

# C.D.V.A. Inc.

## TRIBUNAL PROCEDURES AND PENALTY RECOMMENDATIONS

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<b>Note:</b> This document contains hyperlinks from the Contents table to the relevant topic and a return to the contents table.
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## 1. The Tribunal Composition

- 1.1 The CDVA Committee may appoint any three of the Associations' members to form a Tribunal to act as a disciplinary body with jurisdiction over all players and officials associated with any CDVA match, including competition matches, finals and tournaments. In addition, its jurisdiction shall include the conduct of CDVA members at CDVA functions and matters arising at matches where the CDVA is represented.
- 1.2 The Committee shall appoint a Chairperson to convene the meeting, to control Tribunal proceedings and to ensure records of the proceedings are kept.
- 1.3 The Tribunal shall have the power to suspend, disqualify, or otherwise deal with any member, player, club, official or spectator over any incident arising during, or out of, any match played under the jurisdiction of the Association, matters arising under 1.1, or with any matter delegated to the Tribunal.
- 1.4 Members on the Tribunal shall be independent of the clubs or disputes in any particular hearing.
- 1.5 The CDVA Committee may also appoint an Investigating Officer to independently investigate any incident referred to the Tribunal.

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## 2. Reporting of players and others

- 2.1 In case of local competition and matches, the officials empowered to report players or other persons shall be the referees and/or court managers (or their representatives) and/or any CDVA Committee member in attendance.
- 2.2 A team captain may refer a matter of a reportable incident to a Court Manager or Committee member for further investigation.
- 2.3 In the case of tournament or representative matches in which CDVA representative teams are competing, the officials empowered to report shall also include the Team Coaches and/or Managers.
- 2.4 It is the duty of the above to report any person who assaults a player, referee, official or spectator, or who uses abusive or obscene language, or otherwise misconducts themselves during the progress of, before, or following, the match.

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## 3. Report Procedure

- 3.1 An official preferring a charge shall note all relevant particulars in connection with the report so that a clear account may be given to the Tribunal when the report is being dealt with.
- 3.2 A report shall be made on the report form supplied by the Association.
- 3.3 The official should fill out the report as soon as possible after the incident and forward it to the President, Secretary or Investigating Officer within 48 hours.
- 3.4 The Investigating Officer then gathers relevant evidence, assesses the reported issue and makes a recommendation as to whether a Tribunal Hearing is required.
- 3.5 The score sheet and any other relevant materials relating to the report should be presented at the Tribunal hearing.

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## 4. Attendance at the Tribunal Hearing

- 4.1 It is the duty of the Secretary, or their representative, to advise the persons concerned of the date and place of the Tribunal hearing.
- 4.2 Those to attend the hearing are the charged person, a player advocate if desired, any other person involved in the incident and the reporting official. In addition, the charged person and the reporting official may each call one witness. Additional witnesses may be called at the discretion of the Investigating Officer and/or the Tribunal Chairperson.
- 4.3 Non-attendance by any CDVA member requested to attend the Tribunal hearing may render that member liable to a suspension.
- 4.4 In the event of any charged person failing to appear without good cause and without giving notice, the case shall be heard in their absence and, if a player or official, an additional one playing match suspension shall be applied.
- 4.5 If the official making the report is unable to attend the hearing, a written letter or report with the relevant details of the charge may be accepted and the case heard in their absence.

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## 5. Hearing Procedure

- 5.1 The charge shall be read out in the presence of all involved in the incident.
- 5.2 The reporting official shall be asked whether the charge correctly represents their intentions. (The charge may be modified at the discretion of the Tribunal Chairman.)
- 5.3 The charged person along with their advocate shall be asked if the charge is understood, and then asked to enter a plea.
- 5.4 The hearing shall commence in the presence of the person charged and other witnesses asked to leave until called to give evidence.
- 5.5 The reporting official/s shall present their case.
- 5.6 The person charged or their player advocate may, through the chairperson, question any witness to clarify evidence.
- 5.7 The person charged or their advocate shall present the case of the person charged.
- 5.8 All shall be asked to leave while the Tribunal deliberates.
- 5.9 The decision of the Tribunal shall be announced in the presence of all.

