

Date endorsed: 22 October 2015

WPSA – JUDICIARY POLICY

4.1 Policy

The following Judiciary Policy will apply to all matches where formal complaints are lodged against players, coaches and officials with the **Referee and/or Director of Competition.**

Penalty Table

CHARGE	1 st Offence	2 nd Offence	3 rd Offence
FINA WP 21.9 Kick/Strike Grade 1 Grade 2	2 rounds 6 rounds	3 rounds 9 rounds	6 rounds 12 month
FINA WP 21.10 Misconduct Grade 1 Grade 2 Grade 3	1 round 2 rounds 12 month	2 rounds 3 rounds Life	4 rounds 6 rounds
FINA WP 21.11 Brutality Grade 1 Grade 2	4 rounds 6 rounds	6 rounds 9 rounds	12 rounds 12 month

Grading Table

CHARGE	FINA WP 21.9 = Kick/Strike	FINA WP 21.10 - Misconduct	FINA WP 21.11 - Brutality
Grade 1	1. Attempt to Kick or strike or kick or strike with minor contact	1. Unacceptable language 2. Equipment abuse 3. Disobedience 4. Disrespect/Disrepute 5. Splashing	1. Attempted kick, punching, elbowing or head butt with malicious intent
Grade 2 (in addition to Grade 1)	1. Kick or strike causing injury (same as Brutality Level 2)	1. Continuous misconduct 2. Violent & persistent foul play 3. Minor Contact (no injury) 4. Threats of violence against official	1. Kicking, punching, elbowing or head butting with malicious intent
Grade 3 (in addition to Grade 2)		1. Violence against official 2. Unwelcome and deliberate contact to sensitive body part (eg female breast, genitals)	

4.2 Players/Coaches/Officials

Players/Coaches/Officials that have had a formal complaint laid against them to the Director of Competition may:

1. Accept the decision and penalty determined using the Penalty and Grading tables.
2. Appeal the Suspension. The player/coach/official may appeal the formal complaint within 48 hours to the Independent Tribunal by formally notifying the Director of Competition and agreeing to pay the appeal lodgment fee of \$100. This fee is only refunded in the event that the charge is dismissed or cancelled altogether.

4.3 Yellow and Red Cards

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 a 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 signifies a report and the necessity for a Referee Report form (SL6) to be filled out and lodged.

4.4 Complaints against referees/match officials

Official complaints by clubs against referees/officials must be in writing and delivered to the Chairperson, Competition and Grading within 48 hours of the completion of the match/event in which it occurred (refer FINA rule WP 7.1). The Tribunal will hear the charges. The Board reserves the right to review any such decisions as they affect the competition.

4.4.1 General

If a charge of bringing the game into disrepute or charges that relate to FINA / AWPI / Water Polo South Australia rules outside the charges of Striking, Misconduct or Brutality is made against any player, coach or club or league official, the Tribunal will determine the matter.

- i. The evidence of the Referee shall be given greater weight than the evidence of any other Person(s).
- ii. Provocation is not a defense but may be taken into consideration by the Referee and Tribunal when considering grading of offences and the sentence to apply.
- iii. The player is suspended until the Tribunal has delivered its judgment.
- iv. Referees, match officials or the competition management shall have the burden of establishing that offences have occurred.
- v. If a player is suspended for a fourth offence a minimum of 12 rounds or whatever the offence would normally incur.
- vi. The reporting referee/official may consider that the matter should be referred to the Tribunal for hearing then the referee has the right to do so.
- vii. All charges of assaulting or threatening to assault an official shall be referred to the Tribunal.

4.5 Judiciary Tribunals

Judiciary tribunals shall have a representative from each club and a minimum of 2 club neutral representatives will hear complaints. The club representatives will be renewed annually and recorded in the minutes of the Competition and Grading Committee opening meeting after the WPSA AGM. Where required, the tribunal must meet as soon as practicable following the incident out of which a complaint arose, but at least within 7 days.

4.5.1 Grading of Offences

- i. Each case must be individually considered when determining the grading of offences.
- ii. A Referee, upon being advised that a player has appealed the automatic suspension, may advise the Tribunal that he/she does not want to defend the appeal or that he/she is prepared to lower the Grading of the offence.
- iii. The Tribunal, at their 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.

