



# **DISCIPLINARY PROCEDURE**

**Summary of the Processes  
Applied by ISV to Deal with Misconduct  
by Players, Officials and Members**

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## INTRODUCTION

The purpose of this booklet is to summarise the various processes, rules and regulations established by Indoor Sports Victoria to deal with misconduct by players, officials and members (full and associate).

There are six basic disciplinary processes by which participants and members can be disciplined if they are involved in misconduct that warrants such action. Five of the processes relate to misconduct connected with playing the game. The sixth describes the process when complaints are made against full or associate members for reasons such as failure to pay fees or acting in a manner prejudicial to the interests of the association.

The booklet combines the processes into one point of reference and is intended to be used by any party in a disciplinary hearing including those who constitute the disciplinary committees and tribunals.

### Review Group

The principles and procedures outlined in the booklet are a result of recommendations by a review group representing the ISV Board of Management, ISV Tribunal and ISV administration.

### Resources

The following resources were used for reference by the review group:

- Papers and seminars on disciplinary procedures presented by various lawyers
- Rules applied by other sports
- Current ISV Tournament By-Rules
- ISV Tribunal Guidelines (1988)
- ISV Statement of Purposes and Rules
- Experiences of ISV Tribunal Chairman
- ISV Guidelines for Preparation, Selection and Management of State Teams
- Cricket Australia Championship Rules and Regulations
- Indoor Netball Australia Championship Rules and Regulations
- Discussions with: ISV Board of Management; ISV Tournament Advisory Board; ISV State Team Co-ordinating Committees (Cricket, Netball and Soccer).

## AUTHORITY & BASIC PRINCIPLES

### Authority to Convene Disciplinary Committees and Tribunals

1. The authority for ISV to establish disciplinary committees and tribunals and convene hearings is contained in rules 7 and 21.3 of the association's Statement of Purposes and Rules (dated 06/09/02).
2. The rules for utilising disciplinary processes to deal with player misconduct in league tournaments are also contained within the ISV Tournament Rules and By-Rules.

3. The rules covering the discipline of state team participants can be found in guidelines 19, 20, 21 & 25 of the association's State Team Guidelines.

## **The Right to a Fair Hearing**

1. A fundamental principle in this document is that anyone charged with an offence is entitled to a fair hearing before a decision is made.
2. To that end, the association's rules have been drafted with the concept of natural justice in mind. Essentially, natural justice consists of three elements:
  - a) The right to be heard by a person or body acting in good faith and without bias
  - b) the right to have notice of charges of misconduct
  - c) the right to be heard in answer to those charges.
3. The rules of natural justice will be applied to all stakeholders – full members (owner / operators), players, umpires, team managers, coaches, venue management and representatives appointed by ISV to various committees.
4. Strictly speaking, players in club teams and state teams are not owed the rights afforded by natural justice. They do not earn a living from playing the game nor do they have any proprietary rights. However, other stakeholders, such as full members, may have their livelihood affected by the decision of a disciplinary hearing. For the sake of consistency, the association applies the rules of natural justice to all.
5. Exceptions to the above rules exist when:
  - a) The Yellow & Red Card Penalty System is applied during club level games. In this case, the umpire is authorised to apply penalties for infringements that do not require attendance at a tribunal
  - b) The administration applies penalties
  - c) The venue owner applies bans.

## **Players and Officials Code of Conduct**

1. Every person : spectator, player, club member, official, umpire, participant, administrator, coach, parent or member involved with our sports should work to ensure:
  - a) Inclusion of every person regardless of their age, gender or sexual orientation
  - b) Inclusion of every person regardless of their race, culture or religion
  - c) Opportunities for people of all abilities to participate in the sport and develop to their full potential
  - d) Respect is shown towards others, the club and the broader community
  - e) A safe and inclusive environment for all
  - f) Elimination of violent and abusive behaviour
  - g) Protection from sexual harassment or intimidation.
2. Penalties will be issued once the breach has been confirmed through an appropriate process by the relevant ISV committee or club. The following behaviours are considered breaches of the code.
  - a) Violent or abusive behaviour towards another person.
  - b) Vilification of any kind towards another person.
  - c) Discrimination against another person based on their age, gender or sexual orientation.
  - d) Discrimination against another person based on their race, culture, religion or any other irrelevant personal characteristic.

- e) Sexual harassment or intimidation of another person.
  - f) Victimisation of another person for exercising their right though the code of conduct.
  - g) Failure to maintain a safe environment.
3. Without limiting the other standards set out in this document, players and officials must not make public comments or comments to the media that are detrimental to the interests of the sport of cricket, including indoor cricket. Media includes, but is not limited to, social media outlets such as Facebook, Twitter, Blogs, Forums and other media that may arise in the future. This conduct includes, without limitation:
- a) Publicly denigrating or criticising another player, team official, or team against which they have played or will play, whether in relation to incidents which occurred in a match or otherwise.
  - b) Publicly denigrating or criticising Cricket Australia, Cricket Victoria, Tournament officials, or its respective commercial partners
  - c) Denigrating or criticising another player or official by inappropriately commenting on any aspect of his or her performance, abilities or characteristics.

Any person infringing the above Code of Conduct may be the subject of a Disciplinary Hearing by Tribunal or Board or a joint hearing of both.

### **Legal Representation**

1. The association does not permit legal representation at its disciplinary hearings except:
  - a) Where the consequences could affect the livelihood of the member
  - b) Where, in the opinion of the hearing chairman, the consequences could have a long term effect on the participation of the accused.
2. Those considering legal representation can apply to the association general manager for permission 48 hours prior the time scheduled for the hearing. The matter will be referred to the relevant hearing chairman for their consideration
3. Expenses related to legal representation will be borne by the accused. The association will not reimburse any costs
4. The association will be entitled to appoint a legal representative of its own to assist at a hearing
5. Costs of the association's legal representation may be awarded against the accused if they are found guilty.

