

# WALES TOUCH ASSOCIATION – JUDICIARY POLICY



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## **1. POLICY STATEMENT**

The Wales Touch Association (WTA) aims to provide an easy to use, confidential and trustworthy procedure for complaints management. This policy has been produced to assist WTA members or other interested parties with a detailed overview of the judiciary process. It is intended to be a detailed explanation of how the WTA would conduct a fair and impartial judiciary process.

Any person may report a complaint (complainant) about a person/s or organisation bound by WTA policies if they reasonably believe that a person(s) or a sporting organisation has breached WTA policy.

## **2. POLICY OVERVIEW**

This policy is arranged into 6 main sections comprising the following:

- The steps involved in the Report, Judiciary and Appeals Processes;
- The actions required during the Judiciary Hearing;
- Procedural issues of the Judiciary Hearing;
- Regulations governing the Judiciary Committee and Appeal Tribunal;
- A list of suggested game related sanctions for offences;
- Schedules to use for Reports, Notices of Hearings & Findings of the Judiciary and Appeal Tribunals.

## **3. DEFINITIONS**

“Judiciary Hearing” is the hearing that takes place to review the complaint based on the balance of probability.

“Appeal Tribunal” means the appeal to the findings of the initial Judiciary Hearing.

“Complainant” is the person who makes a complaint in the proceedings

“Respondent” is the person against whom a complaint is filed.

“Appellant” is the person who applies to the Tribunal Appeal board to review the initial judiciary hearing.

"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.



“Appeal upheld” means that the appeal tribunal moved in favour of the appellant.

“Appeal rejected” means that the appeal tribunal moved in favour of the findings of the initial Judiciary.

“Wales Touch Association” are the governing body of touch in Wales and are affiliated to the Federation of International Touch.

“National Governing Body” mean a sporting governing body that oversees the particular sport in their principality

“Federation of International Touch” are the governing body of touch throughout the world

“Censure” means that a formal expression of disapproval has been provided to an individual.

“Judiciary Chairperson” the person appointed by the WTA board to manage and judiciary process.

“Judiciary members” form the judiciary committee, appointed by the Judiciary chairperson to form the judiciary committee.

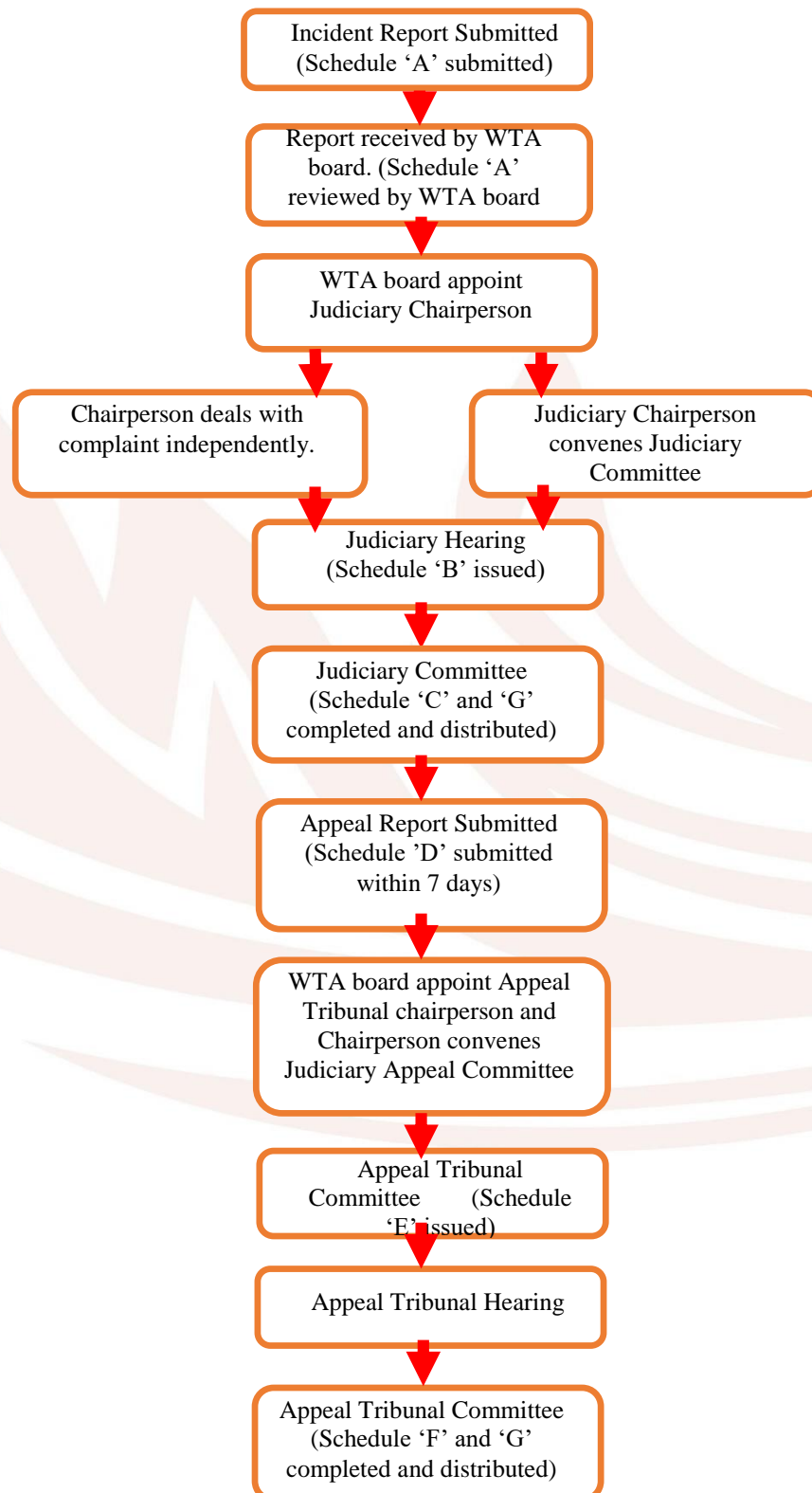
“Appeal Tribunal Chairperson” the person appointed by the WTA board to manage and appeal tribunal process.

