



SOFTBALL QUEENSLAND Inc

DISCIPLINARY POLICY

DATE OF EFFECT: 22 JUNE 2020
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Affiliated with Softball Australia Ltd.

Part 1 Jurisdiction, Application and Establishment of Tribunals and Commissioners

1 Preamble

- (a) Softball Queensland Inc (SQI) recognises the importance of providing a safe and enjoyable environment for all those who participate in softball in Queensland.
- (b) SQI does not tolerate abuse in any of its forms, and has developed this Policy to clearly outline the processes and penalties to be applied.
- (c) This Policy is to be read and applied, where applicable, with the Member Protection Policy, SQI Constitution.
- (d) This Policy is to be adopted by all District Softball Associations affiliated to SQI to ensure a common acceptable standard of behaviour, processes and penalties are applied. All District Softball Associations shall adopt this Policy.
- (e) The Policy shall apply to all District Softball Associations, clubs, teams and registered players. District Softball Associations shall adopt this Policy. The Policy shall where appropriate be read to apply to all District Softball Associations in lieu of SQI.
- (f) The penalties associated with this Policy are outlined and should be followed as a component of this Policy. Penalties may change and/or categories added at the discretion of the Board of SQI.
- (g) A District Softball Association may refer and delegate a matter to SQI to deal with in accordance with this Policy in such circumstances where it the District Softball Association is unable to deal with the matter objectively and without conflict and bias or such other circumstances as may be agreed to by SQI.

2 Adoption of Policy

- 2.1 This Policy is made under Rule 8 of the Rules of Softball Queensland Inc. and is binding on all members of the Association and other persons or organisations which submit themselves to the jurisdiction of the Association.
- 2.2 The Zero Tolerance Policy has been repealed and its contents have been included in this Policy.

3 Authority of Tribunal

- 3.1 The SQI has the power under its Rules to hear and determine charges made against persons, affiliated associations, teams or clubs arising from or related to softball activities, games and competitions conducted by the SQI itself.

4 SQI Commissioners

- 4.1 The Board of SQI will appoint a panel of suitably qualified persons to the position of SQI Commissioners who shall be responsible for investigating any alleged breach of the Code of Conduct and the Zero Tolerance process as set out in Schedule One as directed by SQI.

Part 2 Who does this Policy apply to

5 Who does this Policy apply to

This Policy applies to:

- (a) Administrators of softball in Queensland at State, District Association and Club level, be they employed or volunteer
- (b) Players in activities and events held by or under the auspices of SQI and member District Associations

- (c) Coaches of teams and players in activities and events held by or under the auspices of SQI and member District Associations
- (d) Umpires of games in activities and events held by or under the auspices of SQI and member District Associations
- (e) Managers of teams participating in activities and events held by or under the auspices of SQI and member District Associations
- (f) Scorers of games in activities and events held by or under the auspices of SQI and member District Associations
- (g) Registered participants when involved as a spectator of games in activities and events held by or under the auspices of SQI and member District Associations
- (h) Spectators of games in activities and events held by or under the auspices of SQI and member District Associations.

Part 3 Reports and Notifications

6 Reports and Notifications

- 6.1 An alleged breach of the Code of Conduct may be reported by:
- (a) A player participating in the particular game in which an alleged breach occurs;
 - (b) Any Coach, Manager, Scorer or Umpire involved in the particular game in which the alleged breach occurs;
 - (c) The Secretary of a Club or an affiliated association;
 - (d) The Secretary of the Softball Queensland Inc;
 - (e) Any member of the Board of Softball Queensland Inc;
 - (f) A Member Protection Officer
- 6.2 Except where the alleged breach of Code of Conduct is deemed by SQI to be a minor matter, all reports of alleged breach of conduct must be in writing.
- 6.3 Where any person reports an alleged breach of Code of Conduct, that person shall forward a written report within 72 hours of the completion of the game in which the alleged breach occurred or 72 hours of the alleged occurrence. The report must be emailed to the following email address at SQI:
- discipline@softballqld.asn.au
- SQI has the discretion to accept a written report after the 72 hours.
- 6.4 The disciplinary processes as outlined in this Policy shall be managed by the person delegated by SQI to manage such matters.
- 6.5 Upon receipt of a written submission pursuant to Clause 6.2, the member District Association or SQI may allocate the matter to one of its Commissioners who shall take such action to investigate the matter as they shall be directed by SQI or the matter may be referred to a Tribunal who shall hear this matter in accordance with this Policy.
- 6.6 For all reports of alleged breach of conduct the complainant must be identified. No anonymous complaint will be actioned upon in accordance with this Policy.