## **SUMMARY OF ISV DISCIPLINARY PROCESSES**

There are six basic processes by which players and members can be disciplined if they are involved in misconduct that warrants such action:

### **Yellow & Red Card Penalty System**

There are no disciplinary hearings related to this system but it has been included in this document because players can be suspended as a result of being issued cards for misconduct during club games. The application of penalties under this system is entirely at the discretion of the umpire and there is no appeal.

## **Administrative Penalties**

The administration can suspend players for various offences usually related to falsifying information. There is no appeal.

## **Reported Person Tribunal**

A tribunal, generally consisting of one independent person, will hear cases involving persons reported during club level games. The misconduct is usually of a serious nature where the Yellow & Red Card Penalty System may not provide an adequate penalty.

## **Exclusion by Venue Owner**

A venue owner is entitled to decide who can remain on their premises and can place a ban on persons entering their premises. The reason will usually be connected to previous misconduct in the centre related to domestic or interclub games.

## **State Teams: ISV & CA Disciplinary Committees**

Disciplinary committees are established by ISV, Cricket Australia and Indoor Netball Australia to hear charges of misconduct against players and officials involved in national or interstate events. The ISV committee will hear matters outside the jurisdiction of the relevant national body.

## **Board Committee**

A disciplinary committee made up of Board of Management members will be formed to hear matters involving complaints against full and associate members. The Board may also become involved in cases involving serious charges against club players and officials.

## **YELLOW & RED CARD PENALTY SYSTEM**

The card system is applied by umpires to deal with misconduct by coaches and players during ISV sanctioned games. Umpires are authorised to apply the following Yellow and Red card penalty system:

### **Yellow Card: Reason**

The yellow card is issued by the umpire to any player playing outside the spirit of the game and the 'Players and Officials Code of Conduct' in Appendix 2. The yellow card is a warning that if the player continues to behave poorly they will be sent from the court and suspended. A yellow card also means the player will be penalised 5 runs. Any player who receives two yellow cards during the season will be suspended from playing the next immediate round of matches and any other sanctioned ISV event in between time. Reasons for being given a yellow card include, but are not limited to, the following:

- Dangerous or rough play
- Time wasting or deliberately delaying play
- Swearing, abusive, obscene or insulting
- Throwing, kicking or hitting the ball recklessly
- Applying any type of liquid or any other

- language
- Obscene or lewd behaviour
- Pushing
- Intimidating or harassing opponents
- Disputing decisions
- Unfair play
- Equipment abuse including: hitting stumps; throwing bat; stepping on nets
- Being present in a restricted zone
- Abuse against another person based on their age, gender, race, culture, religion, sexual orientation or any other irrelevant personal characteristic
- substance to the player's uniform that results in the substance being transferred to the court or its fixtures that has the potential to impact on player safety
- Team misconduct (where individuals are not readily identifiable). In the event of a team misconduct penalty, the penalty will be attributed to the team captain's skin
- Team captains may be penalised if they are not able to control other players and spectators from their club who are in attendance.

## Red Card: Reason

When a red card is issued, the player is to be ordered off the court for the rest of the game and will be penalised 5 runs. The player cannot be replaced. This card is issued under two basic circumstances:

- i) When a yellow card has previously been issued to the same player in the same game and their behaviour warrants the issuing of a second yellow card.
- ii) For any of the following offences listed below:
  - Striking/Attempted Striking
  - Deliberate physical contact
  - Unduly rough or unfair play
  - Spitting
  - Threatening, challenging, intimidating or reckless behaviour
  - Illegal court entry

## Umpire Discretion

The umpire will be the sole judge of what constitutes a Yellow or Red card infringement. The list of reasons previously outlined is merely a guideline.

## Issuing the Card

1. Play must be stopped to issue a Yellow or Red card. The card when issued is to be held in the hand and displayed directly to the offender. The umpire is to nominate the player's number and advise the reason for the card. If this is not done, the penalty may be considered invalid.
2. 5 Runs are to be deducted off the offending player's skin if a Yellow or Red card is issued. If a Red card is issued and the offending player has not batted, then the penalty will be deducted from the skin of the 4<sup>th</sup> batting pair where the replacement batter will bat.
3. If the card is not issued at the time of the incident and the player is not notified when the incident occurred, the card cannot be issued or the player notified for the same incident at a later time.
4. Should there be any dispute with regard to the issuing of a Yellow card, the umpire can issue a Red card and order the player off the court.

## Penalty

1. In Netball and Soccer: Goals, sets or points are not to be taken off the offending team's score under this system.
2. In Cricket: Teams will be penalised 5 runs in addition to the card penalty.
3. A player issued a Red card or 2 x Yellow cards in the same game, is to be sent from the court immediately for the remainder of the game and cannot be replaced. They will also be suspended from playing the next immediate round of matches and any other sanctioned ISV event in between time.
4. When a player is ordered off, they cannot be replaced.
5. When a team is unable to field the required number of players on court, due to players being ordered off, the match will be abandoned.
6. All cards issued are to be noted by the umpire on the Match Report in the relevant section.

