

Softball Victoria
Incorporated

REGULATIONS

JUDICIARY REGULATIONS

These Regulations are made under the Board's Regulation making power in the Rules and contain various corrections and requirements of Softball Victoria (from here referred to as the Association) which are, where the context so indicates, mandatory, but which are not of a general nature which justifies inclusion in the main body of the Rules. These Regulations are subject to the Rules and in particular Rule V 1/D. Definitions and interpretations of these Regulations shall be in accordance with the Rules.

A ZERO TOLERANCE

1. GENERAL

The Association recognises the importance of providing a safe and enjoyable environment for all who participate in or support softball in Victoria.

The Association recognises that on and off –diamond behaviour reflects not only on individuals, but also the team, club, association and particularly the game of softball. The Association shall not tolerate unsportsmanlike behaviour in any of its forms.

a) CODES of BEHAVIOUR

The Association has adopted [Softball Australia's Codes of Behaviour](#) (General, Player, Coach, Official, Administrator, Parent/Guardian and Spectator). These Codes shall be read and applied, where applicable, in conjunction with this Regulation.

b) OBJECTIVES

The objectives of Zero Tolerance are to:

- i) Assist in the removal of personal abuse and unsportsmanlike behaviour from all aspects of the game of softball in Victoria
- ii) Protect all participants from exposure to unsportsmanlike behaviour.
- iii) Provide a consistent approach to penalties imposed for breaches of the Codes of Ethics
- iv) Reduce the resources and overheads associated with dealing with minor breaches of the Codes of Ethics.

c) APPLICATION

Zero Tolerance shall apply to:

- i) Administrators of softball in Victoria,
- ii) Registered participants (Players, Coaches, Managers, Scorers, Umpires) in games, activities and events held under the auspices of Softball Victoria, as well as members representing SV (Softball Victoria) in national or international competitions
- iii) Parents/guardians, spectators and volunteers involved in games, activities and events held under the auspices of Softball Victoria, as well as members representing SV in national or international competitions.

2. UNSPORTSMANLIKE BEHAVIOUR

Unsportsmanlike behaviour may bring the game of softball into disrepute and individuals as defined in clause A1c shall be expected to abide by the Codes of Ethics and not involve themselves in unsportsmanlike behaviour.

Unsportsmanlike behaviour, applicable to both the instigation of and response to any incident, shall include, but not be limited to:

- i. Verbal abuse and threats
- ii. Physical abuse and/or assault
- iii. Discrimination
- iv. Harassment
- v. Derogatory statements or gestures
- vi. Cheating
- vii. Visible dissent of a decision of an umpire or official
- viii. Equipment Abuse

a) CATEGORIES OF OFFENCE & PENALTY

Unsportsmanlike behaviour has been separated into a number of categories of violation. The following table details the violation and the appropriate penalty to be applied for breaches of the Code of Ethics as listed. The listed violations and relative penalties shall be reviewed on a regular basis and amended as deemed necessary.

Special provisions apply in relation to offences where umpires, Level 2 or below, which includes trainee or club umpires, and junior and /or trainee officials (e.g. coaches, scorers) are involved.

The penalties prescribed for offences in Categories 2-6 are doubled and the penalty for an offence in category P1 is ejection and one week.

CATEGORIES of OFFENCES and PENALTIES

Category of Offence	Incident	Penalties		
		1 st Offence	2 nd Offence	3 rd Offence
P1	<ul style="list-style-type: none"> • Use of audible (refer note 5) foul language • Disputing judgment or decision of an umpire • Answering back an umpire • Refusal of a coach or other participant to assist an umpire to control behaviour or to defuse a situation when requested (refer note 4) • Intimidating an umpire or other participant • Minor equipment abuse • Frivolous complaints • Barging • Melee and/or bench clearing (refer note 1) 	Warning and or Ejection	Ejection	Ejection & Tribunal Hearing