Part 4 Conduct of Commissioners

7 Conduct of Commissioners

- 7.1 The role of the Commissioner shall be to investigate the matter.
- 7.2 The Commissioner shall furnish a report after each investigation to the SQI Board.
- 7.3 Where the Commissioner is of the opinion, after having considered the available information, that the complaint should not proceed further he or she shall provide his or her report to SQI but shall not make any recommendation as to whether or not the matter should proceed.

Part 5 Natural Justice

8 Natural Justice

- 8.1 The principles of natural justice shall apply and all persons facing any penalty under this Policy shall be given a full opportunity to speak in their defence and where the person is a child, the child shall have an adult assist them with the process and to speak on their behalf.
- 8.2 The rules of evidence do not apply to any matter.
- 8.3 The person facing a penalty must be given full particulars of the allegations against them.

9 Zero Tolerance Process

- 9.1 The Zero Tolerance Process as attached in Schedule 1 shall apply to all on-field incidents and incidents which relate to or are subsequent to on field activity as set out in the Policy.
- 9.2 There shall be a right of appeal as set out in the Policy to a SQI Appeals Committee convened by SQI.
- 9.3 Where the penalty as set out in Schedule 1 states "refer Tribunal", the matter will be referred to a Tribunal constituted under this Policy.

Part 6 Tribunals

10 Tribunals

- 10.1 The Tribunal shall have power to suspend, disqualify, reprimand, fine, bond, ban or otherwise deal with any person involved with softball and / or an affiliated association (including, but not limited to players, coaches, teams, clubs, officials or spectators) in accordance with this Policy.
- 10.2 The Tribunal may also deal with any other disciplinary matter delegated to it for adjudication by an affiliated association.
- 10.3 The Tribunal must at all times act independently and impartially in carrying out its duties in accordance with this Policy.

11 Membership of Tribunal

- 11.1 The Tribunal panel shall be appointed by the Board and shall comprise the following persons:
 - (a) a Tribunal chairperson who shall be a person of experience and skills suitable to the function of chairing the Tribunal and discharging the responsibilities set out under Clause 8.1; and
 - (b) no fewer than three Tribunal members.

- 11.2 Where a Tribunal chairperson or Tribunal member resigns or is dismissed such that a vacancy exists on the Tribunal, the Softball Queensland Inc Board shall act to fill such vacancy by appointing a replacement for that position as soon as is reasonably practical to do so.
- 11.3 Wherever possible, matters referred to the Tribunal for determination shall be heard by three members of the Tribunal as determined by the Tribunal Chairperson, however a quorum of the Tribunal shall be two (2) members.
- 11.4 No Tribunal decision shall be invalidated by any irregularity in the appointment of a Tribunal member.

12 Responsibilities of Tribunal Chairperson

- 12.1 Without limiting the duties of the Tribunal chairperson as set out under the various clauses of this Policy, a person appointed to the position of Tribunal chairperson shall have the following responsibilities:
- (a) to ensure accurate records are kept of all of the Tribunal's proceedings and decisions and to make such records available to the Organising Body upon request;
 - (b) to communicate to the Softball Queensland Inc Chief Executive Officer the results of hearings of the Tribunal;
 - (c) to chair hearings of the Tribunal or to ensure that such task is delegated to a member of the Tribunal; and
 - (d) to raise with any proposed Tribunal member any potential or possible conflict of interest which may arise from time to time.

Part 7 Conduct of Tribunal Hearings

13 Records of Tribunal Proceedings

- 13.1 The method of recording the proceedings and determinations of the Tribunal shall be at the discretion of the Tribunal chairperson.
- 13.2 The Tribunal chairperson shall advise all those present of the method of recording the hearing.