## No Attendance at Tribunal for Red Card

1. Players who have been issued a Red card do not have to attend the Tribunal. However, if the player is reported in addition to being issued a Red card, they will need to attend the Tribunal as will the umpire and relevant witnesses.
2. Players who have been issued a Yellow card previously, and then receive another Yellow card during the season will be suspended for 1 round.
3. Players who have been suspended during the season will be suspended a further 1 round for every additional Yellow card they are issued, and 2 rounds for every additional Red card.
4. Any subsequent misconduct after being sent off should mean the player is reported (Refer By-Rule 8 - Reported Players) and becomes the subject of Tribunal investigation.
5. The Administrative Office will keep a record of penalties and advise the clubs when a player is suspended and the length of suspension.
6. Umpires must note all Yellow and Red card penalties applied during a match in the appropriate section on the Match Report.
7. Umpires do not have the option to leave penalties off the Match Report.
8. Penalties cannot be applied after the Umpire has called "game" or time has been completed. Any incidents of misconduct occurring between the end of the game and the signing of the relevant game Match Report will be subject to investigation by the Tribunal or Board and should be noted on the Match Report at the discretion of the Centre Management.
9. Penalties from one season are not added to penalties for the following season. However, suspensions given under this Rule will carry over to the next sanctioned ISV event or season should a player choose to play that event or season. (Note: To play a season means to qualify for Finals).
10. Should a player be reported as well as receive a suspension under this rule, any suspension given by the Tribunal will be in addition.
11. The serving of suspensions which run into the finals period will be dictated by the performance of the last team the player played with. As soon as that team is ineligible for finals, any outstanding suspension must be served in the next season in which the player is participating. Eligibility for higher or lower grades will not help to reduce the suspension.
12. There are no appeals against the application of Yellow cards or suspensions under this rule. If a Captain believes their player has been incorrectly identified as having been the cause of misconduct, the issue is to be resolved before the game recommences.
13. When a player is ordered off, they cannot be replaced. Rules applying to teams short of players will apply.

14. Teams unable to field the minimum number of players as a result of players being ordered off will cause the game to be abandoned.
15. Byes do not count as a round when serving a suspension.

## **ADMINISTRATIVE PENALTIES**

This section describes the occasions when the ISV administration or the committee appointed by the Board of Management to organise its tournaments, the Tournament Advisory Board (TAB), are authorised to suspend players.

The incidents in which the administration or TAB get involved are usually outside the misdemeanours commonly associated with tribunal hearings. Administrative penalties are applied for misconduct such as falsification of information on tournament paperwork.

### **Falsification of Information**

By-rules 13, 14 & 19 allow the administration to suspend players, managers or officials who falsify information on registration / clearance forms and team sheets. Players whose information is falsified without their knowledge will also be penalised.

### **Playing Ineligible Players**

By-rule 16 allows the administration to suspend team captains who knowingly play ineligible players (usually after the captain's club has been notified by the administration that the relevant player is ineligible).

### **Team Walk Off**

1. By-rule 35 allows the TAB to suspend teams, especially the captain, who walk off without due cause prior to a match being completed.
2. The TAB will determine what is "due cause". If the cause is not justified in their opinion, the team captain alone, or together with the other players, can be suspended.

### **Statutory Penalty**

1. There is no requirement to convene hearings into the violations mentioned in 'Falsification of Information', 'Playing Ineligible Players' and 'Team Walk Off' above
2. The penalty applied is statutory and fixed at 2 matches.

### **Notification**

Clubs will be notified by the administration if players have been suspended.

### **Effect of Suspension**

The effect of the suspension is as described under rule 8.19 in this document.

### **No Appeals**

There are no appeals against suspensions under this process.

### **Unforeseen Violations**

1. The TAB is authorized to review violations of game rules and tournament by-rules that have not been foreseen by the legislators.

2. The TAB will draft recommendations for the Board of Management's consideration.

## **REPORTED PERSONS TRIBUNAL**

The Reported Persons Tribunal is established by the Board of Management to hear charges where the misconduct is considered to be of such a serious nature that a penalty under the Yellow & Red Card System may not be adequate.

The incidents for review will usually be associated with misconduct in interclub tournaments.

### **Tribunal Powers**

The tribunal is empowered to take evidence, evaluate it and apply penalties if appropriate.

### **Tribunal Jurisdiction**

The tribunal is authorised to investigate any misconduct that comes to its attention that occurs inside a premises which is:

1. Hosting an ISV sanctioned tournament between the period which takes in 30 minutes prior the commencement of the first game to the signing of the last game match report or to the end of trophy presentations as the case may be
2. Hosting an ISV sanctioned social function or programme involving coaching, umpiring or training between the hours stipulated for the function or programme.

Any incident outside the stated periods is to be resolved by the relevant centre managements.

### **Tribunal Members**

1. The tribunal can consist of 1 to 3 members but will not constitute more than one member unless the nature of the charges is of such gravity that it is considered expedient to appoint additional members to assist the tribunal chairman. The decision in this matter will be made jointly by the tribunal chairman and association's general manager
2. A tribunal chairman will be appointed. Other members appointed to the tribunal will take direction from, and be answerable to, the tribunal chairman
3. Reported persons (i.e. those who have been officially reported and notified to attend a hearing for misconduct) are not entitled to choose which tribunal member or number of members will hear their charge
4. Additional tribunal members can be appointed from the Board of Management, Tournament Advisory Board and persons outside the industry subject to their involvement not causing a conflict of interest
  - a. The tribunal members are to have no connection to the reported party through employment, playing, commercial interests or family
  - b. Members are not to hear charges where it can be demonstrated they have a dislike for the offender whether it be for private or commercial reasons
5. A person laying a charge cannot be a member of the tribunal
6. Should the regular tribunal member be unavailable to hear a charge prior the next round, the general manager will appoint a replacement from the group mentioned at (4) above.