Category of Offence	Incident	Penalties		
		1 st Offence	2 nd Offence	3 rd Offence
P2	<ul style="list-style-type: none"> • Unduly rough play, pushing etc • Actions intended to cause injury • Displays of inappropriate aggressive behaviour • Disparaging or insulting remarks and/or the use of foul language directed toward another player/team official/umpire/official/spectator. • Ongoing abuse of an umpire after ejection for behaviour in P1 category • Answering back an umpire on multiple occasions • Major equipment abuse where there is potential to injure participants and/or spectators • Provoking a fight but no further involvement • Verbally abusing an umpire or official • Incidents that happen involving an umpire after the game is finished. 	Ejection & 1 week suspension	Ejection & 2 weeks suspension	Ejection & 4 weeks suspension
The following categories MUST be referred to a Tribunal. Penalties shown are recommendations only.				
P3	<ul style="list-style-type: none"> • Deliberately causing injury • Displays of excessive aggressive behaviour • Major equipment abuse where there is injury to participants and/or spectators 	Ejection & 2 weeks suspension	Ejection & 4 weeks suspension	Ejection & 8 weeks suspension
P4	<ul style="list-style-type: none"> • Involvement in physical violence 	Ejection & 3 weeks suspension	Ejection & 6 weeks suspension	Ejection & 12 weeks suspension
P5	<ul style="list-style-type: none"> • Physically or verbally threatening an umpire or official 	Ejection & 6 weeks suspension	Ejection & 52 weeks suspension	Ejection & Hearing
P6	<ul style="list-style-type: none"> • Physically attacking an umpire, official, player or spectator 	Ejection & Tribunal Hearing	Ejection & Tribunal Hearing	Ejection & Tribunal Hearing

Note 1: Melee or bench clearing is multiple players and/or officials from one or both teams involved in an incident

Note 2: All violations in categories P2 – P6 invoke an automatic ejection from the game

Note 3: All penalties shall be in weeks by default but shall be converted to games if the individual's next involvement shall be a tournament/competition where penalties are determined in games.

Note 4: Senior Team members (ie coaches, managers, and captains)

An umpire may choose to use senior team members to control or defuse situations, if these individuals refuse to assist or antagonise the situation they may also incur the relative penalty

Note 5: 'Audible' means able to be clearly heard by spectators.

b) AUTOMATIC PENALTIES

Where a person is reported for an offence under the Categories of Offence P1 and P2:

- i) The person may accept the automatic penalty (as prescribed within the Categories of Offences and Penalties table) without a hearing or appeal.
- ii) The person may elect not to accept the automatic penalty and if so may lodge an appeal. Refer Clause H (Appeal).

c) PENALTIES DETERMINED BY TRIBUNAL

Where a person is reported for an offence under the Categories of Offence P3 to P6 inclusive he/she shall attend a tribunal hearing. Refer Clause B (Tribunal).

d) SERVING of PENALTIES

- i. Penalties apply to the next week(s) or game(s) which the offender would otherwise normally have participated in regardless of level of competition. Levels of competition apply to club, affiliated association, region, state and or national and include any grade within these levels of competition.
- ii. Penalties not completed by the end of the current season shall carry over to the next and if necessary, to a subsequent season.
- iii. The count of P1 & P2 Category Offences (for the purpose of determining repeat offences) shall be expunged 12 months after receiving the penalty.
- iv. The history for all categories of offences/penalties (P1-P6) shall be perpetually retained.

e) TRANSFER OF PENALTIES

A penalised person, while under suspension, shall not be granted a clearance or permit to another club/association.

Once the penalty/suspension is served a clearance or permit shall be considered as per Regulation – Clearances & Permits.

The penalised person's history of offences and penalties imposed shall be forwarded with the approved clearance/permit document to the receiving affiliated association/state.

- i. Where a member clears or permits to another affiliated association that association shall ensure the member's history of offences & penalties shall be adopted and be taken into future considerations when dealing with further offences—should they occur.
- ii. Where a member clears or permits to another state/country that state or country shall determine if record of offences and penalties shall be taken into future considerations.

