



POLICY MANUAL

Policy – Disciplinary (Tribunal)

OBJECTIVE

To provide a framework to deal with all disciplinary issues after the relevant committee has decided that they are of a serious enough nature to warrant a hearing.

STATEMENT

Procedure

1 AFTER ADVICE IS GIVEN AND LETTER RECEIVED

Indicate date and time of receipt on each letter and retain the envelope with dated postmark.

Advise the relevant Committee of the letter/s, who then recommends to the Board if a Tribunal should be convened. The General Manager will then advise the Committee Chairman/Tribunal Chairman (as appropriate), and the Club Captain/s of the member club/s (if appropriate – ie Pennants) of the time, date and venue of the hearing.

Advice of the hearing shall be confirmed in writing.

Accused to be forwarded a letter that must clearly detail the charge that has been made against them.

Adequate notice of the date and time of the hearing must be given (minimum of seven [7] days).

2 HEARING

The person or persons making the charge and the accused are brought into the hearing.

The letter of charge is read out, after which the accused is asked how they plead.

NOTE: No witnesses are to be in the hearing at this stage.

a IF ACCUSED PLEADS GUILTY

The Chairman shall offer the accused and the person making the charge the opportunity to make a statement.

At the conclusion of the hearing all parties should be asked to leave the room whilst the tribunal considers the information presented.

When the Committee reaches its decision, the person making the charge should be advised that they may go. The accused should then be called back into the hearing and advised of the findings and penalty (if any).

b IF ACCUSED PLEADS NOT GUILTY



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i PERSON MAKING THE CHARGE GIVES EVIDENCE

The person making the charge should then be asked to present their case.

The accused is asked if they have any questions to ask.

The Tribunal Members are asked if they have any questions.

The person making the charge is asked if they wish to bring in any witnesses. (Tribunal members questions to follow after each witness has given evidence)

The Accused is then asked to present their defense.

ii ACCUSED GIVES EVIDENCE

After the accused has put forward their evidence the person making the charge should then be asked if they have any questions.

Tribunal Members should then be asked if they have any questions of the accused.

PERSON MAKING CHARGE TO LEAVE

The accused is asked to present any witnesses that they may have to support their defense.

The Tribunal Members may question each witness after they have given evidence.

Person making charge brought in.

iii WHEN ALL EVIDENCE HAS BEEN TAKEN

The person making the charge should be asked if they would like to sum up their case after which the accused to be asked if they would sum up their evidence.

When this has been done all parties should be asked to leave the room and wait outside whilst the Tribunal considers the evidence placed before them.

After the Tribunal has considered all the evidence placed before them they should then decide on one of the following

- Not guilty
- Not guilty as charged
- Guilty as charged
- Guilty of another charge

After the Tribunal decides on innocence or guilt, including penalty, the accused should then be called back into the hearing when they are advised of the decision and penalty (if any).

The person making the charge should then be advised of the outcome and that they and their witnesses are no longer required and may leave.



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3 AFTER THE HEARING HAS CONCLUDED

Written confirmation of the result and penalty/ies is to be forwarded to the accused, and their club if appropriate (ie Pennants). The Board of Management and the Committee Chairperson are to be advised of the outcome.

The Tribunal Chairman will compile a brief report of the hearing. This report, together with the original letter/s are to be placed in the Association records.

A register of the Protests and Disputes (and Penalties) is to be kept by the Association for reference to aid the conduct and proceedings of future tribunals.

4 RECORDING OF EVIDENCE

A tape recording MAY be made of all verbal evidence presented to the hearing and the transcription of this evidence should be the responsibility of a person nominated as the recorder.

The accused should be asked whether he has any objections to the person nominated as the recorder. A valid objection being if the accused can demonstrate the possibility of the recorder having a bias. The Committee should rule accordingly.

It is essential that justice is not only done as far as the accused is concerned but that it is seen to be done. There must be no discrimination or bias shown as it has been held that the only duty of a tribunal considering an application in terms of natural justice is "to reach an honest conclusion without bias and not in pursuance of any capricious policy."

RESPONSIBLE FOR IMPLEMENTATION

Appeals Panel
General Manager

Issued: January 2008
Review Date: January 2009

Approved:

General Manager

Date

President (On behalf of Board of Management)

Date



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APPENDIX A – RULES OF THE TRIBUNAL

Please note the following rules and procedures of the Tribunal, which detail your rights and obligations.

RULES

1 CONDUCT THE HEARING

- 1.1 The Tribunal shall use its best endeavours to hear all evidence in relation to a protest within ten (10) days of receipt of the protest.
- 1.2 Any person making a protest and any person the subject of a protest should be given a reasonable opportunity to appear in person and give evidence at the hearing or bring other persons to the hearing to give evidence or elect to forward a submission in writing to the Tribunal prior to the hearing.
- 1.3 Evidence will be taken in an informal manner and at such times and in such places as are reasonably convenient to the Tribunal and the person giving evidence.
- 1.4 The person who is the subject of the protest may be represented by any adult person who may make a submission to the Tribunal on that person's behalf.

2 FINDING AND PENALTIES

- 2.1 The Tribunal shall use its best endeavours to deliver its findings to the office of WA Squash (which shall forward copies of the same to any person making the protest and any person the subject of the protest) within four (4) days of the conclusion of the hearing.
- 2.2 The Tribunal shall either dismiss the protest or find it sustained and impose whatever penalty it considers appropriate in accordance with the powers vested in it by the relevant by-laws.

3 MISCELLANEOUS MATTERS

- 3.1 Where any member of the Tribunal considers he has a conflict of interest in relation to any protest he will nominate, or request the President of WA Squash to nominate, another person to replace him in relation to that protest.
- 3.2 A decision of the Tribunal will not be invalidated by reason only of a member's failure to recognize a conflict of interest.
- 3.3 In imposing any penalty, The Tribunal will have regard to:
 - a The previous conduct of the person being penalised;
 - b The circumstances in which the incident took place;
 - c The effect of the penalty on the person, in particular, any financial effect;
 - d The impact of the incident on the reputation of the game of squash.



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APPENDIX B – SAMPLE LETTER TO DEFENDANT

7 October 2007

Jane Doe
8 Delinquent Street
NEDLANDS WA 6027

Dear Jane

RE: TRIBUNAL HEARING OVER MISCONDUCT CHARGES

Following concerns expressed by the Cambridge Squash Ladies Club Captain regarding the fixture on 30 September 1997, you are requested to attend a Tribunal hearing relating to the charges of:

- i. Abuse of a referee;
- ii. Striking; and,
- iii. Disreputable behaviour.

These charges represent breaches of Pennant by-law 29.2. Please note that this by-law includes off-court behaviour.

A time has been arranged for the Tribunal on Thursday 16 October 1997 at 7.00pm in the Boardroom of WA Squash at Terrace Squash Centre, East Perth.

Attached is a summary of the Tribunal process for your information.

Should you have any queries in regard to this matter, you can contact me on 9225 7255.

Yours sincerely

GENERAL MANAGER