## ISV Office to Convene Tribunal

The tribunal will be convened by the ISV administrative office after a review of the round's match reports and after confirmation that a reporting party's intention is to have the case heard by the tribunal.

## Who Can Initiate Disciplinary Action?

Disciplinary hearings can be initiated by the following:

1. Umpires / Referees
2. Host venue management who witness incidents not noted by the umpire
3. Captains of the teams competing in the relevant game. They can lay a charge on behalf of their teammates if the incident has not been noted by the umpire or centre management
4. The tribunal chairman can lay charges on behalf of ISV based on evidence raised at the hearing.

## Who Is Subject to Disciplinary Action?

The following persons are subject to disciplinary action by the association:

1. Players and coaches
2. Spectators who are registered to play
3. Officials – umpires / referees, scorers, tournament directors
4. Team support – trainers, managers, statisticians, “water boys”
5. Venue management and staff – regardless of whether they are hosting or attending as spectators
6. ISV administrative staff

## Laying Charges

1. Charges are to be noted on the match report which is provided for each match. If space is insufficient for the report, written notes can be attached to the match report
2. The information provided on or with the match report should include:
  - a. The charge (from the list on the back of the match report form) and the reason for the charge
  - b. Name & number of reported person
  - c. Name of victim (if appropriate)
  - d. Indication of the reporting party, i.e. umpire, centre management, captain
  - e. Signatures of the captains to verify their awareness the charge has been laid. (Note: the failure to sign will not invalidate the charge, nor does signing mean the captain is agreeing the charge is valid).
3. A reporting party cannot be prevented from laying a charge because others disagree. The host centre management, regardless of their personal opinion, must allow a reporting party every opportunity to provide details of their charges on the match report without harassment, intimidation or threats. If the opportunity is not afforded, the reporting party will be entitled to contact the ISV office on the Monday (Tuesday if Monday is a public holiday) following the relevant game with written details of the charge. Reports made after this period will not be valid

4. If requested, centre management is to provide additional stationery for reporting parties to complete details of their charge. If there is no co-operation on this matter, the reporting party should contact ISV office
5. If an ISV match report form is not available, a facsimile will suffice
6. Charges must be laid prior to the signing of the match report by the captains, umpire and duty manager. No information can be added, amended or deleted after the match report has been signed unless all parties are aware of the charges
7. Persons who are not noted on the match report under the heading "Reported Persons" will not be considered as charged. Subsequent charges per letter will not be accepted unless rule 'c' above is invoked. (Note: if the tribunal finds that the reporting party was given every chance to lay charges immediately after the game but chose not to, the charges could be deemed invalid)
8. Charges can be laid by the tribunal as a result of evidence given at a hearing
9. The lack of detail on the match report will not invalidate a charge
10. If a reported person claims 'mistaken identity', the matter should be resolved before the match report is signed and the real offender identified. If it is still not resolved, the originally reported person will be required to attend the tribunal.
11. List of Reportable Incidents: Refer to Yellow & Red Card Penalty System for a list of reportable offences.

### **Withdrawal of Charges**

1. Charges can be withdrawn by notifying the ISV office 24 hours prior the hearing
2. Clubs whose personnel lay charges then withdraw them after hearings have been arranged can be fined at a rate to be decided by the Tournament Advisory Board.

### **Notification of Charges**

1. Copies of the match report are provided after the game to each team, the umpire and duty manager. It is the responsibility of the captain to ensure reported persons associated with their team are informed of the charge
2. The first business day after the incident, ISV office will confirm with the reporting party that the reports are intended for tribunal consideration. If so, the charges will be confirmed with the reported person's club
3. Any statements available to the ISV office will be passed onto the reported person's club.

### **Location & Time / Late Arrival**

1. The location and time of hearings will be confirmed with the relevant parties but will normally be at the ISV office on the Wednesday following the incident, commencing at 7.30pm
2. The location and time can be altered upon application to the tribunal chairman through the ISV office
3. The earliest a tribunal can be convened is the Tuesday immediately following the relevant incident
4. The tribunal can delay the hearing by ½ hour to allow the reporting party and / or reported person to arrive.

## Effect of Charges Pending: Permission to Play

Reported players selected to play in other interclub games in the period between the report being made and the scheduled hearing will be entitled to play those games.

## Attendance At Tribunal

1. Reporting Party
  - a. A reporting party must attend the hearing to give evidence. They can choose to present their evidence either orally or in writing or both
  - b. The reporting party must attend even if the reported person is not attending
  - c. The reporting party can request the tribunal chairman change the hearing date but it must be prior the next scheduled round the reported person is due to play in. If the reporting party cannot attend in this period, the charge will be dropped
  - d. If the reporting party fails to attend the hearing and neglects to withdraw the charges, each team in their club will be penalised 1 x premiership point.
2. Reported Person
  - a. Reported persons must attend the tribunal, unless they choose to plead guilty
  - b. If a reported person cannot attend the hearing, they will be unable to play until they do attend, regardless of the reason for not attending. If the reported person does eventually attend, the tribunal will decide if the reason for not attending is valid and can take the loss of games into account if they are found guilty
  - c. **Guilty Plea: Attendance Not Necessary**  
Reported persons pleading guilty have the option not to attend. If not attending, they can provide a written statement that does not dispute the facts but provides information that will assist the tribunal set a penalty.

## Witnesses

1. The tribunal will require some witnesses to attend, particularly those who have been victims involving physical abuse. Clubs will be advised if this is the case
2. Witnesses who do not attend when requested will be subject to a 2 match penalty at the discretion of the tribunal
3. Unless requested to attend by the tribunal, witnesses have the option to appear in person or provide written statements
4. The responsibility for providing witnesses in defence of their reported persons lies with the clubs
5. A person accused of provocation must attend the hearing. Failure to attend will make the player liable for a 4 match suspension.

