



Namibian Electronic Sports Association

DISPUTE RESOLUTION REGULATIONS

Adjudication: The process by which any specific person, referred to as an adjudicator, considers and reviews evidence and testimonies, including factual and legal reasoning presented by the parties involved in a dispute to come to a decision which resolves the dispute between the parties involved.

1. ADJUDICATOR

- 1.1. Any dispute arising out of or in connection with the enforceability of the Constitution of NESA, any Regulations, By-Laws, Code of Ethics and Conduct, or the application and interpretation of the provisions thereof, or any dispute between any members or clubs of NESA or between a member or club and an elected office bearer of NESA itself, shall be referred to adjudication.
- 1.2. A person so selected by the NESA Executive Committee will preside over the adjudication, hereinafter referred to as "The Adjudicator". He / she will make a decision at the end of the proceedings. If possible, the Adjudicator will be a person with knowledge or expertise of the area or subject matter concerning the dispute.
- 1.3. The Adjudicator will remain impartial and independent throughout his/her appointment and will immediately disclose in writing to the parties to a dispute anything of which he / she becomes aware of which could affect his / her impartiality or independence.
- 1.4. The Adjudicator will not give advice to any party to a dispute or a person accompanying such party.
- 1.5. The Adjudicator may not be called as a witness by any party to a dispute, to give evidence concerning any dispute.
- 1.6. The Adjudicator will treat the details of all adjudications confidential and will not disclose same without the prior written consent of the parties to the dispute.

- 1.7. The Adjudicator has the authority to conduct any adjudication as he / she deems fit. He / she will not be bound by any rules or procedures other than those set out herein.
- 1.8. The Adjudicator has the power to make use of his / her own specialist knowledge, if any.
- 1.9. The Adjudicator will not assign or delegate any of his / her duties and obligations to another person.
- 1.10. The Adjudicator may resign by giving 30 days' notice to the parties to a dispute in which event the NESAS Executive Committee will be tasked with appointing a new Adjudicator.

2. THE PROCEEDINGS

- 2.1. A dispute may be referred in writing by any party to the dispute to the NESAS Executive Committee, with a copy to all other parties to the dispute.
- 2.2. The NESAS Executive Committee shall be responsible for the selection of the Adjudicator, within a period of 30 days of receiving the dispute in writing, which Adjudicator shall meet the requirements as set out herein.
- 2.3. The Adjudicator will notify all parties concerned of the process to be followed by each party regarding dates for filing of any statements, disclosure of evidence and the procedure to be followed at the adjudication.
- 2.4. Parties to a dispute will not be entitled to legal representation during adjudication, but may be accompanied by another NESAS member, who may assist in translation or merely provide support, should it be necessary.
- 2.5. The Adjudicator may call any person, who is not a party to the adjudication, to testify if the Adjudicator is of the opinion that such a person has knowledge or eye witness testimony that will assist the Adjudicator in reaching his / her decision.
- 2.6. The Adjudicator will give written notice of his / her decision to the parties to the dispute within 14 days after the adjudication. Such decision will include the reasons for the decision and state that it is given under these regulations.
- 2.7. Any party to the Adjudication proceedings who is not satisfied with the decision of the Adjudicator is entitled to appeal to the Namibia Sports Commission in accordance with the provisions of the Sports Act 12 of 2003.