

Date endorsed: 27<sup>th</sup> October 2016

## WPSA – JUDICIARY/DISPUTES POLICY

### 1. On Ball/Off Ball Suspensions/Complaints

- 1.1. Referees must report all suspensions for a match on the WPSA Referee Report Form. This includes players, coaches or officials red carded. The referee must advise the player/team of all reports.
- 1.2. This information must be relayed to the WPSA Competition and Events Officer within 2 hours of the game.
- 1.3. Distribution of the Report Form is as follows:
  - a. Referee completes report and verbally informs the team manager and player concerned immediately after the game/event.
  - b. Referee text messages or emails WPSA Competition & Events officer, [competitions@waterpolosa.com.au](mailto:competitions@waterpolosa.com.au) to advise of the report with specifics of the game provided (grade, team, player, coach) within 2 hours of the game/event.
  - c. Referee emails the report within 2 hours of the game/report being made to [competitions@waterpolosa.com.au](mailto:competitions@waterpolosa.com.au)
  - d. The WPSA Competition & Events Officer ensures the report is forward to the Technical Committee, the reported player and their club President, within 48 hours, indicating charge, penalty and appeal process.

**Players/Coaches/Officials ejected from a match have two options:**

**1.4. Accept the decision and the following suspensions**

**Note:** Number of offences for players relates to the current and previous season only and balances are re-set to zero at the start of every third season in which the player participates. Note: suspensions carry over.

| PENALTY TABLE                            |                         |                         |                         |
|--|-------------------------|-------------------------|-------------------------|
| Charge                                   | 1 <sup>st</sup> Offence | 2 <sup>nd</sup> Offence | 3 <sup>rd</sup> Offence |
| Misconduct – Disrespect/<br>Disobedience |                         |                         |                         |

| PENALTY TABLE         |                         |                         |                         |
|-----------------------|-------------------------|-------------------------|-------------------------|
| Charge                | 1 <sup>st</sup> Offence | 2 <sup>nd</sup> Offence | 3 <sup>rd</sup> Offence |
| Grade 1               | No penalty              | 1 match                 | 2 matches               |
| Grade 2               | 1 match                 | 2 matches               | 4 matches               |
| Charge                | 1 <sup>st</sup> Offence | 2 <sup>nd</sup> Offence | 3 <sup>rd</sup> Offence |
| Misconduct – Violence |                         |                         |                         |
| Grade 1               | No penalty              | 1 match                 | 2 matches               |
| Grade 2               | 2 matches               | 4 matches               | 8 matches               |
| Charge                | 1 <sup>st</sup> Offence | 2 <sup>nd</sup> Offence | 3 <sup>rd</sup> Offence |
| Brutality No Grading  | 4 matches               | 8 matches               | 16 matches              |

**Note: Suspensions.** Regardless of the nature of the previous offences, if a player is suspended for a fourth offence in any two-season period, he/she shall be suspended for the higher of 12 matches, or that imposed for a 3rd offence.

### 1.5. Appeal the Suspension

A suspended player/coach/official may appeal the suspension within 48 hours by formally notifying the Technical Committee via email [competitions@waterpolosa.com.au](mailto:competitions@waterpolosa.com.au) and agreeing to pay the appeal lodgement fee of \$100. The Technical Committee is required to convene an Independent Judiciary Tribunal. The fee is only refunded in the event that the charge is dismissed or cancelled altogether.

Club officials are bound to take whatever steps are necessary to answer the charges and/or complaints, which are subject of the reports.

Any referee, official or board member laying a charge or complaint shall appear in person to substantiate the charge and the accused shall have the right to hear all evidence submitted and have the power to cross-examine the accuser. Both the accuser and the accused shall have the right to call witnesses and/or counsel.

