

A READY REFERENCE GUIDE ON JUDICIARY MATTERS

FOREWORD

This reference has been produced to provide the membership of FIT Touch Malaysia with a ready reference guide on judiciary matters commencing 2016.

It is intended to be a reasonably complete account of how a national Touch organisation might conduct a fair and impartial judiciary system.

As such, it is organised into the following six sections each of which addresses a specific area of the judiciary process.

The reader will find some information provided in more than one section.

1. The steps involved in the Report, Judiciary and Appeals Processes;
2. The actions required during the Judiciary Hearing;
3. Procedural issues of the Judiciary Hearing;
4. Regulations governing the Judiciary Committee and Appeal Tribunal;
5. A list of suggested penalties for offences;
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Report, Judiciary & Appeals Process

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See FIT TM internet site @ www.touchmalaysia.org Policy, Rules & Guidelines Tab for Reports, Notices & Findings - Documents

Schedules: Reports, Notices & Findings - Documents

- ☐ Referees' Incident Report
- ☐ Protest Form
- ☐ Notice of Judiciary Hearing
- ☐ Notice of Finding of the Judiciary
- ☐ Notice of Appeal
- ☐ Notice of Appeal Tribunal Hearing
- ☐ Notice of Finding of the Appeal Tribunal
- ☐ Judiciary Actions Register
- ☐ Judiciary Hearing Minutes

GLOSSARY OF TERMS

☐ Advocate

A person who may attend a Judiciary hearing to assist and/or speak on behalf of either the report writer or subject person.

☐ Appeal

An action undertaken by an aggrieved person/s to provide them with the recourse to challenge the findings or decisions handed down by a Judiciary hearing.

☐ Appeal Tribunal

A Touch Association's procedure to determine whether or not the appeal is substantiated

☐ Appellant

The person/s, party or parties who lodge an appeal

☐ By-laws

A set of subsidiary laws (rules) that are set by the Touch Body and or General Committee and which may change from time to time

☐ Incident Report

A written report on any incident involving an alleged breach of the playing rules of Touch and or policy and guidelines

☐ Judiciary Committee / Panel

A committee consisting of a Chairperson and a number of members who from time to time are appointed to serve at a Judiciary hearing

☐ Judiciary Hearing

A procedure to determine whether or not the charges brought against any person or party are substantiated

☐ Misconduct

Any conduct that is perceived to be unfair, unjust or not in the best interest of the sport of Touch

☐ National Touch Organisation

FIT Touch Malaysia (FIT TM)

☐ Penalty (Judiciary)

The imposition of a suspension from participation, monetary fine, good behaviour bond or other appropriate action as deemed necessary by the Judiciary for the express purpose of discouraging any unacceptable behaviours from any members, either on or off the field of play

☐ Penalty (Referee)

The actions taken by a referee when awarding a penalty tap when a player or team infringes the rules of the game

☐ Protest

A written objection about an alleged misconduct

☐ Report Writer(s)

The person/s, party or parties who write a report

☐ Subject Person/s

The person/s, party or parties who are the subject of a report 6



'Affiliate of the Federation International Touch'



'Affiliate of the Federation International Touch'

☐ Touch Organisation

The affiliated organisation responsible for conducting the competition in which the alleged incident or misconduct occurred

☐ Registered Member

Registered member of FIT Touch Malaysia / annual fee paid as a player, coach or referee

☐ The term 'Player'

In this document – can refer to any player, coach, referee or individual associated with an incident 7

SECTION 1

The steps involved in the Report

Judiciary and Appeal Process: -

1. Report, Judiciary & Appeals Process
2. Incident Report Submitted
3. Delivered to the designated Touch Official
4. Referred to the Judiciary Chairperson
5. Chairperson assesses the situation
(A) Handles alone or (B) Convenes judiciary
6. Right of appeal to touch association Appeal Tribunal

INFRINGEMENTS & MISCONDUCT

Players and officials who infringe the playing rules of Touch or take part in any misconduct are liable to penalty or other appropriate action according to the seriousness of the infringement or misconduct, in accordance with the provisions rules of Touch and or FIT TM guidelines and policies.

Minor offences are usually handled by the referee/s that has the following options available to them. Minor offences are not compelled to be sent before a Judiciary hearing.

