

## **BHRDCA TRIBUNAL PROCEDURES**

### **1. Introduction**

This is a high level document in parts to describe the process of a Tribunal Hearing for the BHRDCA. A full reference document will be created, including the necessary changes to Rules and distributed to the BHRDCA community once agreed to by the BHRDCA CoM and Tribunal Stakeholder group.

### **2. Background (High Level)**

An Umpire, Club or BHRDCA official has the right to report a player, spectator or club for misconduct or Code of Conduct breaches (including Social Media Policy). A report may be made via the prescribed form for Umpires (MRF), Clubs via the prescribed form (GCIR) or by written notice (CoM). Reports will be handled in the following manner:

- The BHRDCA Admin. Manager/Secretary will perform all administrative duties relating to communications between clubs and the Tribunal Chairman and PLAYHQ adjustments relating to received reports
- The Tribunal Chairman will coordinate the panel from a pool of volunteers
- For offences that fall within the guidelines of the Set Penalty Table (SPT) a prescribed penalty will be offered
- If the accused challenges the charge, or it is of a serious nature, (level 5) the matter will be referred to the Tribunal for a hearing

**NOTE:** Refer to **"BHRDCA Procedure for Reports"** for full details

### **3. Tribunal Panel**

- The panel will be made up of 3 volunteers
- The Tribunal Chairman will maintain a pool of volunteers to source from (suggest 6+)
- Pool should be made up of Chairman, backup Chairman (Panel member), regular Panel members (min 3) + Admin members (min 2)
- Wherever possible there should be no conflict of interest relating to own club hearings
- One of the panel takes the role of Administration for the hearing. This person will be responsible for the recording of the hearing and completing the Tribunal Administration sheet.

### **4. Pre-Hearing Requirements**

- BHRDCA Admin. Manager/Secretary completes all admin relating to scheduling of hearings and advice of hearings to impacted parties
- BHRDCA Admin. Manager/Secretary provides a copy of Tribunal Hearing Procedures to all attending parties
- BHRDCA Admin. Manager/Secretary contacts Tribunal Chairman to advise of required hearing
- BHRDCA Admin. Manager/Secretary will also provide details of any previous convictions of the reported player to the Tribunal Chairman/Secretary

### **5. Tribunal Hearing Scheduling Requirements**

- Wherever possible, tribunal hearings must be held on a Wednesday evening to ensure that any penalties applied do not interfere with common player selection practices at clubs
- Wednesday Night hearings fit in line with current guidelines and notification period
- Tribunal Hearings should start at 7.30pm
- If multiple cases required, suggest hourly intervals to be coordinated by BHRDCA Admin. Manager/Secretary
- Location is at the discretion of and to be organised by the Tribunal Chairman (liaise with BHRDCA Admin. Manager/Secretary for advice purposes)
- The panel will be assembled by the Tribunal Chairman based on availability and to avoid any conflict of interest

### **6. Administration**

- The Tribunal Chairman will ensure that all attendees and advocates at the hearing are made aware of and accept the guidelines for the hearing (printed copy of Tribunal Hearing Procedures to be provided to all to be read and acknowledged)
- At the sole discretion of the Tribunal Chairman, a smartphone or physical recording device **may be used** to record proceedings
- If the Tribunal Chairman elects to record the proceedings all attendees must be notified prior to the commencement of the hearing
- The recorded proceedings can be used for Administrative purposes at the discretion of the Tribunal
- A Prescribed tribunal admin form (to be created) must be completed by the Tribunal Admin
- The form is sent to the BHRDCA Admin. Manager/Secretary for action and to be kept for reference in the event of an appeal or other necessary use

## Tribunal Hearing Procedure

### a. Attendees:

- Tribunal Panel (Chairman + 2 members)
- Reporting Umpire(s)
- Umpire's Advocate
- Person charged with the offence
- Player's Advocate
- Witnesses

### b. Hearing Procedure:

The Tribunal Chairman will read out the Hearing Procedures steps document and provide the person charged/player and Player's Advocate (if in attendance) with a printed copy of the Hearing Procedures steps that are detailed below:

- (i) All attendees will be required to acknowledge and accept the procedures before the hearing commences.
- (ii) All witnesses excluding the reported player and the Umpire(s) must leave the hearing room.
- (iii) The Tribunal Chairman will read the written report from the Umpire(s) and ask the player for his/her plea.
- (iv) The person charged/player or Player's Advocate shall enter his/her plea. If the plea is 'Not Guilty' the person charged/player shall be allowed to make a statement after the evidence from the Umpire(s) is completed (**Refer viii**)
- (v) The Umpire(s) or Umpire's Advocate shall give his/their version of the events.
- (vi) The person charged, Player's Advocate or player if no advocate is present may question the Umpire(s) but only on the facts stated or those detailed in the written report.
- (vii) If new issues (not new evidence) are raised by the advocate's questions, the Umpire's Advocate may explore these issues.
- (viii) The person charged/player then gives his/her statement. No character reference etc., is allowed during the giving of evidence (Character references will be allowed after the Tribunal hands down its verdict).
- (ix) The Umpire's Advocate can question the player but only on the facts stated.
- (x) Any other witnesses are then called in turn to make their statements and the same procedure as above will apply.
- (xi) Once all evidence has been heard the Tribunal will make its decision.
- (xii) The Umpire(s) will leave the hearing at this stage and will not be required again.
- (xiii) If the verdict is 'Guilty' and before the determining of any penalty, the person charged, Player's Advocate or the player if no advocate is present may give a report or character reference about the player.
- (xiv) The Chairman of the Tribunal will advise of any recorded prior convictions.
- (xv) The Chairman of the Tribunal will then advise of any penalty.
- (xvi) The Chairman of the Tribunal will then explain the Appeals process.

## 7. Verdict

- The appeals process must be explained at the conclusion of any Hearing and that any timing associated with an appeal to the VMCU would only take place after their period of determination would occur
- Tribunal Chairman to deliver verdict, including reasons
- Discussion surrounding the reasons/fairness of the verdict will only be entered into at the discretion of the Tribunal Chairman

## 8. Post Hearing Admin

- Tribunal Secretary sends copy of Tribunal Admin form to BHRDCA Admin Manager/Secretary for filing and further reference
- BHRDCA Admin Manager/Secretary advises impacted clubs of outcome of hearing (cc: BHRDCA CoM Executive)
- BHRDCA Admin Manager/Secretary updates PLAYHQ as necessary
- BHRDCA Admin Manager/Secretary updates season suspension spreadsheet for publishing on the BHRDCA Website