“Appeal Tribunal members” form the Appeal Tribunal Committee, appointed by the Judiciary chairperson to form the judiciary committee.

"Balance of Probabilities", means that the Judiciary or Appeal Tribunal members, after hearing all the evidence, should be satisfied that "more likely than not" the alleged offence was committed or not.

“Natural justice” means the principles, procedures or treatment felt instinctively to be morally right and fair.

#### 4. STEPS INVOLVED IN REPORTING, JUDICIARY AND APPEAL PROCESS





## 5. INFRINGEMENTS & MISCONDUCT

Members, players, and officials who fail to conform with the policies and procedures of the WTA or breach the playing rules of Touch in accordance with the Federation of International Touch (FIT) playing rules are liable to sanction or other appropriate action according to the seriousness of the infringement or misconduct.

Minor playing offences are not compelled to be sent before a Judiciary hearing. Referees dealing with these infringements have a number of options available to them:

- 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. (NB: 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. (NB: 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.

More serious offences associated with breaches of the WTA policies and procedures will be subject to the same judiciary process. Incident reports must be submitted to the WTA board in these circumstances.

It is a breach of WTA policy for any person, member, coach or official of the WTA or organisation working at the direction of the WTA to have been found to have:

- Breached any WTA policies;
- Breached the WTA Code of Conduct, WTA Members Protection Policy.
- Breached the WTA Child Protection and Safeguarding Policy.;
- Brought the sport and / or WTA into disrepute;

- Appointed or continued to appoint a person to a role that involves working with children and young people contrary to WTA policy;
- Victimised another person for reporting a complaint;
- Disclosed to any unauthorised person or organisation any WTA information that is of a private, confidential or privileged nature;
- Made a complaint they knew to be untrue, vexatious, malicious or improper;
- Failed to comply with a sanction imposed after a judiciary hearing or appeal tribunal hearing;
- Failed to comply with a direction given to the individual or organisation during the discipline process

## **5.1. REPORTS & HOW TO WRITE THEM**

### **Incident reports: (Schedule “A”)**

- Referees must submit, to a WTA board member, a written incident report on any player/s dismissed for the remainder of the game, no later than 48 hours following the incident.
- Referee/s may at their discretion submit a written incident report on any player or official who, in their opinion, has breached the playing rules of FIT. A dismissal for a period of time is not a necessary prerequisite for the submission of a report.
- Any association, club, team, official, or person may at their discretion submit a written incident report on any other association, club, team, official or person who, in their opinion, has breached the playing rules of FIT.
- Following any incident that requires a written incident report, it is strongly recommended that the complainant(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: (Schedule “A”) Any association, 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 WTA. (Recommended no later than 48 hours).
- Complaint of an alleged breach of WTA policy must be accompanied by a detailed report regarding the alleged breaches.



