



DISCIPLINARY POLICY & CODE OF CONDUCT

Adopted 11 August 2008

Purpose and Objectives

To preserve the image and integrity of tennis within the Buninyong & District Tennis Association (BDTA) and to promote sportsman-like conduct in all events to which this policy applies.

This policy provides the framework for dealing with event related breaches of discipline in a consistent manner.

The BDTA also supports the Australian Sports Commission's *Essence of Australian Sport Code of Behaviour* and the *Junior Sport Codes of Behaviour* which outline the standard behaviour expected from players, coaches, parents, spectators, officials and administrators. This document should be read in conjunction with the above publications.

Application

The policy applies to violations occurring:

- a) during Events (defined in section 1) or
- b) at officially sanctioned activities

regardless of whether the violation occurs at or away from the Precinct (defined in section 1).

Section 1 – General

1.1 Definitions and Interpretation

The following definitions apply in this Policy:

- a) 'Event' means a championship, tournament, competition, team event or challenge match.
- b) 'Precinct' means the Event venue (courts or clubhouse) including the immediate surrounds (eg. venue carpark).
- c) 'Convenor' means the person appointed by BDTA Executive Committee to administer section 3 of the Policy.
- d) 'Governing Body' means the governing body sanctioning the event, (eg. BDTA).
- e) 'Official' means an Executive Committee member of the Governing Body or a club committee member from a club within the Governing Body association.
- f) 'Tribunal Chair' means a member of the Governing Body's Executive Committee appointed by the Convenor to manage the Tribunal proceedings.
- g) 'Nominee' means a person appointed as the Governing Body's representative at the Tribunal who will present the Governing Body's case.

1.2 Operation

The Policy applies to all junior and senior Events conducted by the Governing Body.

1.3 Jurisdiction

The lodgement of an entry form by whatever means, incorporating the Policy by reference, is prima facie evidence of a player's agreement to abide by the Policy.

1.4 Administration

All Officials are empowered to administer this Policy.

Section 2 – Code of Behaviour Violations

The following violations of the Code of Behaviour amount to breaches of this Policy:

Violations attract standard penalties such as warning and suspensions.

2.1. Audible Obscenity

A player uses offensive or obscene language during an Event, or within the Precinct. For the purposes of this rule, audible obscenity is defined as the use of words commonly known and understood to be profane and uttered clearly and loudly enough to be heard by an Official or spectator.

2.2. Verbal Abuse

A player, during an Event, verbally abuses any Official, opponent, spectator or any other person. For the purposes of this rule, verbal abuse is defined as a statement directed at any Official, opponent, spectator or any other person that is derogatory, insulting in its nature, racially or otherwise abusive or implies dishonesty.

2.3. Visible Obscenity

A player makes offensive or obscene gestures during an Event, or within the Precinct. For the purposes of this rule, visible obscenity is defined as the making of signs by a player with his hands, body and/or racquet or balls that commonly have an obscene meaning or import to reasonable people.

2.4. Physical Abuse

A player physically abuses any Official, opponent, spectator or other person within the Precinct. For the purposes of this rule, physical abuse is the unauthorised touching of an Official, opponent, spectator or another person.

2.5. Abuse of Racquets or Equipment

A player violently or with anger hits, kicks or throws a racquet or other equipment, or unreasonably interferes with any court fixtures and equipment within the Precinct. For the purposes of this rule, abuse of racquets or equipment is defined as intentionally and violently throwing, destroying or damaging racquets or equipment or intentionally and violently hitting the net, court, umpire's chair or other fixture during a match out of anger or frustration using excessive force.

2.6. Abuse of Balls

A player violently, dangerously or with anger hits, kicks or throws a tennis ball within the Precinct, except in the reasonable pursuit of a point during an Event (including warm up). For the purposes of this rule, abuse of balls is defined as intentionally hitting a ball out of the enclosure of the court, hitting a ball dangerously or recklessly within the court or hitting a ball with negligent disregard of the consequences.

2.7. Unsportsman-like Conduct

A player during any Event engages in conduct that damages the image and integrity of tennis. Players shall at all times conduct themselves in a sportman-like manner and give due regard to the authority of Officials and the rights of opponents, spectators and others. For the purposes of this rule, unsportsman-like conduct is defined as any misconduct by a player, prior to, during or subsequent to an Event, that is clearly abusive or detrimental to the sport, including, but not limited to, blatant cheating, but does not specifically fall within any of the above violation categories.

Section 3 – Disciplinary Process

This Section deals with the process for dealing with Code Violations which necessitate the conducting of a disciplinary hearing.