☐ Caution

Issued to the offending player, or in the case of an offending official, to the captain of the offending official's team

☐ Penalty

Issued to the team of the offending player or offending official

☐ Dismissal

For a period of time

Note: A second dismissal from the field of play for a period of time results in a dismissal for the remainder of game

- Captain given option to side line offending player or remove offending official from the playing area under the control of the referee

More serious offences: -

Usually result in either one or both of the following

☐ Dismissal - For the remainder of game

Note: - Although a dismissal for the remainder of the game results in an automatic two match suspension, a dismissal is not compelled to be sent before a Judiciary hearing

☐ An Incident Report submitted

Extreme breaches of the Playing Rules: -

☐ Should result in both a dismissal and an Incident report being submitted

☐ By virtue of their extreme nature they should be sent before a Judiciary Hearing

REPORTS & HOW TO WRITE THEM

- ☐ Referees may need to submit an Incident Report to a designated FIT TM official, a written incident report on any player/s dismissed for the remainder of the game. (Recommended no later than 48 hours)
- ☐ Referee/s may at their discretion submit a written incident report on **any player, member or official** who, in their opinion, has breached the playing rules of Touch, code of conduct or policies
- ☐ A dismissal for a period of time is not a necessary prerequisite for the submission of a report
- ☐ Any club, team, official, or person may at their discretion submit a written incident report on any other club, team, official or person who, in their opinion, has breached the playing rules of Touch, the code of conduct or FIT TM policies.
- ☐ Following any incident that requires a written incident report, it is strongly recommended that the Report Writer/s should immediately remove themselves to a private place to write down all of the facts surrounding the incident. Great care must be taken to ensure that personal opinions, assumptions, prejudgments and emotive language are not used. Once this initial report is written, a 'cooling off period' of between 12 to 24 hours should then be allowed before the Report Writer/s re-read and complete their written report on the incident. The report is then submitted.

Protest:

- ☐ Any club, team, official, or person may cite another association, club, team, official or person for misconduct on or off the field of play.
- ☐ Protests must be in the form of a written protest report and submitted to the designated Touch Association official. (Recommended no later than 48 hours)

ACTIONS FOLLOWING RECEIPT OF A WRITTEN REPORT

- ☐ Upon receipt of a report, the Judiciary Chairperson (or person delegated the authority for such matters) shall decide whether further action is necessary
- ☐ Should the report not warrant further action there is no need to convene a Judiciary
- ☐ Should the report warrant further action, the Judiciary shall hear the matter
- ☐ Where an incident report is received with regard to a player dismissed for the remainder of the game, "further action" would include increasing or decreasing the automatic two match suspension.
- ☐ The subject player also has the right to appeal against the automatic two match suspension (and pay an appeal fee of RM0 at this stage) thereby resulting in a Judiciary Hearing

ACTIONS FOLLOWING DECISION TO CONVENE THE JUDICIARY

- ☐ All hearings of the Judiciary shall be instigated by the issue and service of a Notice of Judiciary Hearing
- ☐ Confirmation of receipt of the Notice of Judicial Hearing should be received
- ☐ Judiciary Hearings shall be held at a time as soon as possible after the event but allowing sufficient time for the subject person/s to prepare to appear before the Judiciary

SUSPENSIONS PENDING A JUDICIARY HEARING

- ☐ Where an incident report is received with regard to a player not dismissed for the remainder of the game the player is not deemed to be under any suspension, as the laws of natural justice must prevail.

- ☐ If the resulting Judiciary is not convened prior to the next competition match the player is registered to participate in, then the player is eligible to participate
- ☐ The official able to continue in their duties (i.e. Coach)

ACTIONS FOLLOWING THE FINDING OF THE JUDICIARY

- ☐ The proceedings and findings of the Judiciary Hearing shall be recorded in the minutes of the Judiciary Hearing and shall be signed by the Judiciary Chairperson

- ☐ A Notice of Finding shall be issued and served by the Judiciary Chairperson, or their delegate, to all relevant parties, as follows: -

1. The Subject Person/s (i.e. offending player or official);
2. (The Report Writer/s (i.e. referee, etc.)
3. Any third party (i.e. as in the case of a protest);
4. FIT TM "Judiciary Findings" file;
5. The FIT TM Affiliated Club Committee

RIGHT OF APPEAL (Against FIT TM Judiciary Findings)

- ☐ Any person, team, club, coach or referee may appeal against the findings of their Judiciary Committee by issue and service of a Notice of Appeal and which shall be accompanied by an appeal fee in accordance with the rules, code of conduct and policies of FIT TM. (RM0 fee payable at this stage)
- ☐ Any Notice of Appeal and the appeal fee must be lodged with FIT TM designated official within a suitable time after the service of the Notice of Finding.