## **5.2. ACTIONS FOLLOWING RECEIPT OF A WRITTEN REPORT**

Upon receipt of a report, the WTA board will appoint a Judiciary Chairperson who would be delegated the authority to manage the judiciary process. It is recommended that the Chairperson is a member of the WTA board, however, this is not compulsory.

The Judiciary chairperson shall decide whether further action is necessary. Should the complainants report not warrant further action there is no need to convene a Judiciary. The matter may be dealt with by a form of mediation.

The chairperson aims to sort out complaints with the minimum of fuss wherever possible. In many cases, complaints can be sorted out by agreement between the people involved with no need for disciplinary action. The people involved in a formal complaint, the complainant and the respondent may also seek the assistance of a neutral third person or a mediator. This mediation process would be managed by the chairperson. Lawyers are not able to negotiate on behalf of the complainant and or the respondent. Mediation may occur either before or after an investigation of a complaint.

Should the report warrant further action, the Judiciary chairperson will convene the judiciary committee who will conduct the necessary investigation and hear the matter.

Members of judiciary and or the appeal tribunal hearing will be indemnified by the WTA against any claim for loss, compensation or damages, and for costs incurred defending a claim made against them, because of their function as a member of a hearings or appeals tribunal.

## **5.3. ACTIONS FOLLOWING DECISION TO CONVENE THE JUDICIARY**

All hearings of the Judiciary committee shall be instigated by the issue and service of a Notice of Judiciary Hearing [Schedule "B"]. The delivery of this notice can be made by electronic mail or other communication methods as deemed appropriate.

Judiciary Hearings shall be held at a mutually convenient time to enable the respondent and all members of the Judiciary committee to attend.

## **5.4.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. If the resulting Judiciary is not

convened prior to the next competition match the player participates in, then the player is eligible to participate.

During any investigation regarding the alleged breach of WTA policy the Judiciary chairperson will consider whether the suspension of a WTA member, coach, player or official; 'without prejudice and as a neutral act' will be necessary whilst an investigation by the Judiciary Committee is undertaken.

Suspension in these circumstance would be considered alongside the potential of removing the respondent to a post or position that would alleviate potential further risk to the complainant or the investigation of the complaint.

#### **5.4. 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. (Schedule "G")

- A Notice of Finding [Schedule "C"] shall be issued and served by the Judiciary Chairperson, or their delegate, to all relevant parties, as follows:
  - The Subject Person/s (i.e.: offending player or official);
  - The Report Writer/s (i.e.: referee, etc.);
  - Any third party (i.e.: as in the case of a protest);
  - The Wales Touch Association's "Judiciary Findings" file;

#### **5.5. RIGHT OF APPEAL**

Any member, team, club or referee may appeal against the findings of their Judiciary Committee by issue and service of a Notice of Appeal [Schedule "D"] and which shall be accompanied by an appeal fee of £25 made payable to the Wales Touch Association.

Any Notice of Appeal and the appeal fee must be lodged with the WTA board within seven days of the service of the Notice of Finding – Schedule "C".

## **5.6. SUSPENSIONS PENDING AN APPEAL TRIBUNAL HEARING**

Any decision, finding, disqualification, suspension, fine, censure or other sanction imposed shall remain in full force and effect pending the appeal tribunal hearing, provided that the Appeal Tribunal Committee schedule to hearing to occur within 21 days of the receipt of the Notice of Appeal.

Failure to hear the appeal within the prescribed time will nullify any suspension except where the Appeal Tribunal is awaiting information, reports, etc. from the appellant, other third party or matters are still being investigated by the Appeal Tribunal Committee. Undue delay by the third party (other than the appellant) may allow the Chairperson to convene the tribunal without the information sought.

## **5.7. ACTIONS FOLLOWING RECEIPT OF APPEAL**

An Appeal Tribunal shall be convened to deal with the appeal within 21 days of the receipt of the Notice of Appeal. The appeal hearing may be extended in the same circumstances as detailed in the "Suspension pending an appeal tribunal hearing" section above.