## Advocates

1. A reported person is entitled to be assisted in their defence by an advocate appointed by their club
2. Legal representation is not permitted except where the tribunal chairman believes that the consequences of a guilty verdict could have a long term effect on the participation of the accused
3. It is the preference of the tribunal that those charged attend with an advocate. It is not compulsory but it is clear that a defence is better presented if an advocate is appointed
4. Reporting parties do not require advocates

5. The tribunal at their discretion can instruct a reported person attend with an advocate when the charge is of a serious nature and emotions are likely to be raised. In this case, if the accused arrives without an advocate, the tribunal can adjourn the hearing at his discretion
6. If appointed, advocates can question the evidence of the reporting party and witnesses, through the tribunal chairman and are entitled to present statements in defence of the charge
7. It is compulsory for junior grade players to appear with an advocate.

## Behaviour At Tribunal

1. Participants are expected to behave in a civil and controlled manner and follow the instructions of the tribunal
2. Unacceptable behaviour can be penalised by the tribunal. The penalty can be applied after the hearing in the absence of the offending party
3. Participants must attend in a fit state. If attendees are deemed unfit, for example because they are under the influence of alcohol and/or drugs, the tribunal can ask the offenders to leave the hearing. If this happens to include the accused, the hearing will continue in their absence.

## Interference with Tribunal Process

1. Any person that attempts to interfere with the tribunal process (such as harassing reporting parties) with the aim of having charges dropped or causing witnesses to water-down or withdraw their evidence, will be subject to a disciplinary hearing under the charge of judicial interference
2. The tribunal is not to be contacted by anyone other than the ISV office with regard to the business and affairs of the tribunal.
3. **Harassment**  
Any person (tribunal member, reporting party, reported person, witness or official) who is harassed or threatened prior, during or after a tribunal hearing, should contact ISV office who will refer the matter to the Board of Management.

## Tribunal Procedure

1. **Format**  
The tribunal will advise participants of the procedure that will apply to the hearing and determine who can be present
2. **Confirmation of Charges**
  - a. The tribunal will ensure that all relevant parties have access to any written statements
  - b. The tribunal will hear preliminary evidence to ensure that the charge is appropriate to the evidence
  - c. The tribunal can amend the charge. If this is the case, the accused will have the option to have the case heard as per the amendments or have the hearing adjourned to the following week
  - d. An adjournment under this rule will allow a player to participate in any games fixtured before the rescheduled hearing.
3. **No Invalidation of Charges on Technicality**  
Charges will not be invalidated on technicality if the tribunal is satisfied there has not been a miscarriage of justice. For example, the failure to order off a reported player or spell the player's name correctly on the match report will not invalidate a charge.
4. **Pleas**

- a. The tribunal will invite the accused to make one of three pleas in answer to the charge:
  - i. Guilty
  - ii. Not Guilty
  - iii. Guilty Under Provocation
- b. If the accused is uncertain how to plead, the tribunal will note a plea of not guilty.

**5. Cross Examination**

There is no right to cross examine reporting parties or witnesses. Questions must be directed through the tribunal. However, the tribunal may apply his discretion to allow cross examination if he is of the opinion there will be no hostility towards witnesses.

**6. Taking Evidence**

- a. The tribunal is not bound by the rules of evidence as is the case with courts.
- b. The tribunal will give every interested party a chance to present their evidence and question the evidence of others. The procedure is entirely at the discretion of the tribunal but will usually take the following form:

**i. Guilty Plea (Reported Person In Attendance)**

Reporting party gives evidence and is questioned by tribunal until he is satisfied with the facts.

**ii. Guilty Plea (No Attendance)**

The tribunal will hear evidence from the reporting party then read any statements offered in mitigation of the penalty.

**iii. Not Guilty Plea**

- Reporting party gives evidence and is questioned
- Witnesses for reporting party give evidence and are questioned
- Accused gives evidence and is questioned
- Witnesses for accused give evidence and are questioned
- Final statements taken.

**iv. Guilty Under Provocation**

- If provocation is used as a defence, the accused must name the person who caused the provocation. This person will be required to attend the tribunal
- Where provocation is proved, the accused can be penalised at the hearing.

(Note: establishing that provocation did occur does not mean a reported person will be found not guilty. The tribunal will take the provocation into account when assessing the penalty)

**c. Evidence Resulting in a Charge**

When the tribunal lays a charge as a result of evidence and the charged person is present, they will have the option to defend their charge at the hearing or ask for an adjournment. If the hearing is adjourned by request of the charged person, or because they were not present and had not been requested to attend, the player can continue to play.

**d. Admissible Evidence**

**i. Written Statements**

Written statements by witnesses to the incident will be accepted if they are relevant. Statements must be signed and the witnesses identified and contactable.

