

QUAKERS HILL PIRATES JUNIOR BASEBALL CLUB INC

DISCIPLINARY POLICY

Purpose

To describe the approach which will be taken to an alleged breach of the Club Code of Conduct by a Player, Coach, Team Staff, Umpire, Other Official, Administrator, Parent or Spectator of the Quakers Hill Pirates Junior Baseball Club Inc ("The Club").

References

This policy should be read in conjunction with:-

- a) The Club's Code of Conduct ("The Code") which describes the minimum standards of behaviour expected of the above persons irrespective of the level of competition in which they are involved (including all junior, senior, major league or softball competitions); and
- b) The Club's Indicative Disciplinary Penalties which set out the indicative penalties for various breaches of The Code (depending on whether the respondent to an alleged breach contests or does not contest the alleged breach).

Policy Statement

It is the policy of The Club that all Players, Coaches, Team Staff, Umpires, Other Officials, Administrators, Parents and Spectators of the Club must observe the minimum standards of behaviour set out in The Code.

Where the Club Executive Committee has received a report of an incident and form a view that a breach of The Code has occurred, the Club Executive Committee may issue a letter of alleged breach(es) to a relevant person associated with the Club (including their parent where the relevant person is under 18 years of age) and invite them to respond to the allegation.

The letter of alleged breach shall include the name of the person who is alleged to have committed a breach, relevant breach title(s) and reference number(s) set out in the Club Indicative Disciplinary Penalties.

The letter of alleged breach shall be served on the named person either by personal service, by email to the email address held by the Club for the named person or by sending it in the ordinary post to the postal address held by the Club for the named person. Where service is by email or by post the date of service will be deemed to be one day after the letter is emailed or posted.

Upon being served with a letter of alleged breach the named person may respond by electing within 5 days of service:-

- a) not to contest the alleged breach(es) where this is an option in which case the relevant Indicative Disciplinary Penalty for a no contest matter will automatically apply; or
- b) to contest the alleged breach in which case the Executive Committee shall convene a Disciplinary Panel to hear and determine the matter at a date, time and place to be advised to the named person by the Chair of the Disciplinary Panel.

Whilst the Disciplinary Panel may attempt to set a date, time and place that is convenient for the named person to attend, if the named person cannot attend on the date, time and place advised, the Disciplinary Panel may hear and determine the matter in the named person's absence.

In the event that no response to a letter of alleged breach is forthcoming within 5 days of service the Executive Committee shall convene a disciplinary panel to hear and determine the matter at a date and time suitable to the panel in the absence of the named person.

Disciplinary Hearings & Imposition of Disciplinary Penalties

The Disciplinary Panel shall be comprised of three persons appointed by the Executive Committee one of whom will be designated as Chair.

At the Hearing, the Chair of the Disciplinary Panel shall have a deliberate vote as well as a casting vote.

Where possible the named person will be given a copy of any relevant report twenty four (24) hours before the date and time of the Hearing.

The named person and the Club are both permitted to bring witnesses to the Hearing relevant to the alleged breach or imposition of penalty (eg mitigation).

The Chair of the Disciplinary Panel shall rule on the relevance of such witnesses, when they are permitted to be present in the Hearing Room and will direct and control the questioning of witnesses.

Legal representation is not allowed but the named person is permitted to bring a friend with them to provide support.

All persons involved in a disciplinary panel hearing who are under eighteen years of age must be accompanied by a parent or guardian or their delegate.

On invitation from the Chair of the Disciplinary Panel the named person and their friend (if present) will enter the room and any relevant report will be read.

If the named person agrees with the report and alleged breach(es) the Disciplinary Panel shall retire to consider what penalty, if any, should be imposed.

If the named person disagrees with the report, the Chair may clarify points in issue before hearing from and questioning the named person and any relevant witnesses

The Disciplinary Panel will then retire to determine the matter and depending on their findings, any penalty which may be imposed. In determining penalties the Disciplinary Panel shall consider but is not bound to apply the Club's Indicative Disciplinary Penalties.

Following their determination, if a penalty is imposed, the Disciplinary Panel shall advise the named person:

(a) The exact number of games in respect of which the named person is unable to participate, or, if the penalty is to be for a period of time, the start and end dates of the penalty period.

(b) Right of appeal to the Full Executive Committee and notification that the deadline for lodgement of such an appeal is five (5) days from notification of penalty.

Any penalty imposed by a Disciplinary Panel is immediately binding on the named person and cannot be served as a suspended penalty.

Failure to immediately adhere to any penalty imposed may result in the named person being suspended and banned from participation in all Club Sanctioned Activities until the penalty is complied with.

Where a named person is notified of suspension for a specific number of games they shall be suspended for the immediately ensuing club-sanctioned games that the named person would have participated in but for the suspension until the specific number is exhausted.

Ensuing games shall include all ensuing normal competition games, finals series games and representative games that are sanctioned by the Club. (ie there is no exception from penalty to allow participation in finals series games or representative games where applicable).

The same principle applies to all normal competition games, finals series games and representative games that are sanctioned by the Club which fall within the period of a time based suspension penalty.

An appeal to the Executive Committee shall be heard as soon as practicable and within 14 days of lodgement. If the appellant is not available to appear in person at the time set within the 14 day period, the appeal shall be heard in their absence.

The Executive Committee shall have the power to uphold or dismiss the appeal and the power to vary the terms of the penalty imposed.

An appeal may only be lodged against the severity of sentence imposed by the Disciplinary Panel where the penalty is more than one week's suspension.

An appeal against the determination of the Disciplinary Panel should be accompanied by the submission of any new and substantial evidence not available to the Disciplinary Panel.

An appellant may NOT participate in games covered by their penalty pending their appeal being heard.