SUSPENSIONS PENDING AN APPEAL TRIBUNAL HEARING

- ☐ Any decision, finding, disqualification, suspension, fine, censure or otherwise shall remain in full force and effect pending the hearing of an appeal
- ☐ Failure to hear the appeal within a reasonable period of time will nullify any suspension except where the Appeal Tribunal is awaiting information, reports, etc. from the appellant or other third party
- ☐ Undue delay by the third party (other than the appellant) may allow the Chairperson to convene the tribunal without the information sought

ACTIONS FOLLOWING RECEIPT OF AN APPEAL (by FIT TM Judiciary Panel)

- ☐ An Appeal Tribunal shall be convened to deal with the appeal within 30 days of the receipt of the Notice of Appeal, or within the time lines agreed due to any unforeseen circumstances
- ☐ The Appeal Tribunal must be provided with copies of all the paperwork (reports, witness statements, minutes, etc.) associated with the original Judiciary Hearing, and forward copies of these items to the appellant
- ☐ A Notice of Appeal Tribunal Hearing shall be issued to all relevant parties along with all documentation relevant to the original Judiciary Hearing
- ☐ The appellant, witnesses for the appellant and the original report writer/s may all be required at the Appeal Tribunal Hearing, depending upon the nature and grounds of the appeal
- ☐ The proceedings and findings shall be recorded in the minutes of the Appeal Tribunal Hearing and signed by the Appeal Tribunal Chairperson.

A Notice of Finding of the Appeal Tribunal shall be issued and served by the Appeal Tribunal Chairperson, or their delegate, to all relevant parties, as follows: -

- ☐ The Appellant/s (e.g. offending player or official);
- ☐ The original Report Writer/s (e.g. referee, etc.);
- ☐ (Any third party (e.g. as in the case of a protest);
- ☐ The FIT TM "Judiciary Findings" file;
- ☐ The FIT TM Affiliated Club Committee

WHO MAY LODGE AN APPEAL?

- ☐ Notice of Appeal may be lodged by any party to the proceedings who may be aggrieved by the Judiciary or Appeal Tribunal decision
- ☐ Any party lodging an appeal thereby becomes the appellant.

KEEPING A JUDICIARY ACTIONS FILE

- ☐ FIT TM Judiciary Panel shall keep a record of all Judiciary hearings and Appeal Tribunal Hearings on a special file set aside for that purpose

Information to be stored on this file should include:

- i. Judiciary Actions Register (with each new Judiciary added progressively);
- ii. Copy of written Incident Report or Protest;
- iii. Copy of Notice of Judiciary Hearing;
- iv. The minutes of the Judiciary Hearing, statements, tape recordings, etc.;
- v. Copy of Notice of Findings of the Judiciary;
- vi. Copy of Notice of Appeal;
- vii. Copy of Notice of Appeal Tribunal Hearing;
- viii. The Minutes of the Appeal Tribunal Hearing, statements, tape recordings, etc.)
- ix. Copy of Notice of Findings of the Appeal Tribunal;
- x. Actions undertaken by FIT TM Judiciary Panel
- xi. Any other information relevant to Judiciary actions undertaken by the FIT TM Judiciary Panel

SECTION 2

Actions during the Judiciary Hearing Process

1. Conducting the Judiciary Hearing
2. Summon the relevant
3. Convene Judiciary Hearing
 - Display fairness and impartiality
 - Ensure the interests of natural justice are observed
1. Hearing Procedures
2. Announce the right of attendance of all parties
3. Reading the report
4. Hearing further details on the report
 - Allowing questioning of report writer
5. Hearing response from subject of the report
 - Allow questioning of subject person
 - Decision Time
6. Findings of fact
7. Penalty
8. Notify all relevant parties

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.

ANNOUNCEMENT OF THE RIGHT OF ATTENDANCE OF ALL PARTIES

☐ The Chairperson shall open the hearing, and announce the reasons for the convening of the hearing; the names of all the parties to the hearing; and the right of attendance of each party

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 emerging from the same incident, the Chairperson may consider hearing them conjointly.

☐ Submissions may be sought from the report writer/s, subject person/s and the Judiciary members on this issue however the Chairperson's decision on this matter is final.

☐ The Chairperson shall ask the subject person/s whether the plea is "Guilty" or "Not Guilty".

IF THE PLEA IS "GUILTY"

☐ The subject person/s (or advocate) may make a submission by way of explanation of the circumstances surrounding the incident, or with a view to mitigation of penalty

☐ Depending on the nature of this submission, the subject person may be subject to questioning by the report writer/s' advocate or the Judiciary members

☐ Finalise the hearing

IF THE PLEA IS "NOT GUILTY"

First: Presenting the Case

☐ The Chairperson shall ensure that all intending witnesses are excluded from the hearing.