- The Appeal Tribunal must be provided the appellant with copies of all the paperwork (reports, witnesses statements, minutes, etc..) associated with the original Judiciary Hearing, and forward copies of these items to the appellant.
- A Notice of Appeal Tribunal Hearing [Schedule "E"] 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 complainant (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 [Schedule "F"] 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 complainant (s) (e.g.: referee, etc.);
  - Any third party (e.g.: as in the case of a protest);
  - The Wales Touch Association's "Judiciary Findings" file;



#### **5.8. WHO MAY LODGE AN APPEAL**

Notice of Appeal (Schedule “D”) may be lodged by any party to the proceedings who may be aggrieved by the Judiciary decision. Any party lodging an appeal thereby becomes the appellant.

The appellant must provide details regarding the ground for their appeal.

#### **5.9. KEEPING A JUDICIARY ACTIONS FILE**

The WTA will 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:

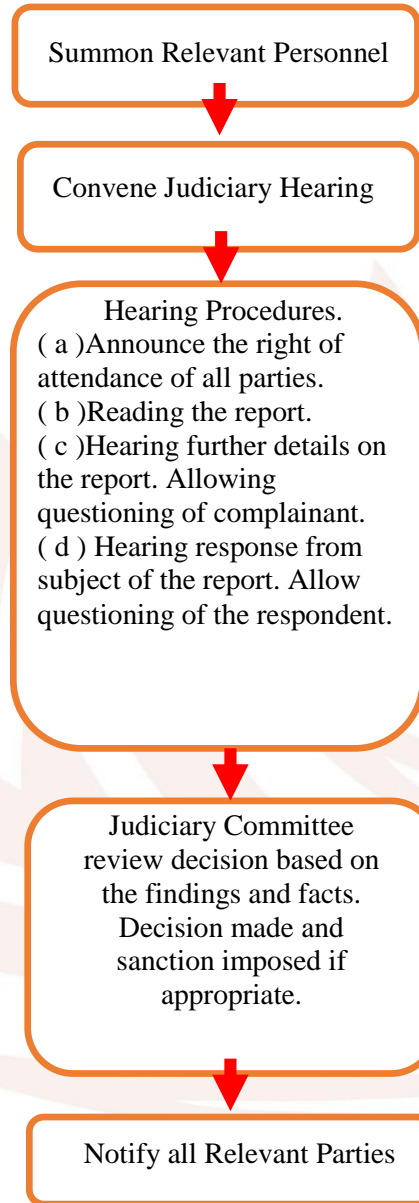
- Judiciary Actions Register (with each new Judiciary added progressively);
- Copy of written Incident Report or Protest;
- Copy of Notice of Judiciary Hearing;
- The minutes of the Judiciary Hearing, statements, tape recordings, etc.;
- Copy of Notice of Findings of the Judiciary;
- Copy of Notice of Appeal;
- Copy of Notice of Appeal Tribunal Hearing;
- The Minutes of the Appeal Tribunal Hearing, statements, tape recordings, etc.;
- Copy of Notice of Findings of the Appeal Tribunal;
- Any other information relevant to Judiciary actions undertaken by the WTA.

#### **5.10. VEXATIOUS COMPLAINTS AND VICTIMISATION**

The WTA aims to ensure our complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process the judiciary or appeal tribunal committee considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the WTA board for appropriate action which may include disciplinary action against the complainant.

The WTA will also take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for helping to sort it out. Disciplinary measures will be imposed on anyone who victimises another person for making a complaint.

## 6. ACTION DURING THE JUDICIARY HEARING



## **6.1. HEARING PROCEDURES**

The following hearing procedures shall generally apply, but may be amended by the Chairperson of the judiciary or appeal hearing, depending on the circumstances and nature of the issue before the hearing.

## **6.2. 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.

## **6.3. 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 complainant(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 respondent whether the plea is "Guilty" or "Not Guilty".

## **6.4. IF THE PLEA IS "GUILTY"**

The respondent may make a submission by way of explanation of the circumstances surrounding the incident, or with a view to mitigation of sanction.

Depending on the nature of this submission, the respondent may be subject to questioning by the Judiciary members.



The judiciary committee will then deliberate and conclude the process as detailed below in the section detailed “Decision Time”.

## **6.5. IF THE PLEA IS "NOT GUILTY"**

First: Presenting the Case.

- The Chairperson shall ensure that all intending witnesses are excluded from the hearing.
- The complainant(s) shall be called to expand upon their written report and make any further explanation of the circumstances as necessary.
- The complainant shall then be subject to questioning by the Judiciary committee members.
- The complainant 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 respondent 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 complainant during their further explanation.
- The respondent shall then be subject to questioning by the Judiciary committee members.
- The respondent may choose to call one or more witnesses to provide further information before the hearing. In such a case, the above steps are repeated. Each witness must retire from the hearing prior to a subsequent witness giving information.