**Note:** That the player is suspended until the Independent Judiciary Tribunal has delivered its judgment.

**Note:** Should the referee/official who reported the player consider the matter needs to be referred to the Tribunal 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 Independent Judiciary Tribunal for a hearing. The levels of suspension that the Tribunal will apply if the charge is upheld are tabled below:

**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 re-set to zero at the start of every third season in which the player participates.

| <b>PENALTY TABLE - POST APPEAL PROCESS</b>                          |                               |                               |                               |
|---|-------------------------------|-------------------------------|-------------------------------|
| <b>Charge</b>   | <b>1<sup>st</sup> Offence</b> | <b>2<sup>nd</sup> Offence</b> | <b>3<sup>rd</sup> Offence</b> |
| <b>Misconduct – Disrespect/ Disobedience</b>                        |                               |                               |                               |
| <b>Grade 1</b>  | No penalty                    | 1 match                       | 2-4 matches                   |
| <b>Grade 2</b>  | 1 match                       | 2-4 matches                   | 4-8 matches                   |
| <b>Charge</b>   | <b>1<sup>st</sup> Offence</b> | <b>2<sup>nd</sup> Offence</b> | <b>3<sup>rd</sup> Offence</b> |
| <b>Misconduct – Violence</b>  |                               |                               |                               |
| <b>Grade 1</b>  | No penalty                    | 2 matches                     | 4-8 matches                   |
| <b>Grade 2</b>  | 4 matches                     | 4-8 matches                   | 8-16 matches                  |
| <b>Charge</b>   | <b>1<sup>st</sup> Offence</b> | <b>2<sup>nd</sup> Offence</b> | <b>3<sup>rd</sup> Offence</b> |
| <b>Brutality No Grading</b>   | 8 matches                     | 8-16 matches                  | 16-32 matches                 |
| <b>Assault of Official (including Threat to assault) No Grading</b> | 1 Year - Life                 | Life                          |                               |

**Note: Suspensions.** Regardless of the nature of the previous offences, if a player is suspended for a fourth offence in any two-season period, he/she shall be suspended for the higher of 12 matches, or that imposed for a 3rd offence.

**1.6. 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
- Splashing

**Grade 2** includes:

- All of Grade 1 (depending on the circumstances)
- Attempted contact that may have caused injury should contact have been made
- Minor contact (no injury)
- Persistent foul or rough play
- Unwelcome and deliberate contact to sensitive body part (e.g. female breast, genitals)
- Continuous disrespect
- Threats of violence against official
- Violence against official
- Attempted kicking, punching, elbowing or head butting 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 WPSA Competition & Events Officer who will advise the Technical Committee that he/she does not want to defend the appeal or that he/she is prepared to lower the Grading of the offence.

The Tribunal 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.

### **1.7. 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 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 will result in an automatic 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 Technical Committee who is required to organise an Independent Judiciary Tribunal for a decision based on the appropriate charge.

As with players, these suspensions may be appealed as per the rules of appeal detailed in 1.5. 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 Technical Committee to organise Independent Judiciary Tribunal 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 – that is the charges are upheld, then the coach/official will receive twice the penalty that would have otherwise been imposed.

**Note:** Number of offences for coaches relates to the current and previous season only and balances are re-set to zero at the start of every third season. Note: Suspensions carry over.

### **1.8. Complaints against referees/match officials**

Official complaints by clubs against referees/officials must be in writing and delivered to the Technical Committee within 48 hours of the completion of the match/event in which it occurred. The Board of Directors will hear the charges at the next Board Meeting. Please note FINA rule WP 7.1 (see below) when considering appeals/complaints.

*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.

### **1.9. Suspensions**

1.9.1. 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 honours 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.

