

REGULATION 10 - DISCIPLINARY MATTERS

(3 September 2003)

This Regulation should be read in conjunction with other Squash Australia Regulations and Policies in particular Regulation 3 – Anti-Doping Policy and Regulation 18 the Member Protection Policy

AIM

1. The future of any sport is dependant upon the safety and well being of every member and the practice of sportsmanship at every level. Unfortunately every sport faces the prospect of encountering misconduct or bad behaviour at some time by one or some of its members.
2. Squash Australia has adopted Regulation 10 to deal with the various types of misconduct and bad behaviour that may arise and to uphold the best interests of Squash. The Regulation does not replace the Rules of Squash (WSF Rules dated 1 May 2001). It has been produced to enhance the WSF Rules for on court misconduct and cover offences, which are committed off the court. Should any conflict arise the Rules of Squash shall prevail.
3. Regulation 10 covers the policy and procedures for the following disciplinary matters:
 - a. objectives;
 - b. authority;
 - c. power to discipline;
 - d. types of offences;
 - e. disciplinary committee;
 - f. penalties;
 - g. appeals against disciplinary committee decisions; and
 - h. national offences and penalties register.

OBJECTIVES

4. The Objectives of this Regulation are to:
 - a. protect and provide a safe environment for all those who participate in Squash Australia's activities and events;
 - b. provide guidelines to its members for the conduct of any disciplinary hearing and ensure that natural justice is received by any person so charged;
 - c. assist in the maintenance of the high level of sportsmanship in Squash;
 - d. resolve problems relating to the conduct of players in their relations with each other, officials and the public;
 - e. assist in maintaining a positive attitude towards officials; and
 - f. assist in the maintenance of Squash Rules and Regulations.

5. The Board of Squash Australia believes that everyone who participates in the activities or events of Squash Australia has the right to be treated with dignity and respect. They also have the right to have any complaints or charges dealt with in a just manner and to be given the opportunity to be heard before any penalties are imposed.

AUTHORITY

6. This Regulation will apply to all activities and events conducted by or on behalf of Squash Australia and to all athletes, coaches, referees and officials who are participating and/or competing under the direct auspices of Squash Australia (i.e. Australian or National Championships, Test Matches, and all Australian Representative or Touring Teams).
7. This Regulation will apply to all Squash Coaches and Referees covered by the respective Squash Australia Code of Behaviour. No Coach or Referee is to participate in a Squash Australia activity or event without having signed a current Code of Behaviour Agreement Form (refer to Member Protection Policy).

POWER TO DISCIPLINE

8. **General.** Any athlete, coach, referee or official who is participating in any of the activities or events stated in paragraph 7.3.1 who commits any offence which is against the current rules of Squash (WSF dated 1 May 2001), or breaches any Squash Australia Code of Behaviour Agreement to which they are a signatory, or brings the sport into disrepute will be subject to disciplinary action under this Regulation.
9. **Responsibilities.** The responsibility for carrying out disciplinary action under this Regulation is vested in the following:
 - a. **On Court - Referee.**
 - (1) A “Match” is defined as “The complete contest between two players (singles) or four players (doubles), commencing with the warm-up and concluding at the end of the final rally.”
 - (2) A match is controlled by the Match Referee. The Match Referee will exercise control of the match as detailed in Rule 20.2 (WSF Rules dated 1 May 2001) and apply penalties for on court offences as per Rule 17.
 - (3) If an offence occurs, which in the opinion of the Match Referee is of such nature that it requires further determination beyond the application of Rule 17, then it is to be referred to the Tournament Referee for determination. In the absence of a Tournament Referee, then the offence is to be referred to the Tournament Coordinator/Director.
 - (4) It is likely that the only offences to be referred to the Tournament Referee or Tournament Coordinator/Director are those under WSF Rule 20.2.3 (where the referee has the power to suspend play and/or remove officials, managers and coaches while they are being disruptive or offensive).
 - b. **Tournament – Tournament Referee.**
 - (1) Prior to, during or after the match if the Tournament Referee observes a player committing any offence relating to the WSF Rules 15.1, 17.1 or 17.2 or where an offence is referred to him/her, whether on or off the court (whilst on the premises where the match is conducted), the Tournament Referee may immediately disqualify the player from the match and/or the remainder of the tournament/event.

- (2) If in the opinion of the Tournament Referee the offence is of such nature that it requires further determination then it is to be referred to the Tournament Coordinator/Director.

c. **Tournament – Coordinator/Director.**

- (1) Prior to, during or after the match if the Tournament Coordinator/Director observes a player committing any offence relating to the WSF Rules 15.1, 17.1 or 17.2 or where an offence is referred to him, whether on or off the court (whilst on the premises where the match is conducted), the Tournament Coordinator/Director may immediately disqualify the player from the match and/or the remainder of the tournament/event.
- (2) If in the opinion of the Tournament Coordinator/Director the offence is of such nature that it requires further determination then it is to be referred to the Chief Executive Officer (CEO) of Squash Australia.

d. **On Tour – Manager or Manager/Coach.** During the tour of an Australian Team either overseas or in Australia the Team Manager or Manager/Coach is responsible for the team discipline. The Manager will immediately report any offence, which may require further investigation and/or determination to the CEO of Squash Australia.

10. Offences are to be dealt with as soon as is practically possible but no later than twenty four hours after the alleged offence has been brought to the attention of the person in authority (e.g. Team Manager or Tournament Coordinator/Director).
11. **Other Offences.** Where any offence is reported to the CEO of Squash Australia, he will determine further disciplinary action where appropriate and establish a Disciplinary Committee in accordance with the provisions of this Regulation.