- 3.1. The Governing Body shall appoint a Convenor who will be responsible for the administration of the disciplinary process, including notifying the player against whom the complaint has been made and the club Official making the complaint, advising tribunal members (see 3.5) and scheduling the hearing.
- 3.2. The Governing Body will determine whether the matter is a serious matter which needs determining by a tribunal or whether the matter is considered frivolous or vexatious.
- 3.3. The player against whom the complaint has been made will be notified in writing by the Convenor of the following:
 - (a) details of the alleged violations;
 - (b) confirmation that this Policy and its rules apply (a copy of this Policy should be provided);
 - (c) the date, time and place of the Tribunal hearing giving at least 7 days' notice;
 - (d) the date and time of a telephone conference (if any) between the parties to determine pre-hearing issues such as those set out in clause 3.7; and
 - (e) the penalties available to the Tribunal.
- 3.4. Copies of the written complaint and any other written material upon which the Tribunal will rely shall be provided to the player involved by the Convenor.
- 3.5. The Tribunal shall comprise of the following persons provided that such persons may not include a person who would, by reason of their relationship with the player, be considered to be other than impartial:
 - (a) a member from the Governing Body's Executive Committee appointed by the Convenor and who acts as Tribunal Chair;
 - (b) a person with a thorough knowledge of tennis;
 - (c) one other person of experience and with skills suitable to the function of a disciplinary tribunal.

- 3.6. The player against whom the complaint has been made may be represented by an advocate. The Governing Body will be represented by its Nominee at the hearing. The Nominee may not be the Convenor.
- 3.7. The Tribunal Chair may elect to conduct a pre-hearing meeting (via telephone conference) with the player, the player's nominated advocate (if any) and the Governing Body to determine pre-hearing issues such as the form and manner (ie. in person hearing, telephone conference, in writing only or written & oral evidence) in which the hearing will be conducted and the timetable for submitting written material.
- 3.8. The Convenor will ensure that any written materials submitted by one party to the Tribunal prior to the hearing will be provided to the other party.
- 3.9. Any request to postpone proceedings will only be granted upon the presentation of reasonable grounds (for eg. inadequate notice, medical grounds, work commitments). In the absence of reasonable grounds, the Tribunal may proceed.
- 3.10. Where a player elects to rely on written submissions only, the Tribunal will convene as soon as practicable to determine the matter.
- 3.11. If the player involved is:
 - (a) a 'no show' at the appointed time and a reasonable period (ie. 30 minutes) has elapsed; or
 - (b) the player has elected to submit written material but no such material has been lodged,
the Tribunal may proceed in the absence of the player or the player's written material.
- 3.12. The Tribunal Chair will preside over proceedings. The Governing Body, represented by a Nominee, will present its evidence first. Each party will have the opportunity to ask questions of the other party and its witnesses.
- 3.13. Unless there are compelling reasons for not doing so, the Tribunal will deliver its finding and penalty on the day of the hearing.
- 3.14. A majority decision will determine the matter. The standard of proof will be on the balance of probabilities which means that it is more likely than not that the violation occurred.
- 3.15. The Tribunal may impose any one or more of the following penalties:
 - (a) at its discretion, and where deemed appropriate, a Tribunal may decide to specifically identify relevant events as part of any penalty;
 - (b) the tribunal may:
 - i. order the player to attend a behaviour modification program, and where ordered to do so, the player will present proof of having attended such a program before the player can re-commence playing;
 - ii. suspend the player from participating in all competition and events, including BDTA organised training, for a specified period of time not exceeding eight (8) months;
 - iii. any other penalty deemed appropriate, such as a warning.

- 3.16. For the purposes of clause 3.15(a), a Tribunal may defer a suspension to be served at a nominated future date based upon the Governing Body's calendar of Events and the player's intended schedule.
- 3.17. If within a four (4) year period from the time of imposition of a penalty pursuant to clause 3.15, the player appears before a Tribunal for subsequent violations of the same or similar nature, the Tribunal may take into account the player's prior history and penalise the player to a maximum period twice that nominated in sub-clause 3.15(a), and to a maximum of twelve (12) months for sub-clause 3.15(b).
- 3.18. For the purposes of clause 3.17, a suspension yet to be served is deemed part of the player's history which may be taken into account by a tribunal when imposing a penalty.
- 3.19. The findings of the Tribunal will be delivered orally. The Tribunal Chair will record in writing and provide to the Convenor written reasons for its decision. The Governing Body in its discretion may elect to publish the Tribunal's written reasons.
- 3.20. After the Tribunal, the player must be informed in writing by the Governing Body of the outcome of the Tribunal, including the dates to which any suspension applies.
- 3.21. All parties shall bear their own costs.
- 3.22. Each member of the Tribunal shall be indemnified by the Governing Body appointing the Tribunal from any claim or action for loss, damages or costs made against them arising out of or in connection with their function as a member of the Tribunal.
- 3.23. There shall be no right of appeal. The Tribunal's decision will be final and binding on all parties.