**DISCIPLINARY & TRIBUNAL PROCESS & PROCEDURES**

1. **Reports**
	1. A “report” comprises:
		1. any formal report made against an Affiliate Club (including officers, officials and members), team or player or other person (including spectators and scorers) by a referee or other official, another player, team or Affiliate Club or other person (including spectators and scorers) in relation to, or arising from, any SAABL basketball match, competition, or other activity organised and convened by SAABL, whether under a relevant SAABL Code of Conduct, the rules of basketball or otherwise;
		2. any other complaint, charge, claim or allegation made against or about an Affiliate Club (including officers, officials and members), team, player or other person (including spectators and scorers) (whether formal or informal, or of a criminal or civil nature) in relation to, or arising from, any SAABL basketball match, competition, or other activity organised and convened by SAABL, whether under a relevant SAABL Code of Conduct, the rules of basketball or otherwise; or
		3. any other circumstances in which it is reasonable to suspect that a person subject to a relevant SAABL Code of Conduct may be in breach of that Code of Conduct or the rules of basketball (or otherwise).
	2. A report must be made in writing and lodged with either:
		1. the Umpire in Charge; or
		2. the SAABL Executive Officer and/or the Chair.
	3. Any person, team or club making a report (including any referee or other official) must provide sufficient details of the alleged incident or complaint (in writing), within 4 days of the relevant match, activity, event or incident, so far as feasible, noting all particulars in connection with the report so that a clear account can be given to the SAABL and the Tribunal when the matter is dealt with.
	4. Upon receiving any report, the SAABL Board, and/or the Tribunal (if the report is delegated to the Tribunal pursuant to clause 2.2 below), will:
		1. ensure that the reported person, team or Affiliate Club, as well as any other person involved in the report and all other match officials receive sufficient details of the particulars of the report; and
		2. notify all relevant persons of the date, time and place that any hearing of the report will be convened as soon as feasible prior to that hearing date.
	5. A person, team or Affiliate Club the subject of a report is entitled to participate in basketball games or competitions or other activities conducted and organised by the SAABL until such time as the Tribunal has heard and determined the report at the SAABL Board’s discretion.
2. **Authority, powers and composition of Tribunal**
	1. SAABL may hear and determine reports made against Affiliate Clubs (including officers, officials and members), teams, players or other persons submitting to the SAABL’s jurisdiction arising from or related to any basketball matches, competitions or other activities organised and conducted by SAABL.
	2. SAABL has the right to delegate the power of hearing and determining reports to a Tribunal convened by the SAABL Board, through the Chair, at its discretion.
	3. The Tribunal will be constituted for the purposes of hearing the report only, upon hearing and determining the report the Tribunal is dismissed.
	4. Reports or other matters referred to the Tribunal for determination will be heard and determined by one or more members of the Tribunal, as the SAABL determines is appropriate in the circumstances.
	5. Tribunal member(s) will be nominated and appointed by SAABL from time to time, in its absolute discretion.
	6. A Tribunal member will be:
		1. over 18 years old;
		2. independent and impartial and free from any actual or perceived conflict of interest; and
		3. either:
			1. legally trained / qualified or have a legal background (though the Tribunal not be a currently practising lawyer); or
			2. have experience relevant to sports Tribunal processes.
	7. No Tribunal decision is invalidated by any irregularity in the appointment of a Tribunal member.
	8. Any Tribunal member(s) may be dismissed without reason by SAABL, acting through its Board, in its absolute discretion.
	9. The Tribunal has the power to suspend, disqualify, formally reprimand, ban or otherwise deal with any person, player, team or Affiliate Club (including officers, officials and members) involved with any SAABL basketball matches, competitions or other activities organised and conducted by SAABL.
	10. The Tribunal may also deal with any other disciplinary matter delegated to it by the SAABL Board for adjudication.
	11. The Tribunal must at all times act independently and impartially in carrying out its duties.
3. **Tribunal responsibilities**
	1. Without limiting the duties and responsibilities of the Tribunal or a Tribunal member, a Tribunal member has the following responsibilities:
		1. to hear and determine reports and conduct relevant to Tribunal proceedings under this process (including convening any Tribunal hearings);
		2. to produce accurate records of Tribunal proceedings and decisions;
		3. to communicate to the relevant Affiliate Club, team, player or other person, the decision of the Tribunal and/or the result of any Tribunal hearing(s) in respect of any report or other incident or matter reviewed by the Tribunal;
		4. to communicate to the SAABL Board and Executive Officer the decision of the Tribunal and/or the result of any Tribunal hearing in respect of any report or other incident or matter reviewed by the Tribunal and otherwise keep the Board appropriately informed;
		5. to raise any potential or possible conflict of interest that may arise from time to time;
		6. to act independently and impartially in carrying out all duties.
