deadline for filing (8 days).

The organizer of the match where the disorder occurred bears special responsibility before the club authorities in terms of actions and omissions to prevent the disorder from occurring or to prevent the disorder in the right way. All circumstances in such cases must be examined separately.

## **XII. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 55.**

Disciplinary proceedings started before the entry into force of this Ordinance, which have not ended with the adoption of a decision on punishment, will continue according to the provisions of this Ordinance, if they foresee a lighter punishment for that type of offense.

### **Article 56.**

If another disciplinary authority is competent to conduct the disciplinary procedure started before the entry into force of this Ordinance, the authority competent in terms of this Ordinance will continue the further conduct of the procedure.

Article 57.

The interpretation of the provisions of this Rulebook is provided by the Club Assembly.

Article 58.

On the day of entry into force of this Rulebook, the "Disciplinary Rulebook" that was in force until the adoption of this Rulebook ceases to be valid.

Article 59.

This Rulebook shall enter into force on the 8th (eighth) day from the date of its publication on the Club Notice Board or the website of MKK "SPARTAK"

president of the Board of Directors of MKK Spartak

Slobodan Jaramazović