☐ The report writer/s shall be called to expand upon their written report and make any further explanation of the circumstances so desired.

☐ The report writer/s may be assisted by their advocate at this time.

☐ The report writer/s shall then be subject to questioning by the subject person/s (or advocate).

☐ The Judiciary Chairperson must ensure that questions only are asked, and the subject person/s (or advocate) does not merely make statements

☐ The report writer/s shall then be subjected to questioning by the Judiciary members, through the Chairperson

☐ The report writer/s may choose to call one or more witnesses to provide further information before the hearing. In such a case, the above three steps are repeated. Each witness must retire from the hearing prior to a subsequent witness giving evidence

Second: Presenting the Defence

- ☐ The subject person/s shall then be given the opportunity to provide information before the hearing and refute any items from the incident report, including any new or additional information provided by the report writer/s during their further explanation
- ☐ If that person accepts this opportunity, assistance by their advocate is permitted.
- ☐ The subject person shall then be subject to questioning by the report writer/s (or advocate)
- ☐ The Judiciary Chairperson must ensure that questions only are asked, and the report writer/s (or advocate) does not merely make statements
- ☐ The witness shall then be subject to questioning by the Judiciary members, through the Chairperson.
- ☐ The subject person/s 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

DECISION TIME

- ☐ 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 Judiciary
- ☐ The Judiciary members shall discuss the information and information presented before them in order to reach agreement on a decision
- ☐ If a decision can be reached, each member of the Judiciary shall have a primary vote with the Chairperson having both a primary and a casting vote
- ☐ 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 Judiciary requiring further information or clarification from a party not in attendance at the hearing
- ☐ The hearing shall reconvene with all in attendance, and the Chairperson shall announce the findings of fact and, if relevant, any penalty imposed

NOTIFICATION OF FINDINGS OF THE JUDICIARY

- ☐ The Chairperson shall provide, or cause to be provided, written notification of the findings of any hearing to all relevant persons
- ☐ Such written notification must be delivered to each relevant person (or their delegate) within seven days of the hearing.
- ☐ Failure to have such written notification delivered to the subject person/s of the hearing shall not obviate any penalty imposed, as the findings of the Judiciary are advised at the end of the hearing.
- ☐ Such failure to have received written notification may not be grounds for consideration should a suspended player fail to comply with such suspension.

SECTION 3

Procedural Issues of the Judiciary Hearing

LOCATION

- ☐ All hearings conducted by the Judiciary shall be conducted at a suitable location as decided by the Chairperson but in an environment that is non-threatening to any of the parties

TIMING

☐ All hearings conducted by the Judiciary shall be conducted at a suitable time that is convenient to all parties but no sooner than three clear days from the relevant incident

ATTENDANCE

☐ Persons permitted to be present 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: -

☐ The Judiciary members: whose responsibility it is to hear all the relevant information, make decisions of fact and decide on any appropriate action.

☐ The number of persons appointed to the Judiciary shall be at the discretion of the Chairperson

☐ The appointed members of the Judiciary shall have right of attendance at all times

☐ Report writer/s: who have been called to explain their report and provide further information at the hearing, if required

☐ The report writer/s shall have right of attendance as allowed by the Chairperson

☐ An advocate for the report writer/s (optional) may appear to assist the person/s who wrote the report

☐ The advocate shall have right of attendance as allowed to the report writer/s

☐ Subject person/s: who have been cited to appear at the hearing

☐ The subject person/s shall have right of attendance as allowed by the Chairperson

☐ An advocate for the subject person/s (optional) may appear to represent and assist the person/s cited to appear at the hearing

☐ The advocate shall have right of attendance as allowed to the subject person/s

☐ Guests/observers: who are persons 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 chairperson

☐ 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

☐ The technical officials shall have right of attendance as allowed by the Chairperson

☐ It is the responsibility and within the absolute authority of the Chairperson to decide who may appear at a hearing as an advocate

☐ It is recommended that persons possessing legal qualifications should only be used as advocates at Judiciary Hearings or Appeal Tribunals if a person possessing legal qualifications is on the Judiciary Panel or Appeal Committee

☐ In the case that the subject person/s or report writer/s possess legal qualifications then the Judiciary or Appeal Tribunal should include a member who possesses such qualifications