## **6.6. 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 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,
- The chairperson shall announce the findings of fact and, if relevant, any sanction imposed.

## **6.7. 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 within seven days of the hearing.

Failure to have such written notification delivered to the respondent or appellant of the hearing shall not prevent any sanction being 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.

During complicated and extended Judiciary and or Appeal Tribunal hearings the chairperson may decide to delay the notification of the respondent or appellant immediately after the hearing. This would occur if extended deliberation time is required to consider the facts and information presented after a hearing. In these circumstances the chairperson will ensure that written notification is delivered to the respondent or appellant within the seven days of the hearing. This notification can be made by electronic mail or other communication methods as deemed appropriate.

## **7. PROCEDURAL ISSUES OF THE JUDICIARY HEARING**

### **7.1. 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 involved.

### **7.2. 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.

### **7.3. 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, depending on the circumstances or as provided for in the Association constitution. The appointed members of the Judiciary shall have right of attendance at all times.
- Complainant who have been called to explain their report and provide further information at the hearing, if required. The complainant shall have right of attendance as allowed by the Chairperson.
- Respondent who has been cited to appear at the hearing. The respondent shall have right of attendance as allowed by the Chairperson.
- Guests/observers are 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. All technical officials summoned will be required to sign a WTA confidentiality agreement

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 Tribunal Committee.

In the case that the respondent or complainant possess legal qualifications then the Judiciary or Appeal Tribunal should include a member who possesses such qualifications.

### **7.4. 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.



In the event of electronic conferencing facilities being used to facilitate a Judiciary or Appeal Tribunal hearing it would be advised to record the hearing using the recording facilities within the conferencing software. The express permission of all parties involved in the hearing would need to be obtained prior to the online hearing being recorded. The recording of the proceeding was a means of safeguarding all parties involved in the Judiciary and Tribunal Appeal hearing.

## 7.5. 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 complainant and respondent by way of further investigating the matter.

The complainant should not have to carry the onus of proof (i.e. Prove the complaint they have lodged). Neither should the respondent 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 nor defendant (i.e. The complainant and respondent 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 or Appeal Tribunal members, after hearing all the evidence, should be satisfied that "more likely than not" the alleged offence was committed or not.

## 7.6. NON-APPEARANCE OF PERSONS

On all occasions that the Judiciary are convened, the complainant 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 the WTA is served with written notice to appear, then such appearance shall be deemed compulsory. The chairperson has the authority to waive this requirement if it was deemed necessary.

If such person fails 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 complainant or the respondent the hearing may continue in the absence of those persons. Alternatively, if the Chairperson considers that the appearance of the complainant or respondent is necessary and desirable, the complainant or

respondent may be suspended from all WTA events until such time as they appear before the Judiciary.

- In any case the non-appearance is by any other member of the WTA 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 from all WTA events until such time as they appear before the Judiciary.

## **7.7. 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.

## **7.8. INFORMATION SUPPLIED AT A HEARING**

All persons attending a hearing and supplying information to the Judiciary or Appeal Tribunal 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 breach of WTA Code of Conduct, WTA Members Protection Policy and WTA Judiciary Policy.

No individual attending and providing information at a hearing shall be compelled to supply such information which is likely to be incriminating.

## **7.9. INACCURACIES IN REPORTS**

If it is discovered during a hearing that any inaccuracy occurs in a written complaint, 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 respondent or appellant are disadvantaged or the functions of the Judiciary or Appeal Tribunal are jeopardised, the Chairperson shall grant an adjournment of the hearing, as the Chairperson sees fit.

## **7.10. 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 requesting the presentation of the information before the hearing.

## **8. REGULATIONS GOVERNING THE JUDICIARY COMMITTEE AND APPEAL TRIBUNAL**

### **8.1. 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 the Wales Touch Association.

### **8.2. FUNCTIONS AND DUTIES**

- To inquire into, hear, adjudicate upon and determine any allegations or complaints made against any member, which is the subject of a report made for a breach of WTA Policies and Procedure and or the FIT Playing Rules of Touch.
- 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 WTA Judiciary Policy.
- To impose sanctions which, in its opinion are fair and just. Consideration should always be made to other sporting examples where precedents within the sport of Touch have not been set.
- To report regularly to the WTA board on all decisions made, actions taken and penalties imposed during the exercise of its functions and duties.