3. PROCESSES

a) On Field (The Game) Incidents

- i. Umpires are responsible for determining the category of offence(s) and shall apply the automatic penalty prescribed in the table 'Categories of Offences and Penalties'
- ii. All ejections MUST be reported verbally to the UIC (Umpire-in-Chief) by the Umpire concerned, immediately on completion of the game.
- iii. On completion of the game each Umpire on the game shall complete, in full detail, a separate 'Ejection Report' (see attachment A) and submit to the UIC.

- iv. Umpires, Level 2 and below, including trainee or club umpires may seek guidance in writing reports and determining the category of offences and subsequent penalties. Guidance may be sought from a senior umpire (Level 3 or above), umpire's coordinator or committee member who shall not influence the umpire under any circumstance.
 - v. Where automatic penalties apply, the individual and his/her team shall be advised either during or immediately following the game by the umpire imposing the penalty or the UIC. When circumstances do not permit the individual and team to be advised immediately following a game, the UIC at SV events or umpire's coordinator or executive committee member at affiliated association/region shall be responsible to ensure the offender and his/her club are informed.
 - vi. Ejection Report(s) must be lodged with the SV office as soon as is practicable after the offence, but by no later than forty eight (48) hours.
 - vii. SV office shall maintain a register of all Ejection Reports received, detailing the offender, offence category, incident, penalty imposed, and offence number.
 - viii. on receipt of any Ejection Report the SV office shall confirm in writing details as listed in clause 3a (vii) to:
 - the reported individual,
 - the reported individual's affiliated association and, if applicable, the region the reporting individual, and
 - the Victorian Director of Umpiring
 - ix. where the offence has occurred at an affiliated association or region event and is to be referred to a Tribunal Hearing the relative affiliated association or region shall convene the tribunal.
Where the offence has occurred at a SV event and is to be referred to a Tribunal Hearing the SV office shall convene the tribunal.
Refer Clauses B (Tribunal) C (Hearings), D (Tribunal Decisions), E (Penalties Imposed) and F (Communication).
- b) Off Field (Non-Game) Incidents Involving Registered Members:
- i. Any person witnessing or aggrieved by an unsportsmanlike act or alleged breach of a code(s) of ethics by a registered member shall report the incident to the Association representative
 - ii. If considered appropriate, the Association representative shall request the concerned individual to complete in full detail and submit the 'Incident Report' (see attachment C)
 - iii. On receipt of the Incident Report a Tribunal shall be convened to investigate the report, and report outcomes together with any recommendations and/or penalties to be applied.
- c) Off Field (Non Game) Incidents Involving Non Registered Members:
- i) Spectators: Any person witnessing or aggrieved by an unsportsmanlike act or alleged breach to the code(s) of ethics, by any spectator may report the incident to the Association representative immediately upon witnessing the incident.
 - ii) If considered appropriate, the Association representative shall request the concerned individual to complete in full detail and submit the 'Incident Report' (see attachment C)
 - iii) The Association Representative shall investigate the complaint immediately and report outcomes together with any recommendations.

B TRIBUNAL

1. A Tribunal consisting of three (3) independent persons shall deal with, by means of a hearing, any infringement arising from breaches of the Code of Ethics as detailed in clause A Zero Tolerance 2a.

The Association shall maintain a pool of people, which shall include at least the State Director of Umpiring or his representative, who shall be available for appointment to a Tribunal to hear reports and/or appeals as required.

2. Hearings shall be conducted by a Tribunal that shall comprise the Disputes Committee appointed to the competition, or by a panel appointed by the Association.

In cases where one of the Disputes Committee or Tribunal panel have been involved with the infringement/incident, creating a conflict of interest, then that person shall stand down and the remaining members of the Disputes Committee/Tribunal shall seek an alternative independent person.

3. The Tribunal shall elect its own Chairperson and Minute Secretary from its membership, the secretary shall be responsible for the recording of the hearing, along with the outcome of such hearing. The secretary shall also fill in all documents and send forms to relevant parties as per Clause F. Section 1.