14 Attendance at Tribunal hearings

- 14.1 Unless excused by the Tribunal Chairperson the following persons shall be required to attend a Tribunal hearing conducted under this Policy:
- (a) the charged person;
 - (b) the president, secretary or other delegate representing a charged team or club;
 - (c) the reporting official(s);
 - (d) any other person involved in the report;
 - (e) witnesses; and
 - (f) any witness required by the Tribunal.
- 14.2 The following persons shall be entitled to attend a Tribunal hearing as appropriate:
- (a) any player of a charged team or club;
 - (b) witnesses called to give evidence by a charged person, team or club;

- (c) witnesses called to give evidence by the reporting official(s); and
- (d) any adult adviser to a charged person or reporting official.

14.3 Any other person shall be entitled to attend a Tribunal hearing with the permission of the Tribunal.

14.4 Legal representatives or advocates are not permitted to appear before the Tribunal unless in exceptional circumstances and where leave to appear has been granted by the Tribunal.

15 Non-attendance at Tribunal hearings

- 15.1 If any charged person (or representative of a charged team or club) fails to attend a Tribunal hearing without reasonable cause, the hearing may proceed and a determination may be made by the Tribunal in the absence of the charged person, team or club, provided that the Tribunal is satisfied that all notification procedures under this Policy have been carried out.
- 15.2 A charged person, team or club or reporting official may apply to the chairman of the Tribunal to have a Tribunal hearing adjourned if there are compelling circumstances which warrant such steps being taken to avoid costs, hardship or significant inconvenience to the charged person, team or club. This will be at the discretion of the Chairman of the Tribunal (or the Tribunal if already convened) and if the application is granted a new date shall be fixed.
- 15.3 A charged person who is unable to attend a Tribunal hearing shall be entitled to appoint a representative (who is not a legal practitioner) to appear in his/her place if that charged person intends not contesting the charge, subject to the Tribunal receiving a letter of consent from the charged person containing the person's intention to not contest the charges contained in the report and any statement that person would have given to the Tribunal had he or she attended the hearing.
- 15.4 If any witness fails to attend a Tribunal hearing, the hearing may continue in their absence.
- 15.5 If a reporting official fails to attend a Tribunal hearing without reasonable cause, the hearing may proceed and a determination may be made by the Tribunal in the absence of the reporting official, provided that the Tribunal is satisfied that all notification procedures under this Policy have been carried out.
- 15.6 If a reporting official or Organising Body official inadvertently fails to carry out any duties listed in this clause, the charges shall not be dismissed for this reason, but may be adjourned to allow the omission to be rectified. Where appropriate, the Tribunal shall take the failure into account and make suitable allowance.

16 Tribunal hearing conducted via video conference

- 16.1 A charged person, team or club may apply to the Tribunal Chairperson to have a Tribunal hearing conducted by video conference call if there are compelling circumstances which warrant such steps being taken to avoid costs, hardship or significant inconvenience to the charged person, team or club. In all other respects the procedure of the Tribunal hearing shall be conducted in accordance with this Policy.

17 Procedures of the Tribunal

- 17.1 The Chairperson of the Tribunal shall ensure that the Tribunal is conducted appropriately and in accordance with the principles of natural justice and substantially in accordance with the procedures set out in Schedule 2 annexed hereto.

Part 7 Offences and Penalties

18 Offences and Penalties

- 18.1 The standard offences and the prescribed penalties to be applied by the Tribunal are set out in the version of the Softball Queensland Inc Zero Tolerance Policy in effect at the time of the particular offence including:

- (a) Suspension from participation in softball, as a player and/or an official, for a specific period of time (being not more than 1 year) or a specific number of fixtures (being not more than twenty (20) matches);
 - (b) Disqualification from eligibility to be selected for, or to participate in (as the case may be) specified softball activities including, but by no means limited to, membership of representative teams and development squads, attendance at seminars or camps;
 - (c) Disqualification from eligibility to receive incentives or other assistance from the Association;
 - (d) Imposition of a fine;
 - (e) Payment of restitution or compensation;
 - (f) Reprimand;
 - (g) Warning;
 - (h) Any permutation or combination of the foregoing penalties;
 - (i) Such other penalty as may be specified in any Policies of the Association or relevant affiliated association.
- 18.2 In accordance with the Zero Tolerance Policy the penalties prescribed in the Zero Tolerance Policy are doubled for incidents of abuse involving Junior, Trainee and Club Umpires and Officials.
- 18.3 In accordance with the Zero Tolerance Policy SQL may impose a reduced penalty for some categories of offence pursuant to the “acknowledge and acceptance” process prescribed by the Zero Tolerance Policy.
- 18.4 Where charges arising from one particular incident are heard together and the Tribunal finds charges against the person or team proven for more than one offence, it may impose a single penalty, being not more than the maximum penalty for the most serious of the offences, or it may impose individual penalties for each offence.
- 18.5 A penalty handed down under this clause shall commence from the date of the Tribunal finding unless otherwise expressly directed by the Tribunal. Penalties should wherever possible be expressed to be calendar weeks as opposed to number of matches. The Tribunal has discretion to rule that a penalty will be suspended for the number of weeks which fall between seasons or during any season break.
- 18.6 Where a Tribunal imposes more than one period of suspension, it may impose them to be served concurrently or cumulatively or partly concurrently and partly cumulatively.
- 18.7 Persons on a first offence shall have this taken into account when assessing the penalty to be handed down.
- 18.8 A Tribunal may take into account a charged person’s prior convictions in determining a penalty to be handed down provided the penalty does not exceed the maximum penalties assigned to offences under the Zero Tolerance Policy.

Part 8 Appeals

19 Right of Appeal from the Tribunal or District Association Tribunal

- 19.1 An appeal from a decision of the Tribunal or a District Association Tribunal can be made to the Appeals Committee of SQL.
- 19.2 In the event that the Tribunal suspends a player from participating in Softball for some period, subject to Clause 19, that player is not permitted to participate in any game of Softball until the penalty has been met or an appeal against such finding and/or severity of the sentence has been adjudicated upon by the Appeals Committee.

- 19.3 Should an appeal subsequently be upheld any suspension or penalty shall nevertheless be deemed to be valid.

20 Grounds of Appeal

- 20.1 An appeal from a decision of a Tribunal can be made to the Appeals Committee of SQI on one or more of the following grounds:
- (a) that significant new or additional evidence has become available since the decision;
 - (b) that the penalty imposed by the Tribunal is not in accordance with the provisions of this Policy or is harsh and unconscionable;
 - (c) that the Tribunal failed to provide procedural fairness (natural justice) to the person seeking the appeal; or
 - (d) that the decision of the Tribunal is not reasonable having regard to the evidence provided to the Tribunal.

21 Notice of Appeal

- 21.1 A person seeking to appeal a decision the Tribunal must:
- (a) lodge a notice ("Notice of Appeal") stating full details of charges and results thereof and stating in full the grounds of appeal with the Chief Executive Officer within fourteen (14) days of the notification of a determination of a Tribunal hearing; and
 - (b) pay the appeal fee to the Chief Executive Officer when lodging the Notice of Appeal, which shall be \$110.00 (including GST) (the appeal fee does not apply in the case of appeals by minors and may be waived in the discretion of the Chairperson of the Appeals Committee).
- 21.2 An Appellant shall be notified within seven (7) days of receipt of the Notice of Appeal as to the time, date and place of the Appeal hearing.

22 Appeals Committee

- 22.1 If a Notice of Appeal is lodged the Chief Executive Officer shall convene an Appeals Committee to hear and determine the appeal in accordance with this Policy.
- 22.2 An Appeals Committee shall consist of no fewer than three (3) persons appointed by the Board from time to time to hear appeals as required by the Association. Members of an Appeals Committee will preferably have experience in hearing and determining disciplinary matters in sport, however need not have any particular experience with the sport of softball.
- 22.3 Tribunal members who are not involved in the hearing of a matter that is being appealed shall be eligible to sit on an Appeals Committee.