### **8.3. MEMBERSHIP OF THE JUDICIARY COMMITTEE**

- The Judiciary Committee shall consist of a Chairperson and a number of members who shall be duly appointed by the chairperson of the Judiciary or Appeal Tribunal committee. It is recommended that the chairperson of the Judiciary or Appeal Tribunal are a member of the WTA board, however, this is not mandatory. The WTA Conflict of Interest Policy will be adhered to during the selection and appointment of the judiciary or appeal tribunal committee.
- The total number of persons appointed to form the Judiciary Committee shall be at the discretion of the Chairperson.
- All members of the Judiciary committee will be expected to sign the WTA confidentiality agreement.

The Chairperson shall hold office during the specific judiciary or appeal tribunal hearing. The WTA board may appoint a Chairpersons to a specific judiciary process as necessary.

### **8.4. APPOINTMENT OF MEMBERS TO SERVE ON A JUDICIARY HEARING**

- The Chairperson shall serve on the Judiciary for all hearings to ensure the maintenance of consistency.
- In any case where the respondent of the report is a specific sex, at least one person of the same sex 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.

### **8.5. POWERS AND AUTHORITIES OF THE JUDICIARY**

- The Judiciary committee shall have the power and authority to require the WTA 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 by electronic means if appropriate. This must be completed 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 and or Appeal Tribunal Committee shall have the power to impose all or any of the following sanctions on any class of member:
  - Exclusion from any games or WTA events or meetings or other events for any specified number of matches or specific time period;
  - 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 and in accordance with the objects of the Association.
  - 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 respondent from the WTA 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 respondent.

## **8.6. POWERS OF THE CHAIRPERSON**

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

- The complaint report has been communicated to the Chairperson of the Judiciary or Appeal Tribunal committee from the WTA board, giving authority to the Chairperson to conduct the judiciary process.
- The complaint report contains information of such a nature that the convening of the Judiciary is justified and warranted; and
- The complaint report is not vexatious, frivolous or incompetent; and
- The complaint 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.



In such an instance, the respondent 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.

### **8.7. 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 ensure that the WTA Conflict of Interest Policy has been complied with.

Any person so reported by the Chairperson shall be subject to the WTA Judiciary Policy.

### **8.8. MEMBERSHIP OF THE APPEAL TRIBUNAL**

The Appeal Tribunal committee of the WTA shall consist of at least three but not more than five members. These persons do not need to be members of the WTA. All appeal tribunal member will be expected to sign a WTA confidentiality agreement.

The chairperson will be appointed by the WTA board, and it is recommended that this person also be a member of the WTA board. The chairperson must have had no involvement with the initial investigation. The WTA board will ensure that the WTA – Conflict of Interest Policy is followed.

The remaining members are subsequently appointed by the chairperson. Consideration will be given to the skill set of the members of the Appeal Tribunal committee to ensure that Appeal Tribunal members are suitably qualified to conduct the appeal process.

## **8.9. CONDUCT OF THE APPEAL TRIBUNAL HEARING**

Appeal Tribunals should be conducted along similar lines to those set out in the Judiciary Hearing with the exception that the appellant shall be heard first, then the original complainant followed by the original Judiciary Chairperson (if deemed necessary).

## **8.10. POWERS AND AUTHORITIES OF THE APPEAL TRIBUNAL:**

All the powers and authorities of the Judiciary hearing 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;
- Allow the appellant to have legal representation on the hearing of the appeal, and/or have legal counsel present to assist the Appeal Tribunal. In these circumstances the Appeal Tribunal Committee will also require legal representation.

In the case that the respondent or complainant possess legal qualifications then the Appeal Tribunal committee should include a member who possesses such qualifications.

The Appeal Tribunal is the final appeal point within the WTA Judiciary process. There are NO further right to appeal to the WTA following the Appeal Tribunal stage.

## **8.11. APPEAL FEES**

In any case where an appeal has been upheld by an Appeal Tribunal, the appeal fee (£25 received by the WTA) 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 (£25 received by the WTA) shall be forfeited in full by the appellant.



## **9. LIST OF SUGGESTED SANCTIONS**

### **9.1. TERMS AND CONDITIONS OF THE SUGGESTED SANCTIONS**

The list of suggested sanctions are provided as a guideline only:

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 by the WTA.

The Judiciary and Appeal Tribunal must consider the sanctions imposed by other similar National Governing Bodies where no precedent has been set for the imposition of sanctions within the WTA.