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

NATURE OF THE HEARING

- ☐ All members of the Judiciary are required to be objective rather than subjective, and make fair decisions based solely on the information presented before them
- ☐ The Judiciary should adopt the view that "a valid complaint merits further investigation" and proceed simply by hearing from and asking questions of the report writer/s and the subject person/s, by way of further investigating the matter
- ☐ The report writer/s should not have to carry the onus of proof (i.e. prove the complaint they have lodged)
- ☐ Neither should the subject person/s have to prove they are innocent just because a complaint has been lodged against them
- ☐ By this it is meant to clarify that no particular person need assume the role of prosecutor or defendant (i.e. the report writer/s and the subject person/s are to appear as witnesses to the incident under investigation)
- ☐ The standard of proof in all hearings shall be on the "balance of probabilities", which simply means that the Judiciary members, after hearing all the evidence, should be satisfied that "more likely than not" the alleged offence was committed

NON-APPEARANCE OF PERSONS

- ☐ On all occasions that the Judiciary is convened, the report writer/s, whose report has initiated the hearing, shall be expected to attend and provide further information when required.
- ☐ If that person or any other member of FIT TM is served with written notice to appear, then such appearance shall be deemed compulsory
- ☐ If such person fail to appear, and satisfactory proof of service of the notice to appear is given to the Chairperson and no communication has been received by the Chairperson as to the reason for such non-appearance, a period of 10 minutes shall elapse before:
- ☐ In any case the non-appearance is by the report-writer/s or the subject person/s, the hearing may continue in the absence of those persons
- ☐ Alternatively, if the Chairperson considers that the appearance of the report-writer/s or subject person/s is necessary and desirable, the report-writer/s or subject person/s may be suspended until such time as they appear before the Judiciary
- ☐ In any case the non-appearance is by any other member FIT TM who has been called to provide information before the Judiciary, the hearing may continue in the absence of those persons
- ☐ Alternatively, if the Chairperson considers that the appearance of those persons is necessary and desirable, they may be suspended until such time as they appear before the Judiciary

ADJOURNMENTS

- ☐ Should any situation arise where the hearing cannot proceed in accordance with these rules the Chairperson may adjourn such hearing for a period deemed suitable and appropriate
- ☐ In such an instance, the Chairperson may declare that any likely period of suspension shall be held in abeyance until the hearing is completed

INFORMATION SUPPLIED AT A HEARING

- ☐ All persons attending a hearing and supplying information to the Judiciary are expected to provide such information in a truthful and respectful manner

- ☐ Any person considered to be deliberately disrespectful or supplying false or misleading information during a hearing shall be liable to any of the penalties as contained in this document
- ☐ No person attending and providing information at a hearing shall be compelled to supply such information which is likely to be incriminating

INACCURACIES IN REPORTS

- ☐ If it is discovered during a hearing that any inaccuracy occurs in a written report, the Chairperson shall have the discretionary power to enable such inaccuracy to be rectified by way of verbal information being heard
- ☐ If it is apparent to the Chairperson that the subject person/s are disadvantaged or the functions of the Judiciary are jeopardised, the Chairperson shall grant an adjournment of the hearing, as the Chairperson sees fit

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 with the person desirous of presenting such information before the hearing

SECTION 4

Regulations Governing the Judiciary Committee and Appeal Tribunal

AIM

- ☐ The aim of the Judiciary shall be to provide a fair and impartial tribunal to ensure the highest ideals of sportsmanship and fair play are adhered to for the benefit of all members of FIT TM

FUNCTIONS AND DUTIES

- ☐ To enquire into, hear, adjudicate upon and determine any charge or complaint made against any member, which is the subject of a report made for a breach of the Playing Rules of Touch and/or the guidelines or by-laws and/or any other policies of FIT TM
- ☐ To ensure that the principles of natural justice and fair play are adhered to at all times, and the spirit of the game and the good name of the sport of Touch are constantly observed
- ☐ To adjudicate upon matters presented before it and make decisions in accordance with the concepts of administrative law
- ☐ To impose penalties which, in its opinion are fair and just and in accordance with the provisions of FIT TM guidelines and policies
- ☐ To report regularly to the Affiliated Club Committee of FIT TM on all decisions made, actions taken and penalties imposed during the exercise of its functions and duties.