C. HEARINGS

1. The reported person, their representative, if any, and the reporting person(s) shall attend the hearing.
2. Reported persons shall be allowed to have one (1) person as a representative at any hearing convened by the Tribunal. Such representative shall have the same rights as the reported person.
3. No person, including Tribunal members, shall have the right to legal representation at any hearing.
4. Persons under the age of eighteen (18) years must have a parent/guardian or adult representative in attendance
5. Should the reported and/or reporting person be unable to or fail to attend the hearing, this shall not be grounds for deferring the hearing, unless, in the opinion of the Tribunal, there are circumstances which warrant a deferment. The decision to defer shall be at the sole discretion of the Tribunal.
6. Hearing Procedures
 - 6.1 The Tribunal shall assemble prior to the arrival of all parties.
 - 6.2 The Chairperson explains the procedures of the hearing:
 - i) The report shall be read out by the chair person and the reported person shall be asked if the written report is true and correct (other umpires report(s) referred to only if needed and only by the tribunal members).
 - ii) In the case of an ejection the ejecting umpire's report shall be read out. Other umpires report(s) may be referred to only by the tribunal members if needed.

- iii) If the report is accepted then the reporting person(s) is/are required to leave the room but await for a possible recall.
- iv) If the report is not accepted the reported person shall explain their side of events and further discussion under the control of the Chairperson shall take place.
- v) After each party has been heard, they shall have no further input, unless the Tribunal seeks clarification of any point. They shall leave the room but wait for a possible recall.
- vi) The Tribunal shall hold a private meeting to consider the report and all matters raised during the hearing. The Tribunal shall make a decision on the report and impose a penalty if deemed necessary. (see appendix 1 & 2)
- vii) The reported person shall be recalled to the Tribunal and informed of the outcome and the penalty imposed if applicable. The penalised person shall also be advised of their right of appeal under the Association Rules, and counselling may be offered, if appropriate.

D. TRIBUNAL DECISIONS

1. Tribunal decisions shall be based on:-
 - a) the written report as provided by the reporting person
 - b) verbal presentations made by attendees at the hearing
 - c) answers to questions put by Tribunal members
2. Any previous record of conviction shall be considered when setting penalties.

E. PENALTIES IMPOSED

1. The Tribunal shall impose such penalties as it is deemed necessary, and such penalties shall be effective from the date of the hearing.
2. Suspensions from participation, applied by the Tribunal, shall be effective on any and all competition games, e.g. at local association, regional, state or national levels.
3. Should any penalty imposed relate to the suspension of a member, SV shall immediately circulate the name, club and association of the offender, together with the suspension imposed to all Affiliated Associations/Regions, other State Associations and Softball Australia.

Any member suspended shall not be permitted to participate in any competition game of softball for the term of the suspension i.e. at club, local association, regional, state or national level.

F. COMMUNICATION

The Association shall keep a register on all investigations and tribunals convened, the outcomes and any subsequent appeals.

1. The Tribunal Secretary shall complete in full detail the 'Tribunal Report' (see attachment B) and forward to the SV office who shall ensure the result of the hearing is forwarded to:
 - the reported person
 - the reported person's affiliated association
 - the reporting person
 - the Victorian Director of Umpiring.
2. The Association representative shall forward to the SV office the completed Incident Report together with outcomes and any recommendations. The SV shall take appropriate actions.

G. STATE REGISTER

1. SV shall maintain a register of all offences and penalties imposed, detailing name of offender, infringement, category, breach, penalty imposed and offence number.
2. SV shall receive a copy of all Ejection reports and details from these shall be included in the State Register
3. SV shall receive from Affiliated Associations and Regions a copy of all Tribunal reports and details from these shall be included in the State Register.

H. APPEAL

- a) The penalised person shall have a right of appeal. Appeal shall be conducted in accordance with the Association Rules.

With the exception that there shall be no appeal against any Tribunal decision made at Victorian Championships or competitions conducted under the auspice of the Association. Unless the penalty imposed extends beyond the duration of the event at which such penalty is applied.

- b) A fee of \$100.00 shall be lodged at the SV office with the written appeal. The fee shall be reimbursed if the appeal is upheld.
- c) The penalised person shall have a further right of appeal to Softball Australia.

Appendices 1 , 2 & 3 - Reporting forms