	2. Unless otherwise directed by the SAABL Board, the method of recording the proceedings and determinations of the Tribunal is at the discretion of the Tribunal member.
	3. The SAABL Board is responsible for storing the records of the Tribunal.

**Tribunal proceedings**

1. **Convening hearings**
	1. A hearing of any report is to be convened as soon as is reasonably practicable after lodgement of the report, preferably prior to the next round of matches in which the reported person, team or Affiliate Club is participating.
	2. The hearing is to be conducted by one or more Tribunal members appointed by SAABL (if a delegation has occurred) (as the SAABL deems appropriate in the circumstances).
2. **Attendance at hearings**
	1. The following persons are required to attend a Tribunal hearing:
		1. where the report(s) is/are made against an individual person, the person who is reported;
		2. where the report(s) is/are made against an Affiliate Club the president, secretary or other delegate representing that Affiliate Club;
		3. the person(s) or official(s) initiating the report(s);
		4. any other person relevantly involved in the events the subject of the report(s);
		5. any witnesses to the events the subject of the report(s), including as indicated by the reporting official or other person, team or Affiliate Club; and
		6. any other witness required by SAABL or the Tribunal to attend.
	2. The following persons will be entitled to attend a Tribunal hearing, as appropriate:
		1. any player of a team or Affiliate Club the subject of the report(s);
		2. any relevant official(s);
		3. a nominated support person to assist any person the subject of the report(s).
	3. Any other person may attend a Tribunal hearing with the permission of SAABL or the Tribunal, which permission may be given or refused in SAABL or the Tribunal’s absolute discretion.
	4. No person will be entitled to any legal representation, or may be represented by a legal practitioner, at a hearing conducted by the Tribunal.
3. **Non-attendance at hearings**
	1. Provided that proper notification has occurred, a hearing may proceed, and a determination may be made, notwithstanding that any person, team, Affiliate Club or official who is required to attend a hearing fails to attend the hearing (without reasonable cause).
	2. A hearing may be adjourned, and a new date fixed, by the SAABL or the Tribunal, in their absolute discretion, upon an application by a relevant person, team, Affiliate Club or reporting official.
	3. If any witness fails to attend a hearing, the hearing may continue in their absence.
4. **Hearing procedures**
	1. For the purpose of this clause 7, a reference to a person includes a reference to the representative(s) of a team or Affiliate Club and refers to the relevant person, team of Affiliate Club the subject of the report(s).
	2. In the event of a team or Affiliate Club being reported, one (1) member of the team or Affiliate Club will be entitled to act as nominated spokesperson for the team or Affiliate Club.
	3. At the commencement of a hearing, the attendance of the person(s) the subject of the report(s) will be sought to be confirmed and they will be identified as present or otherwise to answer the report(s).
	4. There will be an opportunity at the outset of the hearing to raise any objections to the Tribunal member(s) conducting the hearing. In the event of a valid objection, the hearing will be adjourned, to be later reconvened with someone else presiding.
	5. The person(s) the subject of the report(s) and the reporting person(s) will be notified of their rights to remain in the hearing until all evidence is presented but not to be present whilst the Tribunal considers any findings and determines an appropriate penalty (if any).
	6. The method of recording hearing proceedings and outcomes will be advised to all persons present.
	7. The allegations as contained in the report(s) will be read out in the presence of all persons eligible to be present at the hearing.
	8. The person(s) the subject of the report(s) shall be asked whether the content of the report(s) is understood and the reporting person(s) (including any official) asked whether the relevant report correctly represents their intention.
	9. The person(s) the subject of the report(s) will be asked to plead in response to the report(s).
	10. If there is a plea of guilty in response to the allegation(s) in the report(s), a short summary of the facts will be read out by the Tribunal. The Tribunal will also record the evidence submitted (written and verbal) and confirm that no witnesses need be called to give evidence.
	11. If there is a plea of not guilty in response to the allegation(s) in the report(s), then the Tribunal will ask all witnesses (other than the person(s) making the report(s)) to leave the room and to wait to be called to give their evidence.
	12. The reporting person(s) (including any official) will then each proceed to give evidence. Other witnesses may then be called to each give their evidence in turn. The person(s) the subject of the report(s) may ask reasonable questions of the reporting person(s) or any witness(es) called.