MEMBERSHIP OF THE JUDICIARY COMMITTEE

- ☐ The Judiciary Committee shall consist of a Chairperson and a number of members who shall be duly elected or appointed in accordance with the guidelines of FIT TM
- ☐ The members of the Judiciary Committee shall be appointed by the Chairperson, from a list of senior members nominated from each of the FIT TM Affiliated Clubs

- ☐ The total number of persons appointed to form the Judiciary Committee shall be at the discretion of the Chairperson
- ☐ And retain the position until they decide to relinquish the role or it is mutually agreed that the role be adopted by another member
- ☐ FIT TM may appoint any Judiciary Chairperson they deem suitable for the role

APPOINTMENT OF MEMBERS TO SERVE ON A JUDICIARY HEARING

- ☐ Unless otherwise decided three persons from the Judiciary Committee shall be appointed by the Chairperson to serve on a Judiciary for each single hearing
- ☐ But these persons must not be from the same team as any person appearing before it to answer to any charge or report, or from any team whose member is the author of any such report, or any person who has a vested interest in the matter
- ☐ The Chairperson shall serve on the Judiciary for all hearings to ensure the maintenance of consistency
- ☐ In any case where the subject person of the report is female, at least one female shall be a member of the Judiciary for that hearing
- ☐ The Chairperson must at all times be aware of equity issues and may need to adjust the composition of the Judiciary to take such matters into consideration, including instances involving various groups regarded as disadvantaged persons

POWERS AND AUTHORITIES OF THE JUDICIARY

- ☐ The Judiciary shall have the power and authority to require any FIT TM member to appear before it in order to provide such information which, in the opinion of the Chairperson, is necessary to enable the Judiciary to fulfil its functions and duties
- ☐ Advice of the requirement for any person to appear before the Judiciary shall be in writing and delivered to that person, or appointed delegate, at least three days in advance of the hearing
- ☐ Persons not served with any notice to appear, may appear on their own volition and, only at the discretion of the Chairperson
- ☐ They may give evidence and answer questions before the hearing for the benefit and information of the Judiciary

The Judiciary shall have the power to impose all or any of the following penalties on any class of member: -

- ☐ Exclusion from any games or playing fields or meetings or other events for any specified number of matches and for a specified time period;
- ☐ Monetary fines of any specified amounts payable within any specified period of time;
- ☐ Forfeiture of any competition and/or other points as specified;
- ☐ A combination of any of the above or any other disciplinary action as considered appropriate
- ☐ In any case where the Judiciary sees fit to impose all or any of the above penalties, the members shall take into account the seriousness of the circumstances and:
 - ☐ The level of punishment that should be imposed;
 - ☐ The need to remove the subject person/s from the Touch scene for the protection of other members;
 - ☐ The necessity to set a level of penalties to act as an example and deterrent to other persons;
 - ☐ The implications on those who witnessed the incident; and
 - ☐ A desire to rehabilitate the subject person/s

POWERS OF THE CHAIRPERSON

Upon receipt of a report, the Chairperson shall have discretionary power to ensure that:

- ☐ The report has been communicated to the Chairperson via the Touch official who has been appointed by the FIT TM Affiliated Club Committee as the receiving authority for such matters; and
- ☐ The report contains information of such a nature that the convening of the Judiciary is justified and warranted; and
- ☐ The report is not vexatious, frivolous or incompetent; and
- ☐ The report relates to a matter where the discretionary powers and functions of the Judiciary are necessary in order to determine an appropriate outcome
- ☐ In any instance where the Chairperson receives a report indicating that a referee has dismissed a player from the field of play for the remainder of the game, the Chairperson shall have discretionary power to allow the full impact of the FIT TM playing rules, guidelines and policies to have full force and effect
- ☐ In such an instance, the subject player shall incur a two match suspension, without the necessity of the matter being placed before a hearing by the Judiciary. However, the subject player still retains the right to appeal against such a decision.
- ☐ The term "two match suspension" refers to the period of time it takes for two matches to be completed in the division from which the player was suspended. A bye does not count as a match completed.
- ☐ In all hearings conducted by the Judiciary, the Chairperson shall have a primary and a casting vote. All other members shall have one vote each.

INTERFERENCE WITH FUNCTIONS AND DUTIES

- ☐ In any case where the independence and impartiality of the Judiciary are in any manner interfered with by any person, the Chairperson shall be obliged to present a report on the circumstances and manner of interference at the next Affiliated Club Committee Meeting.
- ☐ Any person so reported by the Chairperson shall be called upon to answer to the charge before a meeting of the FIT TM Affiliated Club Committee.
- ☐ Any person found guilty, by a majority vote of the delegates present, of any interference whatsoever shall be subject to the imposition of all or any of the penalties as directed by FIT TM Affiliated Club Committee under the guidance and over control of the Judiciary Chairperson