1.9.2. All suspensions are recorded and kept for a minimum period of 5 years.

### **1.10. Independent Tribunals**

- 1.10.1. An Independent Judiciary Tribunal, consisting of four (4) members, shall be appointed by the Board at the first meeting after the Annual General Meeting to undertake such investigations as the Board may from time to time require. Independent Judiciary tribunals shall have a representative from each club and a minimum of 2 independent (club neutral) representatives. The club representatives will be renewed annually and recorded in the minutes of the Technical Committee opening meeting after the WPSA AGM.
- 1.10.2. Any two or more members may adjudicate on a report, and their findings shall be the findings of the tribunal.
- 1.10.3. The independent tribunal shall:
- a. Investigate all charges made by officials and referees against players of the Association and deal with any players found guilty of such charges, or of giving false or misleading evidence, or of failing to attend a meeting of the tribunal without reasonable excuse or other misdemeanors
  - b. Report to the Technical Committee any official of the Association found guilty of giving false or misleading evidence, or of concealing relevant information from the tribunal
  - c. Adjourn for a period of not less than one day nor more than four weeks before hearing the case of a player who does not appear at the appointed time for the hearing of a case without having given reasonable excuse for non-attendance. Except within the limitations herein before provided, such period of adjournment shall be at the discretion of the tribunal and notwithstanding any other rule, during such adjournment the player shall be suspended. In the event that the player fails to appear at the adjourned hearing without reasonable excuse, the Tribunal shall then hear the case forthwith in the absence of the player and shall make such finding and impose such penalty, if any, as it shall see fit
  - d. Meet as soon as practicable following an incident out of which a complaint or report arose, but at least within seven (7) days.
- 1.10.4. Subject to the WPSA constitution, the decision of the tribunal shall be final but it may review its own decisions.
- 1.10.5. A player who has been found guilty and suspended shall be disqualified from participating in water polo up to and including a calendar date or during a specified number of matches as decided by the tribunal. The Club for which the player is registered shall not grant a clearance to a suspended player until after the end of the disqualification period and such player shall not be eligible for

consideration for the current season “Best and Fairest” award. A reported player eligible to play in both junior and senior grades shall not be eligible to play in any grade during the period of suspension but will only be ineligible for the “Best and Fairest” award in the grade in which the offence occurred. Loss of eligibility for “Best and Fairest” awards in any senior grade shall make the player ineligible for the awards in all senior grades.

1.10.6. The WPSA Competitions Officer shall convene meetings of the Independent Judiciary Tribunal.

1.10.7. In the event that the Tribunal is unable to meet within the specified seven days, the WPSA Competitions Officer shall call a meeting of the Technical Committee to appoint an acting Tribunal to meet within the prescribed time. The acting tribunal shall have the same powers; duties and responsibilities as the tribunal for the purpose of the matters referred to it.

1.10.8. The WPSA Competitions Officer or an appointed staff member shall attend meetings of the Tribunal to record the proceedings but shall not take part in the hearing of the case.

1.10.9. Emergency meetings of the tribunal may be held in special circumstances.

#### **1.11. Notification of Penalties**

The WPSA Competitions Officer/or delegate will advise the player/coach and club of tribunal outcomes within 24 hours of tribunal hearing.

## **2. 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.

#### **2.1. Announcement of the right of attendance of all parties**

The Chairperson shall open the hearing and announce: a.

The reasons for the convening of the hearing;

b. The names of all parties present?? at the hearing whether in person or by conference call; and

c. The right of attendance of each party

#### **2.2. 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".

**2.3. 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 Tribunal.
- c. Finalise the hearing, as provided for in Rule 45.1.

**2.4. If the plea is "Not Guilty" *First: Presenting the Case***

- a. The Chairperson shall ensure that all intending witnesses (not the applicant or his/her advocate) are excluded from the hearing.
- b. The Referee/complainant shall be called to expand upon their written report and make any further explanation of the circumstances so desired.
- c. 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.
- d. 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 Defense***

- a. 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.
- b. The player and any witnesses may then be subject to questioning by the Referee/complainant.
- c. The Tribunal Chairperson must ensure that questions only are asked and there is no aggressive examination.
- d. The player may then be subject to questioning by Tribunal members, through the Chairperson.
- e. 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 witness giving information.



## 2.5. 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.

- a. The Tribunal 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 Tribunal shall have a primary vote with the Chairperson having both a primary and a casting vote.
- c. 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.
- d. The hearing shall reconvene with all in attendance, and the Chairperson shall announce the findings of fact and, if relevant, any penalty imposed.

## 2.6. Procedural Issues of the Tribunal

### 2.6.1. 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:

- a. The Tribunal members (who include the Chairperson)
- 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 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
- e. Chairperson'
- f. 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.
- g. The technical officials shall have right of attendance as allowed by the Chairperson.

### 2.6.2. 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.

### 2.6.3. 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.

#### 2.6.4. 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.

#### 2.6.5. Inaccuracies in reports

- a. 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.
- b. 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.

### **2.7. 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.