ADDITIONAL OFFENCES

12. **General.** This clause deals with additional offences not covered under paragraph 9.
13. **Cumulative Offences.** Some Squash participants may accumulate a number of offences over a period of time. Cumulative offences would apply to a number of minor offences being reported in a given period. Where a person has accumulated a number of offences these may be dealt with by a Disciplinary Committee in accordance with this Regulation (if considered appropriate by the CEO of Squash Australia). On court offences which may require further disciplinary action by Squash Australia are:
 - a. One Conduct Match.
 - b. Three Conduct Games in a twelve month period.
 - c. Ten Conduct Strokes in a twelve month period.
14. **Cumulative Offences Register.** The CEO is to maintain a national register for cumulative offences committed at Squash Australia activities and events. All Offences awarded a conduct stroke or higher penalty are to be reported to the CEO within seven days of the tournament concluding, such offences will be included on the register.
15. **Chief Executive Officer Determination.** When determining whether an offence should be referred to a Disciplinary Committee, the CEO of Squash Australia shall take into account the following:

- a. impact or damage caused by the offender upon the sport and/or the victim;
 - b. intent of defendant;
 - c. need for a penalty to be imposed or additional penalty to be imposed due to the seriousness of the offending conduct;
 - d. need for general and specific deterrent;
 - e. parity and consistency of approach;
 - f. maintenance of Squash as a safe sport; and
 - g. maintenance of the highest level of sportsmanship.
16. It is the policy of Squash Australia that all offences be dealt with expeditiously but always adhering to the procedures contained within this Regulation.

DISCIPLINARY COMMITTEE

17. Any Disciplinary Committee convened by the CEO of Squash Australia under this Regulation, shall consist of **a Board Member (Chairperson) and two of the following:**
- a. High Performance Manager; and/or
 - b. National Coaching Director; and/or
 - c. National Refereeing Director; and/or
 - d. National Competition Manager.
18. The Chairman of the Disciplinary Committee will conduct the offence hearing according to the following procedure:
- a. The alleged offender (named party) will be notified in writing of the following:
 - (1) the alleged offence/s with which s/he is being charged;
 - (2) a brief description of the offending conduct;
 - (3) time and place of hearing;
 - (4) the penalty range applicable to offences.and will be provided with a copy of this Regulation.
 - b. The hearing will be conducted in an informal environment to be determined by the Chairman of the Disciplinary Committee.
 - c. The named party will be provided with the opportunity to make submissions to the Disciplinary Committee and may wish to call evidence in support of their case.
 - d. Witnesses may be called to give evidence. A witness may give evidence by telephone link-up. There is a general right to cross examine a witness but in relation to relevant matters. Witnesses will only be allowed to be recalled to give further evidence in the event that relevant new evidence is presented.

- e. Evidence may be given orally or in writing. Where evidence is given in writing and there is no opportunity to cross-examine the witness, the Disciplinary Committee has the discretion to attach less weight to this evidence.
 - f. Neither party shall have the right to have an advocate appear on their behalf. One observer may be present with the named party in the hearing room. However, this person may not involve her/himself in the hearing in any manner.
 - g. Upon hearing from the named party the Disciplinary Committee may choose to retire from the hearing room to consider the matter.
 - h. A majority decision will determine the matter. The standard of proof upon which the Disciplinary Committee will determine the matter is the balance of probabilities meaning it is more likely than not that the offending conduct occurred.
 - g. The findings of the Disciplinary Committee will be delivered orally and there is no obligation on the Disciplinary Committee to publish a reason for its decision.
19. The CEO of Squash Australia will confirm in writing to the defendant any penalty imposed and will notify the defendant's State/Territory who will immediately recognize the penalty imposed on the named party.

PENALTIES FOR OFFENCES

20. The Disciplinary Committee may, after any hearing impose any of the following penalties (which may be amended by Squash Australia from time to time):
- a. a reprimand; and / or
 - b. removal of privileges; and/or
 - c. forfeiture of membership of Squash Australia; and/ or
 - d. removal of accreditation for a specified period; and/or
 - e. suspension from all competition for a period not exceeding one year; and/or
 - f. suspension from competition at international level only for a period not exceeding one year; and/or
 - g. suspension from competition at national level for a period not exceeding one year; and/or
 - h. suspension from competition at a specific championship or competition for a period not exceeding the duration of the specified championship or competition.

APPEALS AGAINST DECISION OF THE DISCIPLINARY COMMITTEE

21. Any appeal against a decision handed down by the Disciplinary Committee must be solely and exclusively resolved by the National Sports Disputes Centre whose decision will be final and binding on the parties and neither party will be entitled to institute or maintain proceedings in any court or tribunal other than the said court.
- 7.8.2 Any appellant wishing to appeal must give written notice of that fact to the CEO of Squash Australia within three days of the announcement of the decision against which the appeal is being made and must file his/her statement of appeal with the court within another seven days.

7.8.3 Failure to observe these time limits will render any appeal invalid. An appellant may appeal to the National Sports Disputes Centre for an extension of time in which to commence an appeal. The Disputes Centre may grant such an extension of time in extenuating circumstances, which are outside the control of the appellant.

7.9.0 NATIONAL OFFENCES AND PENALTIES REGISTER

7.9.1 The CEO of Squash Australia is to maintain a register of all notified offences and penalties imposed. The aim of maintaining this register is to:

- a. provide Squash Australia with an accurate record of offences committed and penalties imposed; and
- b. provide accurate information to national selectors regarding athlete misconduct or bad behaviour when they consider the composition of national teams.