**Disciplinary By-Laws**

**SQUASH AND RACQUETBALL VICTORIA (TRADING AS VICTORIAN SQUASH FEDERATION INCORPORATED)**

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**Updates to By-Laws**

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# Adoption of By-Law

* 1. This by-law is made pursuant to s9.5.7 of the Constitution of Squash & Racquetball Victoria (Trading as Victorian Squash Federation). It is intended to deal with the various types of misconduct and bad behaviour that may arise and to uphold the best interests of the sports of Squash and Racquetball.
	2. This by-law applies to and is binding on all members of Squash & Racquetball Victoria (hereafter “S&RV”) as defined by the Constitution and all players, coaches, referees and officials participating in S&RV competitions, tournaments, events and activities. It also applies to any competitions, tournaments, events or activities run by a member which has referred its disciplinary powers to S&RV.
	3. This By-Law is not intended to cover breaches of the Pennant Rules as set out in the Pennant Rules by-laws, which will be dealt with by the Match and Pennant committee, unless referred specifically by that committee to the Disciplinary Tribunal.
	4. Any and all By-laws of S&RV previously made concerning Disciplinary Tribunals are expressly rescinded. For the avoidance of doubt, all penalties handed down under previous disciplinary by-laws shall continue to be recognized by S&RV.

# Authority of the Tribunal

* 1. All squash matches are to be played under the Rules of Squash as determined by the World Squash Federation, unless otherwise stipulated by these by laws or by a decision of the Match and Pennant sub-committee. All racquetball matches are to be played under the Rules of Racquetball as determined by the World Squash Federation unless otherwise stipulated by these by laws or by a decision of the Match and Pennant committee or the Racquetball committee.
	2. All persons involved in S&RV competitions, tournaments, events and activities must comply with the Rules of Squash and Racquetball, and with the Codes of Behaviour as set out in the S&RV Member Protection Policy.
	3. Any person or member of S&RV who breaches the Rules of Squash and Racquetball or the Code of Behaviour, or who brings either sport into disrepute, will be subject to disciplinary action under these by-laws.
	4. Penalties for breaches of the Code of Behaviour and for bringing either sport into disrepute by people associated with members or registered players may be imposed by a disciplinary tribunal on the member or registered player.

# Procedure for making a complaint or referral

* 1. S&RV acknowledges that the way in which referees are treated by players, spectators and officials is crucial to upholding the integrity of the sport. Should a referee consider that a person’s behaviour brings the sport into disrepute, the referee may refer the player to S&RV.
	2. Any person who witnesses or who is subjected to behaviour that they believe is in breach of the Code of Behaviour or which brings either squash or racquetball into disrepute may make a complaint to S&RV.
	3. Any referral or complaint to S&RV must be made to the Executive Director, in writing, within three (3) working days of the match or incident from which the complaint arose.
	4. The complaint must contain an account of the incident from which the complaint arose, contact details for the complainant, and the capacity in which they are making the complaint (e.g. referee, victim, representative of member organisation, parent).
	5. The Executive Director must immediately refer any complaint or referral to the Chairperson of the Disciplinary Tribunal and request that the Chairperson convene a hearing within seven (7) working days from the date in which the complain or referral was received by S&RV.
	6. Any incident that comes to the attention of S&RV and which in the view of the Executive Officer may constitute a serious breach of either the Rules or the Code of Behaviour or which brings the sport into disrepute, may be referred by the Executive Officer to the Chairperson of the Disciplinary Tribunal, even in the absence of a written complaint. In deciding whether the incident should be so referred, the Executive Officer must give consideration to whether the matter is more appropriately dealt with under the procedures as set out in the Member Protection Policy.

# The Disciplinary Tribunal

* 1. The membership of the Disciplinary Tribunal (hereafter the “Tribunal”) shall be determined by the Board of S&RV from time to time on the recommendation of the Executive Officer, save for, at the first meeting following the Annual General Meeting of S&RV the Board shall appoint a Tribunal Chairperson, who shall act as Chairperson at each hearing (unless any of the provisions of 3.2 apply).
	2. A person shall not be appointed to the Tribunal if they:
		1. Are a member of the Board or employee of S&RV;
		2. Are a party to, or are in any way directly affected by, or have any other vested interest in a matter to be heard by the Tribunal, or
		3. Otherwise have any relationship with any party to the matter such that the person is, or may be seen to be, not independent.
	3. A Tribunal must have three (3) members.

# Tribunal Hearings

* 1. If S&RV determines to refer a matter to the Tribunal it shall notify all persons who may be affected by the Tribunal's decision of the following matters:
		1. the time, date and place at which the hearing will take place;
		2. sufficient details of the allegations against the party charged to enable the party to prepare a response to the allegations;
		3. details of any documents or other evidence (e.g. video evidence) which will be relied upon at the hearing in support of the charge; and
		4. that the party may make written representations to the Tribunal and/or appear personally before the Tribunal to make submissions.
	2. S&RV and the Tribunal have the power at any time to demand from any member or registered player information regarding the circumstances under which the incident occurred.
	3. The Tribunal may conduct the hearing in any manner it sees fit including, but not limited to, by way of teleconference or video conference. The hearing should be conducted with as little formality and technicality and with as much expedition as proper consideration of the matters before the Tribunal permits.
	4. The Tribunal may conduct hearings on behalf of any squash or racquetball association or league affiliated with S&RV if such association or league requests the Tribunal to do so.
	5. The Tribunal is not bound by the rules of evidence, or by the practices or procedures applicable to courts of record, but may inform itself as to any matter and in such manner it deems appropriate provided that the Tribunal adheres to the rules of natural justice.
	6. With the consent of all relevant parties the Tribunal may conduct a mediation instead of a hearing, and an outcome may be agreed on other than the imposition of one of the penalties set out in 5.1.

# Penalties

* 1. The Tribunal has the power, on a finding of guilt, to impose the following penalties:
		1. Disqualification of registered players and affiliated members;
		2. Suspension of registered players and affiliated members;
		3. Fines of registered players and affiliated members;
		4. Awarding and/or deducting matches or tournaments; and/or
		5. Formal warning of registered players and affiliated members.

# Appeals

* 1. The decision of the Disciplinary Tribunal properly constituted shall be final save and except as follows:

**7.1.1.** A registered player or affiliated member may request a review of the Disciplinary Tribunal decision by lodging a notice in writing within seven (7) days of the decision. A request to review a decision shall only be considered on the following grounds:

* That the Disciplinary Tribunal was not properly constituted;
* That procedural fairness was not granted; or
* That evidence of a substantial nature was not brought to the attention of the Disciplinary Tribunal.

**7.2** A request to review must be made in writing to the Executive Officer of Squash & Racquetball Victoria and must contain the new material (if any) sought to be relied on.

**7.3** On receiving a request for review, the Executive Officer will convene an Appeals Tribunal (which shall not be comprised by the same people as the Tribunal). The provisions at 4 for convening a Tribunal will apply, save for the Chairperson shall not sit on the Appeals Tribunal.

* 1. The Appeals Tribunal will consider the material before the Disciplinary Tribunal and any new material provided with the request for review. If new material has been provided, it will give the other interested party an opportunity to respond to that material before making a decision. The Appeals Tribunal need not hold a hearing where the interested parties are given the right to appear.
	2. The Appeal Tribunal may make the following decisions:
		1. Uphold the Appeal and send the matter back to the Disciplinary Tribunal for reconsideration; or
		2. Reject the appeal and confirm the penalty imposed or decision reached.
	3. If the Appeal is against a suspension or disqualification, the penalty shall remain in force until determination of the appeal.