	13. At the Tribunal’s discretion, a witness may give evidence via a written statement. If a witness gives written evidence, the witness may be asked reasonable questions by the Tribunal and/or the person(s) the subject of the report.
	14. Each witness is entitled to leave the hearing after giving evidence unless otherwise directed by the Tribunal. Witnesses may be entitled to remain in the hearing room after giving evidence (at the discretion of the Tribunal).
	15. The person(s) the subject of the report(s) is entitled to present any defence(s).
	16. The Tribunal is empowered to question any person giving evidence at a hearing.
	17. Video or photographic evidence may be presented at the discretion of the Tribunal.
	18. At the conclusion of all of the evidence and submissions, the Tribunal will ask the person(s) the subject of the report(s), the reporting person(s) and all others present to leave the hearing room, in order to consider the findings and determination.
	19. If the Tribunal is not satisfied that a particular report has been sufficiently proved, but is satisfied that there has been lesser or other conduct of concern justifying a penalty, the Tribunal can find that conduct has been established, in breach of any relevant Code of Conduct or the rules or basketball, and may apply an appropriate penalty. The person the subject of such a report is entitled to make submissions in respect of any such alternative breach and any proposed penalty.
	20. Reports are determined on the balance of probabilities (i.e. to a standard of proof of over 50%). If the report is found by the Tribunal to be established on the balance of probabilities, the report will be proved. If not, the report will be dismissed by the Tribunal.
	21. If a report is found proven by the Tribunal, the person the subject of that report will be informed of the finding at the hearing.
	22. Following informing the subject of the report that the report has been found proven:
		1. Any previous infractions found against any person the subject of a report should then be presented to the Tribunal for the purpose of determining penalties;
		2. The person(s) the subject of the report(s) then has the right to make a submissions regarding penalties (for example, in relation to previous infractions or other mitigating circumstances)
		3. the subject of the report will then be asked to leave the room a second time while the Tribunal determines penalties.
	23. The Tribunal will then determine the penalty to be imposed (if any) and recall the person(s) the subject of the report(s) and any reporting person(s) to the hearing room to advise the penalty.
	24. The decision of the Tribunal will be final and binding.
	25. The Tribunal is not obliged to give oral or written reasons for any decision made.
	26. To the extent any suspension or ban is imposed on a person by way of penalty, they will not be permitted to play, coach, referee or otherwise take part in any SAABL activities as directed until the penalty has been fully served and satisfied.
5. **Appeals**
	1. There is no right of appeal against any decision, determination or finding of the Tribunal.
6. **Natural justice**
	1. To the extent that the principles of natural justice are not included in the provisions of this process they are expressly included.
7. **Penalties**
	1. Any penalties imposed by the Tribunal in respect of any contravention of any applicable SAABL Code of Conduct or the Rules of basketball are imposed at the discretion of the Tribunal, however, by way of (non-binding) guidance:
		1. infractions of the rules of basketball may attract penalties including but not limited to formal warnings, match bans or suspensions, penalty points being applied in future matches, team sanctions or similar.
		2. breaches of a relevant Code of Conduct may attract penalties including but not limited to formal warnings, match bans or suspensions, penalty points being applied in future matches, team sanctions, exclusion from the League / its activities for a designated period or permanent expulsion or exclusion from the League / its activities, as may be deemed appropriate in the circumstances.
		3. there will be zero tolerance for any violent, threatening or abusive behaviour, harassment of any kind, bullying, racism, discrimination or intimidation, in contravention of the relevant SAABL Codes of Conduct. This may result in suspensions or even exclusion from the League / its activities for a designated period or permanent expulsion or exclusion from the League / its activities, as may be deemed appropriate in the circumstances.
		4. more severe penalties will be applied where there have been previous infractions.
8. **SAABL Board / Chair intervention**
	1. In appropriate circumstances, the SAABL Board may elect not to delegate certain disciplinary matters to the Tribunal and deal with these instead as a Board or through the Chair.
	2. If a report is not delegated to the Tribunal:
		1. The report will be determined entirely at the SAABL Board discretion (including but not limited to procedure and penalties).’
		2. The SAABL Board will consider the principles of natural justice in determining the report;
		3. the person the subject of the report will be given the opportunity to respond to any report or claim made against them.
	3. The SAABL Board’s or the Chair’s decision in those circumstances will be final and binding and not subject to any review or appeal.