

## SL4 – JUDICIARY

### Policy

- The following judiciary policy will apply to all matches.

### 4.1 Players

Players ejected from a match have two options:

- 4.1.1 Accept the decision and the following suspensions

Note: Number of offences for players relates to the current season and the previous season only and balances (not suspensions which do carry over) set to zero at the start of every third season.

CHARGE	1 <sup>st</sup> Offence	2 <sup>nd</sup> Offence	3 <sup>rd</sup> Offence
Misconduct – Disrespect / Disobedience	1 match	2 matches	4 matches
<b>Grade 1</b>	<b>1 match</b>	<b>2 matches</b>	<b>4 matches</b>
<b>Grade 2</b>	<b>2 matches</b>	<b>3 matches</b>	<b>6 matches</b>
Misconduct – Violence	2 matches	4 matches	8 matches
<b>Grade 1</b>	<b>2 matches</b>	<b>4 matches</b>	<b>6 matches</b>
<b>Grade 2</b>	<b>3 matches</b>	<b>5 matches</b>	<b>8 matches</b>
Brutality	4 matches	8 matches	16 matches
<b>No Grading</b>			

Note: If a player is suspended for a fourth offence in any two season period as described above regardless of what the previous offences were then he/she shall be suspended for the higher of a minimum of 12 matches or whatever the offence would normally incur as a 3rd offence.

- 4.1.2 Appeal the Suspension

Note that the player is suspended until the Judiciary Committee has delivered its judgment.

The player may appeal the ejection within 48 hours to the Independent Tribunal consisting of Chairman of the Judiciary or his/her nominee and at least one other member appointed by him/her. All members of the committee must be neutral, i.e. they may not be from either club, a referee or delegate involved in the match that resulted in the complaint/charge.

**Date endorsed:** 11 October 2006

**Review Date:** 11 October 2008

NOTE: SHOULD THE REFEREE/OFFICIAL WHO REPORTED THE PLAYER CONSIDER THE MATTER SHOULD BE REFERRED TO THE JUDICIARY THEN HE/SHE ALSO HAS THAT RIGHT TO DO SO. ALL CHARGES OF ASSAULTING AN OFFICIAL (OR THREAT TO ASSAULT AN OFFICIAL) SHALL BE REFERRED TO THE JUDICIARY FOR A HEARING.

The levels of suspension that the Judiciary Committee will apply if the charge is upheld are:

Note: Number of offences for players relates to the current season and the previous season only and balances (not suspensions which do carry over) are reset to zero at the start of every third season.

CHARGE	1 <sup>st</sup> Offence	2 <sup>nd</sup> Offence	3 <sup>rd</sup> Offence
Misconduct – Disrespect / Disobedience	2 match	2-4 matches	4-8 matches
<b>Grade 1</b>	<b>2 match</b>	<b>4 matches</b>	<b>6 matches</b>
<b>Grade 2</b>	<b>4 matches</b>	<b>6 matches</b>	<b>8 matches</b>
Misconduct – Violence	4 matches	4-8 matches	8-16 matches
<b>Grade 1</b>	<b>4 matches</b>	<b>8 matches</b>	<b>12 matches</b>
<b>Grade2</b>	<b>6 matches</b>	<b>10 matches</b>	<b>16 matches</b>
Brutality	8 matches	8 -16matches	16-32 matches
<b>No Grading</b>			
Assault of Official (including Threat to Assault)	1 year – Life	Life	
<b>No Grading</b>			

Note: If a player is suspended for a fourth offence in any two season period as described above regardless of what the previous offences were then he/she shall be suspended for the higher of a minimum of 12 matches or whatever the offence would normally incur.

#### 4.1.3 Grading of Offences

For Referees and the Tribunal the following guidelines may be used. However, each case must be individually considered when determining the grading of offences:

Grade 1 includes:

- Unacceptable language
- Equipment abuse
- Disobedience
- Disrespect

**Date endorsed:** 11 October 2006

**Review Date:** 11 October 2008

- Splashing

Grade 2 includes:

- All of Grade 1 (depending on the circumstances)
- Attempted contact that may have caused injury if contact had been made
- Minor Contact (no injury)
- Persistent foul or rough play

Grade 3 includes:

- All of Grades 1 & 2 (depending on the circumstances)
- Unwelcome and deliberate contact to sensitive body part (eg female breast, genitals)
- Continuous disrespect
- Threats of violence against official
- Violence against official
- Attempted kick, punching, elbowing or head butt with malicious intent
- Kicking, punching, elbowing or head butting with malicious intent

Provocation is not a defence but may be taken into consideration by the Referee and Tribunal when considering grading of offences and the sentence to apply"

A Referee, upon being advised that a player has appealed the automatic suspension, may advise the Judiciary Chairman that he/she does not want to defend the appeal or that he/she is prepared to lower the Grading of the offence. The Judiciary Chairman, at his/her sole discretion may settle the Appeal without hearing if the Player accepts the downgrading or it appears reasonable that the Player's suspension be cancelled altogether.