4.5.2 Penalty of Offences

- i. Players/Coaches/Official who have a second offence in a 12 month period shall be penalised as a 2nd Offence in the Penalty Table.
- ii. Players/Coaches/Official who have a third offence in a 12 month period shall be penalised as a 3rd Offence in the Penalty Table.
- iii. The games suspension that the Tribunal will apply if the original charge is upheld is a minimum of 50% more than the original penalty.
- iv. The games suspension that the Tribunal will apply if the original charge is downgraded is that of the Penalty Table.

4.5.3 Notification of Penalties

The Tribunal will advise the player of tribunal decisions within 24 hours of tribunal hearing.

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

4.6 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. In accordance with Water Polo South Australia By-Law 48.1 (4) the tribunal shall consider a player's specific commitments across all grades and reserve the right to establish a suspension period up to and including a calendar date that honors the required penalty as established by the tribunal. The suspensions apply to all Water Polo South Australia games within all rounds and carry over from season to season, year to year and are not diminished at the end of a grade or league season.

4.7 Hearing Procedures

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

4.7.1 Announcement of the right of attendance of all parties

The Chairperson 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

4.7.2 Reading the report

The Chairperson 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.

In the event of two (or more) reports arising from the same incident, the Chairperson may consider hearing them together. Submissions may be sought from the parties and other Tribunal members on this issue; however the Chairperson's decision on this matter is final.

The Chairperson shall ask the applicant whether the plea is "Guilty" or "Not Guilty".

4.7.3 If the Plea is "Guilty"

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.

Depending on the nature of the submission, the player may be subject to questioning by the referee or Tribunal.

Finalise the hearing, as provided for in Rule 4.9.5.

4.7.4 If the plea is "Not Guilty"

First: Presenting the Case

- i. The Chairperson shall ensure that all intending witnesses (not the applicant or his/her advocate) are excluded from the hearing.
- ii. The Referee/complainant shall be called to expand upon their written report and make any further explanation of the circumstances so desired.
- iii. The Referee/complainant shall then be subject to questioning by the player (or advocate) and the Tribunal. The Tribunal Chairperson must ensure that questions only are asked, and there is no aggressive cross-examination.
- iv. 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

- i. 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.
- ii. The player and any witnesses may then be subject to questioning by the Referee/complainant.
- iii. The Tribunal Chairperson must ensure that questions only are asked and there is no aggressive examination.
- iv. The player may then be subject to questioning by Tribunal members, through the Chairperson.

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.

4.7.5 Decision Process After hearing

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

- i. The Tribunal members shall discuss the information and information presented before them in order to reach agreement on a decision.
- ii. If a decision can be reached; each member of the Tribunal shall have a primary vote with the Chairperson having both a primary and a casting vote.
- iii. If a decision cannot be reached, the hearing may be adjourned, and the Chairperson 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 Tribunal requiring further information or clarification from a party not in attendance at the hearing.
- iv. The hearing shall reconvene with all in attendance, and the Chairperson shall announce the findings of fact and, if relevant, any penalty imposed.

4.8 Procedural Issues of the Tribunal

4.8.1 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 Chairperson depending on the circumstances of the matter. Such persons may be:

- i. The Tribunal members (who include the Chairperson)
- ii. Referee/Complainant.
- iii. 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.
- iv. Guests/observers invited by the Chairperson 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
- v. Chairperson'
- vi. Technical officials who are experts in a particular discipline invited by the Chairperson to attend in an official capacity, to answer questions on technical matters that may arise during the hearing.
- vii. The technical officials shall have right of attendance as allowed by the Chairperson.

4.8.2 Recording of Events

Any tape recording or video recording of events during the hearing shall be at the discretion of the Chairperson. In the absence of any request being made to tape record or video record the events, it shall be deemed that no authority or permission has been granted.

4.8.3 Nature of the hearing

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

4.8.4 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 Chairperson.

4.8.5 Inaccuracies in reports

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

4.8.6 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 Chairperson. The onus of providing suitable viewing equipment such as a video cassette recorder or television set shall lie in with the person desirous of presenting such information before the hearing.