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## 6. Conditions Applying to Tribunal Hearings

- 6.1 The Tribunal Chairperson shall be empowered to vary the above proceedings at their discretion, with the agreement of all other Tribunal members.
- 6.2 No person involved in the hearing shall have the benefits of legal representation.
- 6.3 In the event of a team or club being charged, such body shall nominate one of their number as a spokesperson and one as a witness.
- 6.4 Only Tribunal members shall be empowered to ask questions at the hearing.
- 6.5 If audio, video or other such evidence is available, it shall be presented at the discretion of the Chairperson and after the presentation of cases by the parties.
- 6.6 The Tribunal decision shall be final and there shall be no right of appeal.
- 6.7 Each case shall be decided on its merits.
- 6.8 Where suspensions are given, byes shall not be included in the match suspension.
- 6.9 Where a person, who has been a representative of the Association, has been heard in another jurisdiction, the CDVA is empowered to conduct its own separate hearing whether by referral or otherwise.

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## 7. Recommended Scale of Penalties

- 7.1 Where the charged person enters a plea of "guilty" during the investigation undertaken by the Investigation Officer, an Optional Elective Penalty may be handed down without the need for a Tribunal Hearing. This is not available on all charges.
- 7.2 Infringement against an Opponent, Player or Spectator:

<b><u>Charges:</u></b>	<b><u>Penalties *</u></b>	
	<b><u>Optional Elective Penalty</u></b>	<b><u>Recommended Scale (Min)</u></b>
Abusive language or behaviour	1 Week	1 Week
Deliberate action causing non-intentional physical contact	1 Week	1 Week
Racial Vilification	Not Available	2 Weeks
Threatening Language or behaviour	Not Available	3 Weeks
Deliberate intentional physical contact (e.g. Pushing or Shoving)	Not Available	3 Weeks
Manhandling	Not Available	4 Weeks
Striking or Kicking	Not Available	12 months

- \* The recommended scale is a starting point for consideration by the Tribunal members. There are no recommended set maximum penalties for any of the above penalties.

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## 7.3 Infringement against a Referee or CDVA Official:

<b>Charge:</b>	<b>Penalties *</b>	
	<b>Optional Elective Penalty</b>	<b>Recommended Scale (Min)</b>
Abusive language or behaviour	2 Weeks	1 Week
Refusing to leave the court or stadium as directed by a referee or CDVA official	2 Weeks + 2 wks suspended	1 Week + 2 wks suspended
Deliberate action causing non-intentional physical contact	2 Weeks	2 Weeks
Racial Vilification	Not Available	4 Weeks
Threatening Language or behaviour	Not Available	5 Weeks
Deliberate intentional physical contact (e.g. Pushing or Shoving)	Not Available	6 Weeks
Manhandling	Not Available	8 Weeks
Striking or Kicking	Not Available	2 years

- \* The recommended scale is a starting point for consideration by the Tribunal members. There are no recommended set maximum penalties for any of the above penalties, except for the striking or kicking of a Referee or CDVA Official where the maximum recommended penalty is life. *Contents*

- 7.4 Any penalty set in “Weeks” is deemed to be a playing week, where the player’s team is scheduled to take the court. A scheduled “Bye” is not a week where the team is scheduled to take the court and hence does not count toward the penalty. Breaks for finals or between seasons do not count to a penalty in weeks.
- 7.5 Any penalty handed down will count equally and separately for any competition or tournament run by the Association. For example: Tuesday and Thursday Open competitions are two separate competitions and a “4 Week suspension” will count as “4 playing Tuesdays” and “4 playing Thursdays” as defined in 7.4 above
- 7.6 All suspended sentences will be for a period of 12 months unless modified by the Tribunal. *Contents*

## 8. Sentencing

- 8.1 If the Tribunal has found the offender guilty as charged; or guilty on one or more of several charges; or guilty of an amended charge it will then proceed to determine the penalty.
- 8.2 In addition to the recommended Minimum Penalties as set out in Section 7, the Tribunal may also consider as options for sentencing any or all of the following:
- A period of suspension, expressed in matches, weeks or other period of time. Where possible, a fixed date for the return of the offender should be considered.
  - A fine. If the fine is not paid by the specified date the player shall remain ineligible to play with the Association.
  - A suspended sentence subject to the offender being of good behaviour for a specified period.
- 8.3 A repeat offender should have an additional penalty for the charge of at least one half of the penalties listed under the “Scale of Penalties” (section 7, above.) In considering a repeat offender, the Tribunal should consider like or similar offences for any additional penalty. The relative gravity of the offences, the current charge and the previous offence, and the elapsed time between offences should be taken into account.

A repeat offender has no option to any Optional Elective Penalty, forcing the issue to go to a Tribunal Hearing.

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