### **9.2. MINIMUM AND MAXIMUM SANCTIONS**

A minimum suggested sanction and a maximum suggested sanction 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 sanction, the maximum sanction or 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.

### **9.3. 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 sanction, or award a lesser or greater sanction than the suggested minimum or maximums listed herein. The exact sanction to be imposed in all instances will be at the sole discretion of the Judiciary and or Appeal Tribunal hearing the matter.

#### **9.4. REASON FOR IMPOSING SANCTIONS**

Any sanction that may be imposed by any Judiciary or Appeal Tribunal are undertaken for the express purpose of discouraging any unacceptable behaviours from any WTA members, either on or off the field of play.

#### **9.5. SCOPE OF SANCTION**

A suspension received by a player does not necessarily prevent that player from participating as a referee, coach or other official. A Judiciary may however also suspend a player from any other form of participation if it sees fit to do so.

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

#### **9.6. GOOD BEHAVIOUR BONDS**

It is suggested that all penalties handed down by a Judiciary or Appeal Tribunal be accompanied by a 'good behaviour' bond. All good behaviour bonds would refer to a time period as decided by the Judiciary or Appeal Tribunal who would take into consideration the severity of the incident and/or how frequently the subject person/s appear before the Judiciary.

#### **9.7. 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.

## **9.8. LIST OF SUGGESTED SANCTIONS – INFRINGEMENT 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 sanction.
  - Suggested suspension: minimum 1 game ...maximum 12 games (3 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 sanction.
  - Suggested suspension: minimum 1 game ...maximum 12 games (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 sanction.
  - Suggested suspension: minimum 2 games...maximum 24 games (6 months).
- Deliberately pushing, grabbing or tripping: It is recommended that deliberately pushing, grabbing or tripping another participant should receive a sanction.
  - Suggested suspension: minimum 3 games ... maximum 48 games (12 months),
- Deliberately using an elbow, forearm or shoulder: It is recommended that deliberately using an elbow, forearm or shoulder on another participant should receive a sanction.
  - 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 sanction.
  - Suggested suspension: minimum 4 games ... maximum 48 games (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 sanction.
  - 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 sanction.
  - Suggested suspension: minimum 8 games ... maximum suspended for life.

## **9.9. LIST OF SUGGESTED SANCTIONS – INFRINGEMENT 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 sanction.
  - Suggested suspension: minimum 2 games ...maximum 24 games 16 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 sanction.
  - 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 sanction.
  - 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 sanction.
  - 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 sanction.
  - 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 sanction.
  - Suggested suspension: minimum 8 games ... maximum suspended for life.
- Deliberately striking, with a closed flat, (le: 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 of official should receive a sanction.
  - 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 sanction.
  - Suggested suspension: minimum 16 games ... maximum suspended for life.

## **9.10. LIST OF SUGGESTED SANCTIONS – OTHER INCIDENTS**

- Any player who participates in a tournament in breach of the Rules of Eligibility for that Tournament should receive a sanction.



- 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 by any association affiliated to the Federation of International Touch shall be cited by either the Association the player was suspended from; or the Association the player was found participating in. 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 why they should not receive an increased sanction

## 10. SCHEDULE, REPORT AND NOTICE OF FINDINGS

Schedule "A"	Protest – Schedule "A"
	Referee Incident Report – Schedule "A"
Schedule "B"	Notice of Judiciary Hearing
Schedule "A"	Notice of Finding of the Judiciary
Schedule "A"	Notice of Appeal
Schedule "A"	Notice of Appeal Tribunal Hearing
Schedule "A"	Notice of Findings of the Appeal Tribunal Hearing
Schedule "A"	Minutes of Judiciary Hearing and / or Appeal Tribunal Hearing



## Wales Touch Association – Schedule A

### Protest – Schedule A

**Protest Against :**

**Protest Writer :**

**Position :**

**Signature of Protest Writer:**

**Date :**

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**Charge:**

**Reason for Protest:**

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### OFFICE USE ONLY

Protest Received By:

(WTA official)

Signature:

Date:

**ALL PROTESTS MUST BE PASSED ONTO THE WTA BOARD FOR ASSESSMENT**

**Decision on Protest:**      **Dismissed / Upheld (Delete One)**

**Action Taken:**

**Chairperson Signature:**

**Date:**

## Wales Touch Association – Schedule A

### Referee Incident Report – Schedule A

Game Report ..... V .....  
 Venue: .....  
 Complainant: ..... Club / Team : .....  
 Complainant Signature : .....  
 Person (s) cited ..... Club / Team : .....