- ii. Hearsay  
Hearsay evidence (second hand accounts) of what occurred will not be admitted.
  - iii. Videotape
    - Videotape evidence is admissible.
    - The audio sound will be muted when the videotape is shown.
    - Reported players will be made aware that a tape exists and if possible given the opportunity to view the tape prior the hearing.
  - iv. Repeated Story  
The tribunal need not hear all witnesses if their version of the incident is the same or similar.
  - v. Prior Record  
The reported person's prior record is not to be introduced into evidence during the hearing. It will be considered after the tribunal has ruled a guilty verdict and assessed a penalty.
  - vi. Character  
Character evidence shall be admissible but only in relation to the penalty to be imposed by the tribunal.
- e. **Unsatisfactory Evidence**  
If the tribunal is satisfied that evidence has been contrived to get a not guilty verdict, the tribunal can apply a suspended sentence to the relevant parties.
- f. **Standard of Proof**
- i. Once a charge is laid, it is assumed that it has the basis of truth to it.
  - ii. Effectively, a reported person must disprove the charge.
  - iii. The tribunal need only be satisfied on the balance of probabilities that a charge has been proven.
  - iv. In the event of an umpire's account of an incident remaining in conflict with the player's account, the umpire's account will be accepted.
  - v. Similarly, the evidence provided by centre management when they lay charges will hold more validity than a player's account but will be considered equal to an umpire's evidence if there is a conflict with the umpire.
  - vi. A captain's evidence will not be given more validity than a player's evidence if opposite views exist.
- g. **Tribunal Deliberation**
- i. When the evidence has been given, the participants may be asked to leave the room to allow the tribunal to determine if the charge has been proven and, if the verdict is guilty, consider a penalty
  - ii. In considering the penalty, the reported person's previous record will be taken into account.
- h. **Tribunal Decision**
- i. The reported person and advocate will be advised of the decision and the reason behind it.
  - ii. If guilty, the tribunal will provide the opportunity for the reported person to plead for a reduced penalty (usually based on a person's good record and contribution to the sport).
  - iii. The penalty will be confirmed after consideration of the plea
  - iv. Written reasons will not be provided for tribunal decisions.

## Notification & Register of Penalty

1. The club will be notified of the penalty in writing by the ISV office. The notification will include:
  - a. The charge or charges on which the person was found guilty
  - b. The penalty for each charge
  - c. The period of the penalty.
2. ISV office will keep a record of penalties applied by the tribunal. A reported person's prior record will be passed onto the tribunal to assist with his assessment of a penalty in the event of a guilty verdict.

## Range of Penalties

1. The tribunal can apply the following types of penalties:
  - a. Suspension from playing, officiating or attending ISV matches
  - b. Suspended Penalty: A penalty is applied but held over for a probationary period. The penalty will be served if the reported person does not reoffend in the period. If found guilty of another offence during the period, the suspended penalty will be added to the new penalty
  - c. A combination of the above
  - d. In addition to the above, the tribunal can request a written and signed commitment from the player to play according to the code of behaviour. The player can't play until this is received.
2. There are no maximum or minimum penalties that apply to the various categories of misconduct, although a life ban can be applied for misconduct such as striking an umpire or duty manager. Each case will be heard on its merits and a penalty applied which in the opinion of the tribunal is appropriate.

## Appeals

There are no appeals against decisions made under this process.

## Effect of Suspension

1. Players found guilty of misconduct and suspended will be prohibited from playing interclub games and any other sanctioned ISV events that fall within the dates of the suspension (including interstate matches)
2. The serving of suspensions which run into the finals period will be dictated by the performance of the last team the player played with. As soon as that team is ineligible for finals, any outstanding suspension must be served in the next season in which the player is participating. Eligibility for higher or lower grades will not help to reduce the suspension
3. A player suspended from playing in one sport is also suspended from playing in any other sport until the suspension is completed
4. If a player plays in two teams in the one sport, e.g. Mens and Mixed or Women's and Mixed, they will be suspended from playing in both teams
5. Suspended players can umpire / referee games unless specifically restricted by the tribunal decision
6. Suspension will carry over to the next ISV sanctioned event or season should a player choose to play that season. (Note: to play a season means to qualify for finals. You cannot, for example, use the Majorleague season to fulfil a suspension received in the Superleague season if you never intended playing in that season)

7. A player is not permitted to play in a national tournament if the tournament dates fall within the suspension period
8. Playing whilst suspended will cause the original penalty to be doubled and started anew. In addition, the team will lose any points earned in the game. The onus is on the club to ensure the reported player is aware of the suspension period
9. Players suspended by disciplinary hearing or under the Yellow & Red Card Penalty System prior the presentation of the Best & Fairest awards will not be eligible to win a Best & Fairest award
10. Suspensions carried over from the previous season will not disqualify players from winning a Best & Fairest award in the new season
11. A suspended penalty will not disqualify players from winning a Best & Fairest award
12. Byes do not count as a game when serving suspensions
13. Forfeits by the opposition will count towards serving suspension

## **Juniors**

The above rules will apply to junior grade players.

## **Civil Action**

A hearing will be held irrespective of any civil action that an individual may take as a result of the incident which caused the hearing to be convened.

## **CENTRE OWNER RIGHTS**

Regardless of decisions taken by any of the other disciplinary processes described in this document, anyone can be removed or denied entry to a venue by the centre owner.

### **Rights to Exclude**

1. Centre owners reserve the right to remove, or deny entry to, any person without reference to an ISV hearing
2. ISV supports the right of owners to exclude people for their own reasons which can include, by way of example:
  - a. Misconduct in their centre in either interclub or domestic competitions
  - b. Failure to return clothing or equipment
  - c. Commercial dispute
  - d. Civil action
  - e. Threats, harassment or intimidation to staff.
3. Whatever the reason, the exclusions are presumed to be made with good cause and this is expected to be knowledge between the owner and the excluded person
4. The ban can be applied by the owner or by centre management on behalf of the owner
5. If players in ISV tournaments are banned from entering a venue, their club should be advised by the person applying the ban
6. ISV has no jurisdiction in this matter. If the ban is to be lifted, it will be by negotiation between the banned person and the centre owner / manager.