#### **4.2 Coaches and Team Officials**

Referees will use a yellow and red card system for all coaches and officials. Referees are encouraged to warn coaches before issuing a yellow card. A red card may only be used by , referee after using a yellow card first unless the incident is extreme and then a red card may be used without first issuing a yellow card'

A yellow card indicates a warning. A red card indicates the coach or official must leave the pool deck area for the remainder of the match. A red card will result in a one-match suspension for that coach or official effective immediately after the match in which the red card was received. Red cards against players on the bench will be referred to the Judiciary Committee for decision based on the appropriate charge. As with players these suspensions may be appealed as per the rules of appeal detailed below. A second red card during a season will result in a two (2)-match suspension with a third red card resulting in a three (3)-match suspension. Should a coach/official receive a fourth red card in a season they will be referred automatically to the Judiciary Committee where a suspension of between four (4) and ten (10) matches may be imposed if found guilty. Should coaches be found guilty of the charges after appealing - inat is the charges are upheld then the coach/official will receive twice the penalty that would have otherwise been imposed.

**Date endorsed:** 11 October 2006

**Review Date:** 11 October 2008

### 4.3 Complaints against referees/match officials

Official complaints by clubs against referees/officials must be in writing and delivered to the Chairman, Judiciary Committee within 48 hours of the completion of the match/event in which it occurred. The Judiciary Committee will hear the charges. Please note FINA rule WP 7.1 when considering appeals/complaints. The rule is:

*"The referees shall be in absolute control of the game. Their authority over the players shall be effective during the whole time that they and the players are within the precincts of the pool. All decisions of the referees on questions of fact shall be final and their interpretation of the Rules shall be obeyed throughout the game. The referees shall not make any presumption as to the facts of any situation during the game but shall interpret what they observe to the best of their ability."*

The Board reserves the right to review any such decisions as they affect the competition.

### 4.4 General

If a charge of bringing the game into disrepute or charges that relate to FINA / AWPI / SAWPI rules outside the charges of Misconduct or Brutality is made against any player, coach or club or league official, The Judiciary Committee will determine the matter.

The evidence of the Referee shall be given greater weight than the evidence of any other Person(s)

### 4.5 Tribunals

Judiciary tribunals, where required, must be held within a reasonable time after the match in which the offence occurred. Consideration must be given to travel arrangements.

### 4.6 Notification of Penalties

The NWpL Judiciary Chairman will advise the player/coach, club and General Manager of tribunal decisions within 24 hours of tribunal hearing'

### 4.7 Appeals

All appeals against decisions made by the Judiciary Committee must be directed within 7 days of any decision to the Secretary, South Australian Water Polo Inc. for presentation and hearing by the South Australian Water Polo Inc Board. The appeals process adopted by the SAWPI Board will be consistent with Section 22 of the AWPI Constitution"

### 4.8 Suspensions

All suspensions are applicable to the state water polo league only - this is the basic rule of the judiciary system and no other interpretations can be applied except in the case of assault of an official. The suspensions carry over from year to year and are not diminished at the end of a season.

### 4.9 Hearing Procedures

The following hearing procedures shall generally apply, but may be amended by the Chairman, depending on the circumstances and nature of the issue before the hearing.

**Date endorsed:** 11 October 2006

**Review Date:** 11 October 2008

- 4.9.1 Announcement of the right of attendance of all parties:
- a) The Chairman shall open the hearing and announce
    - I. the reasons for the convening of the hearing;
    - II. the names of all parties to the hearing whether in person or by conference call; and
    - III. the right of attendance of each party, as provided for in Rule 4.10.1
- 4.9.2 Reading the report
- a) The Chairman shall read the report/s and provide copies to the relevant person/s, for their perusal, if they have not already received copies of same.
  - b) In the event of two (or more) reports arising from the same incident, the Chairman may consider hearing them together. Submissions may be sought from the parties and other Judiciary members on this issue, however the chairman's decision on this matter is final.
  - c) The Chairman shall ask the applicant whether the plea is "Guilty" or "Not Guilty".
- 4.9.3 If the Plea is "Guilty"
- a) The player (or his/hers advocate) may make a submission by way of explanation of the circumstances surrounding the incident, or with a view to mitigation of Penalty.
  - b) Depending on the nature of the submission, the player may be subject to questioning by the referee or Judiciary.
  - c) Finalise the hearing, as provided for in Rule 4.9.5.
- 4.9.4 If the plea is "Not Guilty"

