



Hills Juniors

- CODE of CONDUCT HEARING - - PROCEDURE -

Preliminaries

- 1) Any person cited for an alleged breach of any Code of Conduct by The League shall, in accordance with the HJBA Rule Book, appear before a Code of Conduct (CoC) Hearing constituted in accordance with this Procedure. Such a person is herein defined as a "**cited person**".
- 2) The Competition Secretary shall, upon receipt of notification that a person has been cited by The League, consider the issues involved and prepare specific charges against that person (ie: a "Charge Sheet") stating the alleged breaches of the Code of Conduct involved.
- 3) The CoC Hearing Panel, who will sit in judgement of the charge(s) shall comprise not less than three people appointed by the Competition Secretary as follows:-
 - (a) People associated with any Club involved in an incident or situation leading to this charge are not permitted to be on the Panel.
 - (b) The Chairman of the CoC Hearing Panel shall be nominated by the Competition Secretary (and the Competition Secretary may, at his option, so nominate himself). The Chairman of the CoC Hearing Panel shall have a deliberate vote as well as a casting vote.
- 4) The CoC Hearing will be constituted as soon as possible, and attempts shall be made to schedule the Hearing at a time convenient to the cited person. However, if the cited person is not available to appear, the CoC Hearing shall proceed in their absence.
- 5) The Competition Secretary **MAY** grant permission for a cited person to participate in games before their Hearing, **IN THE EVENT THAT** the cited person has made themselves available but The League is unable to arrange a Hearing before the next game in which that person would normally participate.
- 6) The cited person will be given, prior to commencement of the CoC Hearing:-
 - (a) Details of the charges made against him/her (ie: a "Charge Sheet"),
 - (b) A copy of this document,

- (c) Written notice of their requirement to attend,
- (d) Copies of this material will also be provided to the Home Club of the cited person. In the event that The League does not have a valid email or postal address for the cited person, delivery of this material to his/her Home Club shall be deemed to be valid service of notice on him/her.

Procedure for the Hearing

- 7) Legal representation is not allowed. Cited persons who are under eighteen years of age are to be accompanied by an adult.
- 8) Upon invitation from the Chairman, the cited person will enter the room and the charges will be read.
- 9) If the cited person agrees with the facts in the Charge Sheet, s/he may offer a statement of defence or mitigation or other explanation, after which the Hearing Panel shall retire and consider what penalty, if any, is to be imposed.
- 10) If the cited person disagrees with the facts in the Charge Sheet, the Chairman will invite questions and comments of those present to clarify the points of disagreement. Upon being satisfied with the outcome of such discussions, the Hearing Panel shall retire and consider what penalty, if any, is to be imposed.
- 11) The cited person may bring witnesses to appear before the Hearing Panel, or submit witness statements or other evidence to support their case. The Chairman of the Hearing Panel shall rule on the relevance of the evidence of such witnesses and/or evidence and shall admit such evidence or not, at his absolute discretion. The Chairman shall direct and control the questioning of any witnesses.
- 12) No child under the age of 18 years may be called as a witness, nor may any cited person under 18 years be questioned by any person present at a Hearing ***SUBJECT TO*** the exception that a cited person under the age of 18 years may speak in his/her defence without the right of anyone to cross-examine.
- 13) If the cited person fails to appear when required at a CoC Hearing, that Hearing shall progress in their absence and any penalty imposed will stand.
- 14) Any penalty imposed will be binding on all members of The League. Also, it is current NSWBL policy to enforce any such penalties in both NSWBL and ABF competitions, notwithstanding that the offence was committed in a competition run by a member Association.
- 15) Following their deliberations, the CoC Hearing Panel shall advise:
 - (a) Their decision as to whether the charges are proven or not, and
 - (b) In the case of guilt and if a penalty is imposed, the exact number of games in which the person is unable to participate: or, if the penalty is to be for a period of time, the start and end dates of such a disqualification, and
 - (c) The competition(s) in which the suspension is to be served.
- 16) If the cited person is found guilty of any offence, regardless of whether a penalty is imposed, that person's Home Club shall be levied a fine of \$25.

- 17) In the case of spectators, for the purpose of this Policy, the word “participation” is hereby deemed to include “attendance”

Appeals

- 18) A cited person shall have a period of 7 days to lodge with the Competition Secretary their intention to appeal any decision or penalty imposed by the CoC Hearing Panel.
- 19) Such an intention to appeal will be allowed to proceed **ONLY**:-
- (a) In the event that a penalty of suspension for more than one week or one game was imposed by the CoC Hearing, and the cited person wishes to appeal against the severity of such penalty, or
 - (b) In the event that the cited person wishes to appeal against the issue of guilt or innocence with the charges brought, as decided by the CoC Hearing, then new and substantial evidence not available to the original CoC Hearing shall be provided. The nature of such additional evidence is to be advised to the Competition Secretary at the time of lodging the appeal. Failure to do so adequately may result in the right of appeal being denied by the Competition Secretary, or
 - (c) If the cited person asserts a material breach of procedure or denial of natural justice in the conduct of the original Hearing, and
 - (d) If their intention to appeal is lodged with the Competition Secretary in writing or electronically by email.
- 20) Appeals are at first instance to be heard by the full Executive of The League. *A further [limited] appeal path is available to the Junior League Standing Committee of NSWBL See paragraph (22) below.*
- 21) Should an appeal be allowed, a Special Meeting of the HJBA Executive will be convened as soon as possible but not more than two (2) weeks after receipt of a notice of intention to appeal.
- (a) If the appellant is not available to appear in person at the time set, the appeal shall be heard in their absence.
 - (b) The Executive shall have the power to uphold or dismiss the appeal and/or the power to vary the penalty imposed.
 - (c) The Executive may, at its option, defer judgement of the appeal to a future [scheduled] full Delegates’ Meeting of The League. In this event, the Delegates’ Meeting shall direct the Executive on the required resolution of the matter.
 - (d) An appellant found guilty by the original CoC Hearing may not participate in nor attend games from which they were suspended by that Hearing, pending their appeal being heard.
- 22) Should the cited person wish to further appeal the decision of The League, the appropriate action is to contact NSWBL, as any further appeal will be under the terms and conditions of NSWBL procedures, over which HJBA has no control. Note that any decision of NSWBL on the matter is advisory only and HJBA is under no obligation to accept or implement it.

6th October, 2009