## Enforcement of Standards of Behaviour

The duty manager is considered to be in absolute charge over all persons within their centre when it comes to enforcing accepted standards of behaviour and is entitled to take whatever action is reasonable to protect the comfort and safety of those present.

## Right to Lay Charges

1. Centre management is entitled to lay charges relating to misconduct during interclub games hosted by their centre and to have the matter heard by a disciplinary hearing
2. The right of centre owners to ban persons from entering their centre will not be compromised by the finding of the hearing.

## Responsible Alcohol Management

Any player, coach or official seen to consume alcohol in the host venue, either prior or during any part of a match they are participating in, can be prevented by the duty manager from taking any further part in the match. Allegations on this matter can be made only by the umpire or team captain to the duty manager. If the allegation is proven to the duty manager's satisfaction, the offender is to be barred from further participation and the team must play according to the player short rule.

## STATE TEAMS: ISV, CA & INA DISCIPLINARY COMMITTEES

All participants representing Victoria in state teams are expected to act as role models in the lead-up, during and at the conclusion of international, national and interstate tournaments. The tournaments are not an excuse for individuals to display their special brand of non-conformity and single-mindedness through anti-social behaviour.

Cricket Australia, Indoor Netball Australia and Indoor Sports Victoria will take whatever action is necessary to maintain their reputation for staging and participating in tournaments where behaviour doesn't become offensive or destructive. Accordingly, participants should be aware that there are several avenues for taking disciplinary action against state team representatives.

## ISV State Team Disciplinary Committee

1. **Authority**  
Any 2 of the coach, team manager, captain and ISV official representative present at the time, are authorised to act as a disciplinary committee to investigate misbehaviour by team members which is not brought to the attention of CA or INA. This authority is given before, during and after the series.
2. **Notification and Procedure**  
A hearing chairman will be nominated. The procedure will be as decided by the chairman but the offender should be made aware of the charge and the evidence against him/her prior the hearing.
3. **Natural Justice: Rules Don't Apply**  
The rules of natural justice will not apply to this disciplinary process. Time constraints at championships, where teams can be expected to play multiple games in a day, mean that decisions must be made swiftly. However, offenders will not have charges heard in their absence, unless they fail to attend the hearing as requested, and will have the right to defend the charge.

#### 4. **Penalty**

The disciplinary committee may apply whatever penalty seems appropriate to discipline team members. This may range, by way of example, from omissions from the selected team to immediate dismissal and expulsion from the series. The charge may be further investigated after the tournament depending on the severity of the charge.

#### 5. **Officials**

Officials are subject to the same disciplinary measures as players. The STCC or Board of Management may be referred to in this case.

#### 6. **Confidentiality / Inflammatory Statements**

- a. The disclosure of confidential discussions between officials, STCC, CA, and INA directors is expected to be limited to those who are directly affected
- b. Officials are not to make inflammatory statements or pass comment on rules or procedures that may have a demeaning effect on CA, INA or ISV or its officials
- c. Violation of the above could lead to disciplinary action.

### **Cricket Australia (CA) Disciplinary Committee**

Participants at events run by Cricket Australia (CA) or Indoor Netball Australia (INA) participate on the understanding they are subject to the relevant disciplinary processes. The following extracts are from CA's Championship Rules & Regulations:

All players and officials are required to adhere to the following standards of behaviour, as amended from time to time by Cricket Australia (CA) in its absolute discretion.

In this document, "Match" refers to any match played, or to be played, in an Indoor Cricket Australian Championships. These standards apply to conduct on the field of play (in respect of any Match or associated event of the Championships) and, where applicable, off the field of play.

#### 1. **Conduct unbecoming**

- 1.1. Players and officials must at all times conduct themselves within the spirit of the sport of indoor cricket. This includes, without limitation, participating fairly and exhibiting respect for other players and officials and the game's traditional values (such as graciousness in defeat and humility in victory).
- 1.2. Players and officials must not engage in any conduct that is unbecoming to their status, that could bring them or the sport of cricket into disrepute, or that is prejudicial to the interests of the sport of cricket, including indoor cricket.
- 1.3. Without limiting the other standards set out in this document, players and officials must not engage in any of the following behaviour –
  - a. racial vilification;
  - b. derogatory or disparaging remarks directed at a player, official, umpire or spectator based on gender, race, religion, sexual orientation, descent, or national or ethnic origin;
  - c. using language or gestures that are obscene, offensive or of a seriously insulting nature in relation to a player, official, umpire or spectator;
  - d. physical or verbal abuse or intimidation, or the making of threats, directed at a player, official, umpire or spectator;
  - e. inappropriate and deliberate physical contact on the course of play;
  - f. deliberate and malicious distraction or obstruction, or act of violence, in the field of play.

- 1.4. Without limiting the other standards set out in this document, players and officials must not make public comments or comments to the media that are detrimental to the interests of the sport of cricket, including indoor cricket. This conduct includes, without limitation –
  - a. publicly denigrating or criticising another player, team official, or team against which they have played or will play, whether in relation to incidents which occurred in a match or otherwise;
  - b. publicly denigrating or criticising CA, Championships officials, or its respective commercial partners; or
  - c. denigrating or criticising another player or official by inappropriately commenting on any aspect of his or her performance, abilities or characteristics.

### **ISV Support for CA/INA Penalties**

ISV will support the terms of any suspension handed down by CA/INA and extend the decision to cover any ISV sanctioned tournaments for the same period.

### **Cricket Australia Alcohol & Drugs Policy**

No player under the influence of alcohol or drugs will be allowed to take part in or continue in a match for safety reasons. The umpire and/or Tournament Director must remove any offending player from the game. The Tournament Director will refer the player to the Match Committee to deal with the matter.