#### Allegations

Reason for the Report (Please select box. If more than one section select all that apply)

Against Another Player	Mark (X)	Against the Referee / Official	Mark (X)
Bad sporting behaviour (eg Phantoms)		Bad sporting behaviour (back chat)	
Condescending language or signals (sledding)		Condescending language or signals	
Offensive Language (swearing)		Offensive language (swearing)	
Deliberately pushing, tripping or grabbing		Deliberately, pushing, tripping or grabbing	
Deliberately using elbow, shoulder etc		Deliberately using elbow shoulder etc	
Deliberately striking open hand (slapping)		Deliberately striking open hand (slapping)	
Deliberately striking closed fist (punching)		Deliberately striking closed fist (punching)	
Participating in a fight		Participating in a fight	

Optional – Further statement of fact surrounding the incident: .....  
 .....  
 .....  
 .....  
 .....

#### OFFICE USE ONLY

Protest Received By: ..... (WTA official)

Signature: ..... Date: .....

#### **ALL PROTESTS MUST BE PASSED ONTO THE WTA BOARD**

Assessment on Report: NOTED / ACTIONED / JUDICIARY HEARING (Delete as required)

Action Taken:

Chairperson Signature:..... Date:.....



## Wales Touch Association – Schedule B

### Notice of Judiciary Hearing

Date :

To :

Of :

#### **Re: Judiciary Hearing**

You are hereby advised that you are requested to appear before the judiciary for the hearing and determination in relation to the following:

#### **Charge:**

**Incident Report:** a copy is attached / is available at your perusal (strike out as appropriate) upon application to the WTA

#### **Brief Statement of the Incident:**

Should you wish to present any evidence, this must be called or submitted at the above hearing. Evidence which may be submitted includes Referee Reports : Protests : Association Reports : Club or Team Reports: Player Reports : Witness Evidence and Reports.

#### **Date of Hearing:**

**Time:**

**Venue:**

**Judiciary Chairperson:**

**Signed:**





## **Wales Touch Association – Schedule C**

### **Notice of Finding of the Judiciary**

Date :

To :

Of :

**Re: Judiciary Hearing**

Hearing on the matter of:

**Charge:**

**Judiciary Findings and ./ or Decision:**

**Further Recommendations:**

**Name of Individuals who sat on this hearing:**

**Judiciary Chairperson:**

**Signed:**

Wales Touch Association – Judiciary Policy



## Wales Touch Association – Schedule D

### Notice of Appeal

**Date** :

**To** : The Executive Board of the WTA

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**Re: APPEAL**

**I/ We hereby appeal against the findings and / or decisions of the Judiciary which were made on the following date :**

**GROUND OF APPEAL:**

**THE EVIDENCE TO BE CALLED OR SUBMITTED IS:**

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**Enclosed is a cheque / money order for the amount of £                      in payment of the Appeal fee, as required by the WTA.**

**APPELLANTS NAME** :

**CLUB / TEAM** :

**APPELLANTS NAME** :

**CLUB / TEAM** :

**SIGNATURE (S)** :

**DATE** :



## **Wales Touch Association – Schedule E**

### **Notice of Appeal Tribunal Hearing**

Date :

To :

Of :

#### **Re: Appeal Tribunal Hearing**

You are hereby advised that you are requested to appear before the judiciary for the hearing and determination in relation to the following:

#### **Statement of Appeal:**

Should you wish to provide any evidence, this evidence must be submitted at least 48 hours prior to the above hearing. Evidence which may be submitted includes any further evidence in relation to the original Judiciary Hearing

**Date of Hearing:**

**Time:**

**Venue:**

**Judiciary Chairperson:**

**Signed:**

**Dated:**



## **Wales Touch Association – Schedule F**

### **Notice of Findings of the Appeal Tribunal Hearing**

Date :

To :

Of :

**Re: Appeal Tribunal Hearing on the matter of:**

**Appeal Tribunal Findings and / or Decisions:**

**Further Recommendations:**

**Names of Individuals who sat on this Appeal Tribunal:**

**Judiciary Chairperson:**

**Signed:**

**Dated:**





## **Wales Touch Association – Schedule G**

### **Minutes of: Judiciary Hearing and / or Appeal Tribunal Hearing**

**Held on the Date :**

**Present :**

**Persons Cited :**

**Statement of the Incident:**

**Notes**

**Decision**

**Judiciary Chairperson :**

**Signed :**

**Dated :**