23 Serving of Tribunal Penalties

- 23.1 Subject to Clause 23.2(b), where a Tribunal imposes a penalty that prevents the Appellant from participating in a match, the appellant shall serve that penalty pending the determination of the appeal.
- 23.2 Subject to Clause 23.3, the Appeals Committee may of its own motion or upon application of any party to the appeal, order:
- (a) that an appeal be adjourned; or
 - (b) a stay of the execution of the penalty imposed by the Tribunal pending the determination of the appeal.

23.3 The Appeals Committee shall make an order under Clause 23.2(b) only where it is satisfied that there are exceptional and compelling circumstances that make it harsh and unconscionable if such an order was not made. In determining that question, the Appeals Committee shall without limitation have regard to:

- (a) the merits of the appeal and the Appellant's prospects of success;
- (b) the interests of other teams, clubs and players; and
- (c) the effect on the results of the competition.

24 Proceedings of Appeals Committee

24.1 The Appeals Committee and persons appearing before it are bound by the same procedures under this Policy as if the Appeals Committee was an original hearing a matter at first instance.

24.2 The Chief Executive Officer shall forward records of the original hearing in which the matter the subject of the Appeal was heard at first instance to the chairperson of the Appeals Committee.

24.3 The Appeals Committee shall have the discretion to conduct the hearing of the appeal as a complete re-hearing or to limit the hearing to consideration of the evidence that was presented at the originating hearing.

24.4 An Appeals Committee shall have the power to:

- (a) dismiss the appeal;
- (b) uphold the appeal;
- (c) impose any of the penalties set out in Part 7 of this Policy;
- (d) reduce, increase or otherwise vary any penalty imposed by the initial hearing's Tribunal in such manner as it thinks fit; or
- (e) uphold the appeal and remit the matter back to the Commission or the Tribunal for further hearing or rehearing in accordance with such directions as the Appeals Committee consider to be appropriate.

24.5 The Appeals Committee is not obliged to give oral or written reasons for a decision.

24.6 At the conclusion of the appeal, the Chairperson of the Appeals Committee shall ensure that the Appellant and the reporting official are correctly informed of the determinations of the Appeals Committee. The Chairperson shall also notify the Chief Executive Officer of the decision of the Appeals Committee.

25 Refund of Appeal Fee

25.1 The Appeals Committee shall have the discretion to refund the appeal fee payable under Clause 21.1(b).

26 Costs

26.1 Each party to an appeal shall bear their own costs. The Appeals Committee has the power to award that the reasonable costs of the Appeals Committee be borne by either party in its absolute discretion.

27 Single Right of Appeal

27.1 There is only one right of appeal following the decision of the initial Tribunal. Any appeal must be solely and exclusively resolved by the Appeals Committee and the decision of the Appeals Committee is final and binding on the parties.

28 Exhaust Internal Appeal

- 28.1 A person shall exercise his or her right of appeal under this Policy and have any appeal heard and determined by the Appeals Committee before commencing any proceedings or becoming a party to any proceedings in a court of law.

Part 9 Miscellaneous

29 Relationship with criminal matters

- 29.1 If during a Tribunal hearing or an investigation under this Policy it becomes known that criminal charges have been brought (as opposed to merely the subject of police investigation) arising out of the actions the subject of the hearing or investigation, SQL or the Tribunal may rule that further action be deferred until completion of the criminal charges, unless the police or other prosecuting authority advise they have no objection to the matter proceeding.
- 29.2 In making a determination under Clause 25.1, the Tribunal shall have regard to the need to ensure the ongoing safety of players, umpires and other persons involved in the relevant association.

30 Recognition of Penalties across Associations

The Association and each of its affiliated associations acknowledges and agrees that it is required to recognise and enforce penalties handed down against individual persons, teams or clubs by the disciplinary tribunals of all other organising bodies, softball associations, leagues and competitions which are affiliated with Softball Australia Ltd and or its Affiliated Associations.