Players may be required to submit to random drug testing during the Championships pursuant to any applicable anti-doping rules of CA. Penalties for returning a positive test or any other anti-doping rule violation under such CA anti-doping rules are severe, and include bans from participating in future competitions. Any anti-doping rule violations will be dealt with in accordance with the hearing rules of the CA anti-doping rules.

CA endorses the World Anti-Doping Agency and the World Anti-Doping Code.

## **BOARD OF MANAGEMENT DISCIPLINARY COMMITTEE**

Under rules 7 and 21.3 of the association's Statement of Purposes and Rules, full members and associate members can be subject to a hearing by a disciplinary committee established by the ISV Board of Management.

The rules applying to a hearing of this committee are reproduced below from the ISV Statement of Purposes and Rules (dated 06/09/02). (The numbers identifying the rules below are for the purpose of referral in this document. The rules can be found at rule 7 in the Statement of Purposes and Rules).

### **Discipline Of Members**

#### **1. Breach of Discipline by Full or Associate Member**

A member shall not:

- a. Breach, fail, refuse or neglect to comply with a provision of the Statement of Purposes and Rules, the Regulations or any policy or the Board or the Association
- b. Act in a manner unbecoming of a Member or prejudicial to the objects and interests of the Association; or
- c. Bring the Association into disrepute.

#### **2. Report of Disciplinary Matter**

- a. Any member or Director (in this rule “complainant”) may give written notice of a complaint relating to the conduct or otherwise of a Member to the Chairman, or if the complaint relates to the conduct of the Chairman, to the Executive Officer
- b. The Chairman or Executive Officer shall as soon as practicable, but within 7 days, forward written details of the complaint to at least one member of the Disciplinary Committee.

### **3. Consideration of Matter**

- a. The Disciplinary Committee shall, as soon as practicable after receiving a notice under Rule 2b (above), consider the matter, and shall within 14 days of receiving such notice, determine whether:
  - i. The matter should be dismissed, because there has been no relevant breach of discipline in accordance with Rule 1 (above); or
  - ii. There are reasonable grounds to believe there may have been a breach of Rule 1 (above), and accordingly the matter warrants review and determination in accordance with the principles of natural justice.
- b. If the Disciplinary Committee determines the complaint should be dismissed under Rule 3 (a) (i), it shall, as soon as practicable, give written notice of such dismissal to the complainant.
- c. If the Disciplinary Committee determines the matter warrants further review under Rule 3 (a) (ii) it shall, as soon as practicable, serve a notice in writing on the Member:
  - i. Setting out the grounds on which there may have been a breach of Rule 1;
  - ii. Stating that the Member (personally, by its delegate or by its adult representative) may address the Disciplinary Committee at a hearing to be held not earlier than 21 and not later than 35 days after service of the notice.
  - iii. Stating the date, place and time of that hearing (which hearing may be held by teleconference).
  - iv. Informing the Member that the Member may do one or both of the following:
    - A. Attend or participate in that hearing and make submissions personally or by its delegate or representative; or
    - B. Give the association, before the date of that hearing, a written statement setting out relevant information surrounding the complaint, and (if appropriate) seeking dismissal of the complaint.

### **Meeting of Disciplinary Committee**

The Disciplinary Committee may conduct the hearing convened in accordance with Rule 3(c) in such manner as it sees fit, but shall:

- a) Give the member every opportunity to be heard
- b) Give due consideration to any written statement submitted by the Member
- c) Allow the Member to have an adult representative; and
- d) By resolution determine whether to dismiss or uphold the complaint; and may;
- e) Request and/or require the complainant or any other witness to attend the hearing and/or provide (wherever practicable, in writing) such evidence as is available.

### **Disciplinary Committee Resolution**

The Disciplinary Committee may, having had regard to any submission or evidence of the Member, by resolution:

- a) Expel a Member from the Association
- b) Suspend a Member from membership of the association for a specified period
- c) Fine a Member an amount not exceeding that prescribed by the Act
- d) Give such warning or reprimand as is appropriate
- e) Suspend any penalty; or
- f) Take such other action as it deems reasonable in all the circumstances, if the Disciplinary Committee determines that the Member has committed a breach of discipline contrary to Rule 1 above, and shall notify the Member in writing at the address set out in the register within 7 days of the resolution of the Disciplinary Committee.

### **Effect of Resolution**

If the Member exercises a right of appeal to the Board under this, a resolution of the Disciplinary Committee under Rule 5 takes effect until and unless the Board revokes the determination in accordance with this Rule.

### **Notice of Appeal to Board**

A Member may, within 7 days of notice of an adverse finding being given under Rule 5, appeal the decision of the Disciplinary Committee, by forwarding notice in writing to the Association, indicating that the Member wishes to appeal and setting out the grounds on which the Member appeals. Where the Association receives a notice under this Rule indicating the Member wishes to appeal to the Board, the Board shall convene a meeting in accordance with these Rules, to be held within 28 days of the date on which the Association received such notice.

### **Proceeding of Board Meeting**

At a Board Meeting convened under Rule 7:

- a) No business other than the question of the appeal shall be transacted
- b) The Disciplinary Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution
- c) The Member, personally, or by its Delegate, or through his or its representative shall be given every opportunity to be heard; and,
- d) The Members present shall, following consideration of the matter, vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

### **Decision of Board**

- a) At a Board meeting convened under Rule 7, the Board shall either;
  - i) Pass a resolution confirming the resolution of the Disciplinary Committee under Rule 5; or
  - ii) Pass a resolution that the resolution of the Disciplinary Committee be revoked immediately.
- b) Decisions of the Board will be binding upon the Association and the Member.