#### First: Presenting the Case

1. The Chairman shall ensure that all intending witnesses (not the applicant or his/her advocate) are excluded from the hearing.
2. The Referee/complainant shall be called to expand upon their written report and make any further explanation of the circumstances so desired.
3. The Referee/complainant shall then be subject to questioning by the player (or advocate) and the Judiciary. The Judiciary Chairman must ensure that questions only are asked, and there is no aggressive cross-examination.
4. The Referee/complainant may choose to call one or more witnesses to provide further information before the hearing. In such a case, the above three (3) steps are repeated. Each witness must retire from the hearing prior to a subsequent witness giving evidence.

#### Second: Presenting the Defence

1. The player/applicant shall then be given the opportunity to provide information before the hearing and deny any items from the incident report, including any new or additional information provided by the Referee/complainant during his/her/their further explanation. If that person accepts this opportunity, assistance by his/her advocate is permitted.
2. The player and any witnesses may then be subject to questioning by the Referee/complainant. The Judiciary Chairman must ensure that questions only are asked and there is no aggressive examination.

**Date endorsed:** 11 October 2006

**Review Date:** 11 October 2008

3. The player may then be subject to questioning by Judiciary members, through the Chairman.
4. The player may choose to call one or more witnesses to provide further information before the hearing. In such a case, the above three (3) steps are repeated. Each witness must retire from the hearing prior to a subsequent to witness giving information.

#### 4.9.5 Decision Process After hearing

After hearing all the information, the Chairman shall now ask all parties to retire from the hearing until recalled for the notification of the findings of the Judiciary.

- a) The Judiciary members shall discuss the information and information presented before them in order to reach agreement on a decision.
- b) If a decision can be reached; each member of the Judiciary shall have a primary vote with the Chairman having both a primary and a casting vote.
- c) If a decision cannot be reached, the hearing may be adjourned, and the Chairman will announce a time and date for the reconvening of the hearing. This type of an adjournment would only occur in extenuating circumstances, such as the Judiciary requiring further information or clarification from a party not in attendance at the hearing.

The hearing shall reconvene with all in attendance, and the Chairman shall announce the findings of fact and, if relevant, any penalty imposed.

### 4.10 Procedural issues of the Tribunal

#### 4.10.1 Attendance

Persons permitted to be present (whether in person or by telephone conference or otherwise) during the hearing, or any part of it, shall be as decided upon by the Chairman depending on the circumstances of the matter. Such persons may be:

- a) The Judiciary members (who include the Chairman)
- b) Referee/Complainant.
- c) Player/Applicant and/or his/her advocate who may appear to represent ' and assist the player to appear at the hearing. The advocate may possess legal qualifications.
- d) Guests/observers invited by the Chairman to attend in an official capacity, but who take no part in the proceedings. The guests/observers shall have right of attendance as allowed by the Chairman'
- e) Technical officials who are experts in a particular discipline invited by the Chairman to attend in an official capacity, to answer questions on technical matters that may arise during the hearing. The technical officials shall have right of attendance as allowed by the chairman.

#### 4.10.2 Recording of events

Any tape recording or video recording of events during the hearing shall be at the discretion of the Chairman. In the absence of any request being made to tape record or video record the events, it shall be deemed that

**Date endorsed:** 11 October 2006

**Review Date:** 11 October 2008

no authority or permission has been granted.

#### 4.10.3 Nature of the hearing

The Judiciary is not a Court of Law and may accept evidence that would not normally be-accepted in Court. The Judiciary is however required to act in objective rather than subjective manner.

#### 4.10.4 Non Appearance

If a person fails to appear or to make suitable alternate arrangements by teleconference or otherwise, then the hearing may proceed in the absence of that person or persons or the hearing may be adjourned at the discretion of the Chairman.

#### 4.10.5 Inaccuracies in reports

- a) If it is discovered during a hearing that any inaccuracy occurs in a written report, the Chairman shall have the discretion to enable it to be rectified by way of verbal information being heard.
- b) If it is apparent to the Chairman that the applicant or the functions of the Judiciary are jeopardised, the Chairman shall grant an adjournment of the hearing, as the Chairman sees fit.

#### 4.10.6 Video evidence

If any party to a hearing wishes to provide information by way of a video presentation, such evidence shall be permissible at the discretion of the Chairman. The onus of providing suitable viewing equipment such as a video cassette recorder or television set shall lie with the person desirous of presenting such information before the hearing.

**Date endorsed:** 11 October 2006

**Review Date:** 11 October 2008