Schedule 1

Zero Tolerance Process

Definitions

“Match”	A match is defined as an officially organised softball game that is part of a schedule, roster or draw regardless of competition level that the player would normally or had normally participated in.
“SQL Commissioner”	A person or persons appointed by SQL to undertake the roles and responsibilities as set out within this document.
“Category”	Is the Category of Violation as listed in this Policy.
“Penalty”	Is the punishment imposed as stated in this Policy or imposed by the Tribunal.
“Official”	Is any person appointed to an official position of SQL, its Affiliated or Member District Associations or their Registered Clubs.
“Registered Participant”	Is any person registered with SQL through their club, District, Association or SQL.
“Spectator.”	A person observing a game of softball or its associated activities including training, from a position in the immediate vicinity (defined as within ear shot) of those activities.

Policy

A registered participant in organised softball within Queensland or any spectator will not indulge in any unsportsmanlike behaviour towards another participant, official or spectator involved in a recognised softball activity including organised training and competition and will adhere to the relevant Code of Conduct/Ethics and Member Protection Policy. The Zero Tolerance Process shall apply to matches of softball and activities before or after matches of softball.

Unsportsmanlike behaviour will include, but not be limited to:

- ☐ Verbal abuse and threats
- ☐ Physical abuse and/or assault
- ☐ Discrimination (as described in Part 6 of the Member Protection Policy)
- ☐ Harassment (as set out in Part 5 of the Member Protection Policy)
- ☐ Making derogatory statements or gestures
- ☐ Cheating
- ☐ Visible dissension of a decision of an umpire or official in an unsportsmanlike manner
- ☐ Equipment Abuse

(NOTE: Unsportsmanlike behaviour applies to both the instigation of and response to any incident.)

Categories of Offence & Penalty

Unsportsmanlike behaviour has been broken up into a number of categories of violation to determine the most appropriate penalty to be applied for breaches to this Policy. These penalties may change from time to time. Applicable penalties (match suspensions) for each category of offence are also shown.

These categories are:

Category of Violation	Incident	Penalties		
		1st Offence	2nd Offence	3rd Offence
P1	<ul style="list-style-type: none"> • Use of audible* foul language • Disputing judgment or decision of an umpire • Minor Equipment Abuse • Frivolous complaints (first incident) 	Warning	1 match	2 match
P2	<ul style="list-style-type: none"> • Rough play, barging, pushing etc • Displays of inappropriate aggressive behaviour • Disparaging or insulting remarks and/or the use of foul language directed toward another player/official/umpire. • Answering back an umpire • Failing to carry out a lawful direction of an umpire 	1 match	2 match	4 match
P3	<ul style="list-style-type: none"> • Answering back an umpire on multiple occasions • Abusing an umpire or official • Deliberately barging with force • Displays of excessive aggressive behaviour • Frivolous complaint (second and further incidents) • Major Equipment abuse where there is potential to injure participants and/or spectators 	2 match	4 match	8 match
P4	<ul style="list-style-type: none"> • Fighting after being provoked • Provoking a fight but no further involvement 	3 match	6 match	12 match
P5	<ul style="list-style-type: none"> • Provocation and/or involvement in physical violence • Threatening an umpire, official or player 	6 match	Full year	Refer Tribunal
P6	<ul style="list-style-type: none"> • Physically attacking an umpire, official or player 	1 year	Refer Tribunal	Refer Tribunal
P7	<ul style="list-style-type: none"> • Melee* 	\$500 fine per club involved and game forfeited	Refer Tribunal	Refer Tribunal
P9	<ul style="list-style-type: none"> • Other as determined by the SQL Commissioner 			

Note 1: Melee involves multiple players per team involved in the incident.

Note 2: Items P2-P6 shall invoke an automatic ejection from the match involved

Note3: Any suspension applies to the next match/s which the offender would otherwise normally have participated in (ie grade registered in) regardless of level of competition including representation.

Note 4: Note special provisions apply in relation to offences involving trainee and club appointed (non-accredited) umpires and junior and /or trainee officials (eg coaches, scorers).

*Note 5: 'Audible' means able to be **clearly** heard by spectators.*

Process and Handling:

1. On Field (The Game) Incidents

Team Members (Players & Officials): The incident is to be reported to the Tournament Chief Umpire or such other representative appointed by SQI.

Other Official or Umpire: The incident is to be reported to the Tournament Chief Umpire or such other representative appointed by SQI.

Team members or officials who are ejected shall be referred forthwith to the Tribunal.