MEMBERSHIP OF THE APPEAL TRIBUNAL

- ☐ The Appeal Tribunal of FIT TM shall consist of at least three but not more than five members of the appointed judiciary (from the FIT TM Affiliated Club Committee) who have not been a member of the relevant Judiciary, a witness in the original Judiciary hearing or anyone otherwise compromised in the original hearing
- ☐ If there are insufficient members of the Management Committee available, the FIT TM Affiliated Club Committee may vote and may appoint other members from the Affiliated Club Committee to the Appeal Tribunal to hear and determine the appeal

CONDUCT OF THE APPEAL TRIBUNAL HEARING

- ☐ Appeal Tribunals should be conducted along similar lines to those set out in section 2 of this book with the exception that the appellant shall be heard first, then the original report writer/s, then the original Judiciary Chairperson (if deemed necessary)

POWERS AND AUTHORITIES OF THE APPEAL TRIBUNAL

- ☐ All the powers and authorities of the Judiciary shall also apply to an Appeal Tribunal
- ☐ Upon hearing any appeal, the Appeal Tribunal has the power to decide to: -
- ☐ Increase, decrease or accept any such penalties as already imposed; and/or impose any such new penalties;
- ☐ Remit the matter in dispute to be re-heard by the original Judiciary, or any subsequent Appeal Tribunal;
- ☐ Allow the appellant to have legal representation on the hearing of the appeal, and/or have legal counsel present to assist the Appeal Tribunal

APPEAL FEES

- ☐ In any case where an appeal has been upheld by an Appeal Tribunal, the appeal fee (received by the body responsible for conducting that particular appeal) shall be repaid in full to the appellant.
- ☐ In any case where an appeal has not been upheld by an Appeal Tribunal, the appeal fee (received by the body responsible for conducting that particular appeal) shall be forfeited in full by the appellant.

AMENDMENTS TO REGULATIONS

- ☐ Once adopted, these regulations may be amended in any manner considered appropriate at an agreed meeting of the FIT TM Affiliated Club Committee

SECTION 5

List of Suggested Penalties (Provided as a guideline only)

TERMS and CONDITIONS of the SUGGESTED PENALTIES

- ☐ The following list of suggested penalties are provided as a guideline to assist the Judiciary in their role of deciding upon suitable penalties that may need to be imposed upon any FIT TM member who may be the subject of any matter brought before them

Minimum and Maximum Penalties

- ☐ A minimum suggested penalty and a maximum suggested penalty have been included with each of the infringements listed
- ☐ The spread between the minimum and maximum suggested penalties has deliberately been made wide to provide a large range of possible penalties
- ☐ Judiciary Committees must not be 'fence sitters' who continually opt for either the minimum penalty, or the maximum penalty, or main-line somewhere in between these two extremes
- ☐ As each Judiciary Hearing must be judged upon its own merits, it is highly likely that individual cases of what might appear to be 'similar' infringements will actually receive very different penalties due to the possibility of differing circumstances surrounding the incidents

Each Individual case MUST be judged upon its own merits: -

- ☐ As each individual case shall be judged entirely upon its own merits or demerits, a Judiciary upon hearing all the evidence presented may decide to waive the imposition of any penalty, or award a lesser or greater penalty than the suggested minimum or maximums listed herein

☐ The exact penalty to be imposed in all instances will be at the sole discretion of the Judiciary hearing the matter

The reason for imposing penalties: -

☐ Any penalty that may be imposed by any Judiciary is done for the express purpose of discouraging any unacceptable behaviour from any FIT TM members, either on or off the field of play

The scope of a penalty: -

☐ A suspension received by a player does not necessarily prevent that player from participating as a referee, coach or other official (unless the FIT TM Affiliated Club Committee stipulate otherwise)

☐ A Judiciary may however also suspend a player from any other form of participation if it sees fit to do so

☐ Alternatively, a Judiciary may impose additional conditions to a playing suspension stipulating that the player must officiate as a referee during the term of their suspension

Good Behaviour Bonds

☐ It is suggested that all penalties handed down by a Judiciary be accompanied by a 'good behaviour' bond

☐ All good behaviour bonds would refer to a time period as decided by the Judiciary who would take into consideration the severity of the incident and/or how frequently the subject person/s appear before the Judiciary

Provocation is no excuse for Retaliation: -

☐ In any instance of misconduct, provocation used as an excuse for retaliation will not be accepted as an adequate explanation of, or excuse for, the unacceptable behaviour

List of Suggested Penalties: - (Provided as guidelines only)

For Infractions against another Player

☐ Bad sporting behaviour (i.e. calling phantoms): It is recommended that any action considered not to be in the spirit of the game of Touch should receive a penalty.