2. Off Field (Non-Game) Incidents

Registered Participant: Any person witnessing or aggrieved by any unsportsmanlike acts or alleged breaches of codes of conduct/ethics by any registered participant shall report the incident to the Tournament Chief Umpire or such other representative as shall be appointed by SQI.

Such report should be lodged immediately in person or in writing to the relevant authority. On receipt of the report, an enquiry will be undertaken by a person appointed by SQI. A determination will be made as to what course of action will be taken pursuant to SQI Policy.

SQI has discretion as to how it will treat with behaviour which relate to technical breaches but has not lead to ejection from a match. SQI may bring such charges as it sees fit in relation to such actions.

Parents and Spectators: Any person witnessing or aggrieved by any unsportsmanlike acts or alleged breaches to the codes of conduct/ethics, by any spectator may report the incident to the Tournament Chief Umpire or such other representative as shall be appointed by SQI.

An SQI official will investigate the complaint immediately to ascertain if there has been a breach of the spectator/parent code of behaviour. If so the matter will be referred to SQI to take appropriate action.

3. Harassment/Discrimination Incidents

A person who is aggrieved by the actions of another person in terms of harassment or discrimination shall lodge a complaint as per the procedures set out in the SQI Member Protection Policy.

Acknowledge and Acceptance

Where a person is reported for an offence under the parameters contained within this document, he/she may desire to accept the automatic penalty (as prescribed within penalties) without a hearing or appeal. The person must acknowledge written acceptance of the incident and the resulting penalty. In these cases the penalty will be halved at the discretion of the Tribunal with the exception of Category P6 which remains unchanged, P2 which remains at 1 game and P4 the penalty will be reduced to 2 games. Provided that the penalty imposed cannot be less than 1 game. The acceptance by the participant of the acceptance of the penalty must be communicated to the Chairman of the Tribunal in advance of the Tribunal hearing.

Appeal

Appeals against penalties must be lodged and handled in accordance of SQI rules. A person will remain suspended until the appeal against such finding has been adjudicated upon.

Serving of Penalties

Penalties apply to the next match/s which the offender would otherwise normally have participated in regardless of level of competition. This includes when a person is dual registered within one association, plays in more than one association (home association and permit association/s) and includes SQI/District Association representation. A penalty imposed under this Policy shall apply to all competitions played in Queensland.

Penalties not completed by the end of the current playing season shall carry over to the next and if necessary, to a subsequent playing season. The Tribunal may find the participant not guilty of the charge, but guilty of a lesser charge and impose the appropriate penalty.

Transfer of Penalties

Any penalty invoked by SQI or a member District Association is transferable to another. Where a player clears, transfers or permits to another State or District Association, a check must be completed on existing penalties during the clearance/transfer/permit process to ascertain any outstanding penalties/suspensions. Any portion of a penalty NOT served at one association will be deemed to apply to the next association and the person under suspension must not be permitted to participate until the full suspension has been served.

Register of Suspensions/Penalties

SQI, SQI Database Manager and each District Association must maintain a register of penalties or suspensions which is to detail the persons full name and address, the category of offence, penalty invoked, the date invoked and the date penalty will be served out.

A persons' record will be cleared after the following time has been served:

- | | | |
|----|--------------------------------|--|
| 1. | Suspension from 0 – 4 matches | 1 year from completion of last penalty served |
| 2. | Suspension from 6 – 12 matches | 2 years from completion of last penalty served |
| 3. | Suspension for 1 year | 5 years from completion of last penalty served |

If a person re-offends after his/her record has been cleared, it will be reactivated from the time the new penalty is applied.

Note: A persons' file on the register will remain active for all time.

Schedule 2

Procedures of the Tribunal

1. For the purpose of this Clause, a reference to a charged person includes a reference to the representative(s) of a charged team or club.
2. In the event of a team or club being reported, one (1) member of the team or club shall act as spokesperson for the team or club provided that an individual member of that team or club may elect to speak on their own behalf.
3. At the commencement of a hearing, the Tribunal Chairperson shall identify the members of the Tribunal and determine whether the charged person is present to answer the charge(s) set out in the report.
4. The charged person shall be asked whether he/she accepts the members of the Tribunal as impartial and independent, or whether he/she wishes to raise any objection in relation to any member. If the objection is found by the Tribunal to be valid, then the Tribunal member shall stand down for the duration of the hearing.
5. The charged person and the reporting official(s) shall be notified of their right to remain in the hearing until all evidence is presented but not to be present whilst the Tribunal considers its findings and determines an appropriate penalty (if any).
6. The charge(s) as contained in the report shall be read out in the presence of all persons eligible to be present.
7. The reporting official shall be asked whether the charge correctly represents their intention and the charged person shall be asked whether the charge is understood.
8. The charged person shall be asked whether or not they intend to contest the charge(s).
9. If the charged person does not contest the charge(s), the Tribunal Chairperson may read a short summary of the facts, admit the reporting official's evidence (written/verbal) and no witnesses need be called to give evidence unless the Tribunal requires it.
10. If the charged person contests the charge(s), then the Tribunal Chairperson shall ask all witnesses except the reporting official(s) and the charged person (and their advisers if appointed in accordance with this Policy) to leave the room and to wait to be called to give their evidence.
11. The reporting official (or the adviser to a reporting official who is a minor) shall proceed to give evidence and the witnesses of the reporting official(s) shall be called upon to give his/her evidence in turn, subject to the approval of the number of witnesses to be called by the Tribunal in its discretion. The charged person or his/her adviser may ask questions of the reporting official or any witness called but all such questions must be directed through the Tribunal Chairperson.
12. Each witness shall be entitled to leave the Tribunal hearing after giving evidence unless otherwise directed by the Tribunal. Witnesses shall be entitled to remain in the hearing room after giving evidence with the permission of the Tribunal.
13. The charged person shall then be entitled to present their defence. Witnesses may be called subject to the approval of the number of witnesses to be called by the Tribunal in its discretion. The SQI presenter may ask questions of the charged person or any witness called but all questions must be directed through the Tribunal Chairperson.
14. The Tribunal is empowered to question any person giving evidence.
15. Where a person exercises their right to have an adult observer or adviser present in accordance with this Policy, an opportunity for consultation shall be provided.
16. Video evidence may be presented in the discretion of the Tribunal.
17. At the conclusion of all of the evidence and submissions the Tribunal Chairperson shall ask the charged person, the reporting official and all other persons present to leave the hearing room while the Tribunal considers its findings.

18. If the Tribunal is not satisfied that the particular charge has been proved, but is satisfied that a lesser charge has been established, then the Tribunal may find such lesser charge established and shall apply the penalty applicable to the lesser charge.
19. Subject to Clause 20, where it appears to the Tribunal that the reporting official has made an error in laying the wrong charge or omitted charges that should have been laid, the Tribunal may amend the charge(s) and proceed to make a finding. Further, the Tribunal shall have the right to direct a SQI to further investigate whether a person other than the charged person should be charged with an offence under this Policy on the basis of evidence presented before it during the course of conducting a hearing.
20. Where charges have been amended under Clause 19, the Tribunal shall adjourn the hearing unless the charged person consents to it proceeding at that time.
21. The decision of the Tribunal shall be given in the presence of all, by the Tribunal Chairperson.
22. Subject to Clause 18, if the Tribunal is satisfied that a charge has been established on the balance of probabilities (ie more probable than not) it shall find the charge proved. Otherwise the charge shall be dismissed.
23. If a charge has been found proven by the Tribunal the charged person shall be informed of the finding. Any previous convictions against the charged person should then be laid before the Tribunal and SQI should be given the opportunity to make submissions on penalty.
24. The charged person should then be given the opportunity to make a final statement in relation to previous convictions or other mitigating circumstances before the persons referred to in Clause 17 are asked to leave the room a second time.
25. The Tribunal shall then determine the penalty to be imposed (if any) and shall recall the charged person and reporting official to advise of the penalty.
26. The Tribunal is not obliged to give oral or written reasons for any decision made by it under this Policy.
27. A charged person who has been convicted of an offence and received a penalty under this Policy shall not play, coach, referee or otherwise take part in softball activities as directed by the Tribunal until the penalty has been served to the satisfaction of the Association.