Suggested suspension: minimum 1 game - maximum 12 games or 13 months

☐ Condescending language or signals (i.e. sledging): It is recommended that speaking in a condescending manner, or using condescending signals towards another participant should receive a penalty

Suggested suspension: minimum 1 game - maximum 12 games or 3 months

☐ Offensive language or signals (i.e. swearing): It is recommended that the use of offensive language or signals towards another participant should receive a penalty

Suggested suspension: minimum 2 games - maximum 24 games or 6 months

☐ Deliberately pushing, grabbing or tripping: It is recommended that deliberately pushing, grabbing or tripping another participant should receive a penalty

Suggested suspension: minimum 3 games - maximum 48 games or 12 months 20

☐ Deliberately using an elbow, forearm or shoulder: It is recommended that deliberately using an elbow, forearm or shoulder on another participant should receive a penalty

Suggested suspension: minimum 4 games - maximum suspended for life

☐ Deliberately striking, with an open hand (i.e. slapping): A slap is deemed to be the connection of a slap delivered with the intent of connecting. It is recommended that deliberately striking with an open hand another participant should receive a penalty

Suggested suspension: minimum 4 games - maximum 48 games or 12 months

☐ Deliberately striking, with a closed flat, (i.e. punching): A punch is deemed to be the connection of a punch thrown with the intent of connecting. It is recommended that deliberately striking, with a closed fist another participant should receive a penalty

Suggested suspension: minimum 6 games - maximum suspended for life.

☐ Participating in a fight: A fight is deemed to be the connection of one or more punches thrown by two or more participants. In any fight, both the instigator/s and the retaliator/s shall both be treated in an equal manner. It is recommended that anyone participating in a fight should receive a penalty

Suggested suspension: minimum 8 games - maximum suspended for life.

List of Suggested Penalties: - (Provided as guidelines only)

For Infractions against a Referee or Official: -

☐ Bad sporting behaviour (i.e. continual backchat): It is recommended that any action considered not to be in the spirit of the game of Touch should receive a penalty

Suggested suspension: minimum 2 games - maximum 24 games or 6 months

☐ Condescending language or signals (i.e. sledging): It is recommended that speaking in a condescending manner, or using condescending signals towards a referee or official should receive a penalty

Suggested suspension: minimum 2 games - maximum 24 games (6 months)

☐ Offensive language or signals (i.e. swearing): It is recommended that using offensive language or signals towards a referee or official should receive a penalty

Suggested suspension: minimum 4 games - maximum 48 games (12 months)

☐ Deliberately pushing, grabbing or tripping: It is recommended that deliberately pushing, grabbing or tripping a referee or official should receive a penalty

Suggested suspension: minimum 6 games - maximum suspended for life.

☐ Deliberately using an elbow, forearm or shoulder: It is recommended that deliberately using an elbow, forearm or shoulder on a referee or official should receive a penalty

Suggested suspension: minimum 8 games - maximum suspended for life

☐ Deliberately striking, with an open hand (i.e. slapping): A slap is deemed to be the connection of a slap delivered with the intent of connecting. It is recommended that deliberately striking, with an open hand, a referee or official should receive a penalty

Suggested suspension: minimum 8 games - maximum suspended for life. 21

☐ Deliberately striking, with a closed flat, (ie: punching): A punch is deemed to be the connection of a punch thrown with the intent of connecting. It is recommended that deliberately striking with a closed fist a referee or official should receive a penalty

Suggested suspension: minimum 12 games - maximum suspended for life

☐ Participating in a fight: A fight is deemed to be the connection of one or more punches thrown by two or more participants. In any fight, both the instigator/s and the retaliator/s shall both be treated in the exact same manner. It is recommended that anyone participating in a fight with a referee or official should receive a penalty.

Suggested suspension: minimum 16 games - maximum suspended for life.

List of Suggested Penalties: - (Provided as guidelines only)

For other infringements –

☐ Any player who participates in a tournament in breach of the Rules of Eligibility for that Tournament should receive a penalty

Suggested suspension: minimum suspended from competing in the remainder of that tournament - maximum 24 games (6 months)

☐ Any player who participates in a game of Touch whilst currently serving a suspension shall be cited by FIT TM Affiliated Club Committee It is recommended that anyone participating in a game of Touch whilst under suspension should have the original suspension increased.

Suggested increase to be added to the remainder of the original suspension: minimum half the original suspension - maximum the full original suspension

☐ It is recommended that any player who is continually dismissed from the field of play for infringements that would normally warrant no more than the automatic two week suspension, should be summoned to appear before the Judiciary to show cause as to why they should not receive an increased penalty