



## **FIT Disciplinary Policy**

A SPECIAL THANK YOU TO PETER FAASSEN DE HEER  
FOR  
HIS INVALUABLE INPUT INTO THIS POLICY

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## 1. PURPOSE OF POLICY

1.1 This policy sets out a process to determine whether sanctions apply where an individual has or individuals have allegedly acted in some manner against the rules or policies of the sport of Touch, the Federation of International Touch or any of its affiliate Members.

## 2. POLICY SCOPE AND APPLICATION

2.1 This policy applies to all individuals and entities involved with Touch worldwide. It may be invoked or used (see 2.6) to:

- a. handle serious In-Game issues where the Rules of Touch require that further sanctions are considered;
- b. address serious Out-of-Game issues where an individual has breached the FIT Code of Conduct; or
- c. address a situation where an individual has brought the sport of Touch into disrepute.

2.2 This policy will be used by the FIT in all its disciplinary matters. It may also be used by FIT Members and their local affiliates at their discretion.

2.3 This policy will be reviewed one year after publication. Members are encouraged to submit views on the application of this policy to [secretary-general@internationaltouch.org](mailto:secretary-general@internationaltouch.org).

2.4 This policy is intended to complement any unilateral action taken by Tournament Organizers to preserve the health and safety of participants.

2.5 With a few exceptions, timelines have been deliberately omitted from this policy because the situations covered are so varied. It is the intention that administrators using this policy (at local, national, regional and FIT levels) apply their own timelines to suit their own needs.

### Who can use this policy?

2.6 This policy can be:

- **invoked** at international level by National Touch Associations, Regional Committees and FIT. Invoking the policy means using it as written in this document for the purposes of adjudicating on disciplinary matters at FIT events or where those matters cross international boundaries. FIT reserves the right to invoke this policy for any Out-Of-Game Offences.
- **used** as a template by any Touch administrator at any level of the game. To do so, the administrator must ensure that the assessment of the case is done at one level and any appeal at another, usually higher level. Using the policy in this way allows for some amendment to the policy as required, though this (including any timelines) should always be specified in writing in advance of any disciplinary procedure.

### 3. DEFINITIONS

3.1 Definitions identified below are specific to this policy and are critical to its effectiveness:

- Athletes' Code means a Code of Behaviour that applies to athletes in the sport of Touch at any level of participation.
- Board means the body consisting of the Directors as described in the FIT Constitution 2011, Rule 28 ([www.internationaltouch.org](http://www.internationaltouch.org)).
- Coaches' Code means a Code of Behaviour that applies to coaches of the sport of Touch at any level of participation.
- Core Code means the overarching Code of Behaviour (as per the corresponding FIT policy<sup>1</sup>).
- Ethical conduct/Behaviour means relating to moral principles, an understanding of the difference between right and wrong, and at all times choosing to do what is right.
- Federation of International Touch means the peak body for the administration of Touch throughout the world. The objects for which the Federation (FIT) is established and maintained are described in the FIT Constitution 2011, Rule 3 ([www.internationaltouch.org](http://www.internationaltouch.org)).
- Harassment means any type of unwelcome behaviour which has the effect of offending, humiliating or intimidating the person harassed. Unlawful harassment can be based on any of the personal characteristics covered by anti-discrimination law, such as a person's race, sex, pregnancy, marital status or sexual orientation.
- In-Game means an Offence that has occurred on or around the field of play during a game of Touch as part of an affiliated event, where a referee or referee team exercises authority in accordance with the Rule of Touch. In-Game Offences include those actions related to preparation immediately before the match (such as warming up, coin toss) and resolution after it (such as score card, shaking hands, etc.). It does not include the actions of spectators.
- Member means a body affiliated to the Federation of International Touch, usually a National Touch Association (NTA).
- Minor means an individual under the age of 18.
- National Touch Association means an entity recognized under the FIT Constitution 2011, Rules 11 and 12 as the primary recognized peak governing body of Touch in each country with the object to promote, encourage, foster, develop, extend, govern and control the sport of Touch in that country.
- Offence means the action that has contravened the rules and policies of the sport of Touch, the Federation of International Touch or any of its affiliate Members. An Offence can be In-Game or Out-Of-Game.
- Officials' Code means a Code of Behaviour that applies to Referee, Official, Administrators, Board member, Commission member, Committee member, volunteers or any person of authority of the sport of Touch at any level of participation.
- Out-Of-Game means an Offence that has occurred outside a game of Touch where in accordance with the Rules of Touch a referee or referee team has no jurisdiction. This typically includes areas where Tournament Officials have authority such as accommodation or social occasions run as part of the event. It also includes use of social media and the actions of spectators at any Touch match.
- Parents/spectator code means a Code of Behaviour that applies to Parents and Spectators of the sport of Touch at any level of participation.

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<sup>1</sup> <https://docs.internationaltouch.org/policy/code-of-behaviour/>

- Regional Committees means one of the trans-national bodies that assist with governance of the sport of Touch as specified on the FIT website ([www.internationaltouch.org](http://www.internationaltouch.org)), for example the European Federation of Touch.
- Request for Sanction means a formal request for an Offence to be considered for disciplinary action by a Disciplinary Panel in accordance with this policy.
- Rules of Touch means the current FIT Playing Rules of Touch as specified on the FIT website ([www.internationaltouch.org](http://www.internationaltouch.org)).
- Touch means the sport or game played under the rules determined by FIT from time to time.

## 4. CORE PRINCIPLES AND CODE

### The FIT Core Code

4.1 FIT is committed to providing and encouraging a safe, fair and inclusive environment for everyone involved in the organization and within all levels of our sport delivery.

4.2 To achieve this, certain standards of Behaviour by players/athletes, coaches, officials, administrators, parents/guardians (of child participants) and spectators are required. They are encouraged to report violations or concerns about violations of this Code of Behaviour that come to his/her attention.

4.3 An individual may report a possible violation of the Code of Behaviour either verbally, in writing or by e-mail. The report should provide full details of the alleged violation to the extent known by the individual. The report may be made anonymously. An individual may make a report to the relevant official at the level of sport delivery that the breach occurred.

4.4 FIT Codes of Behaviour are underpinned by the following core values:

- To act within the rules and spirit of our sport.
- To display respect and courtesy towards everyone involved in our sport and prevent discrimination and harassment.
- To prioritize the safety and well-being of children and young people involved in our sport.
- To encourage and support opportunities for participation in all aspects of our sport.

Download the FIT Code at <https://docs.internationaltouch.org/policy/code-of-behaviour/>

### Core Principles

4.5 The following principles shall be borne in mind at all times when implementing this policy:

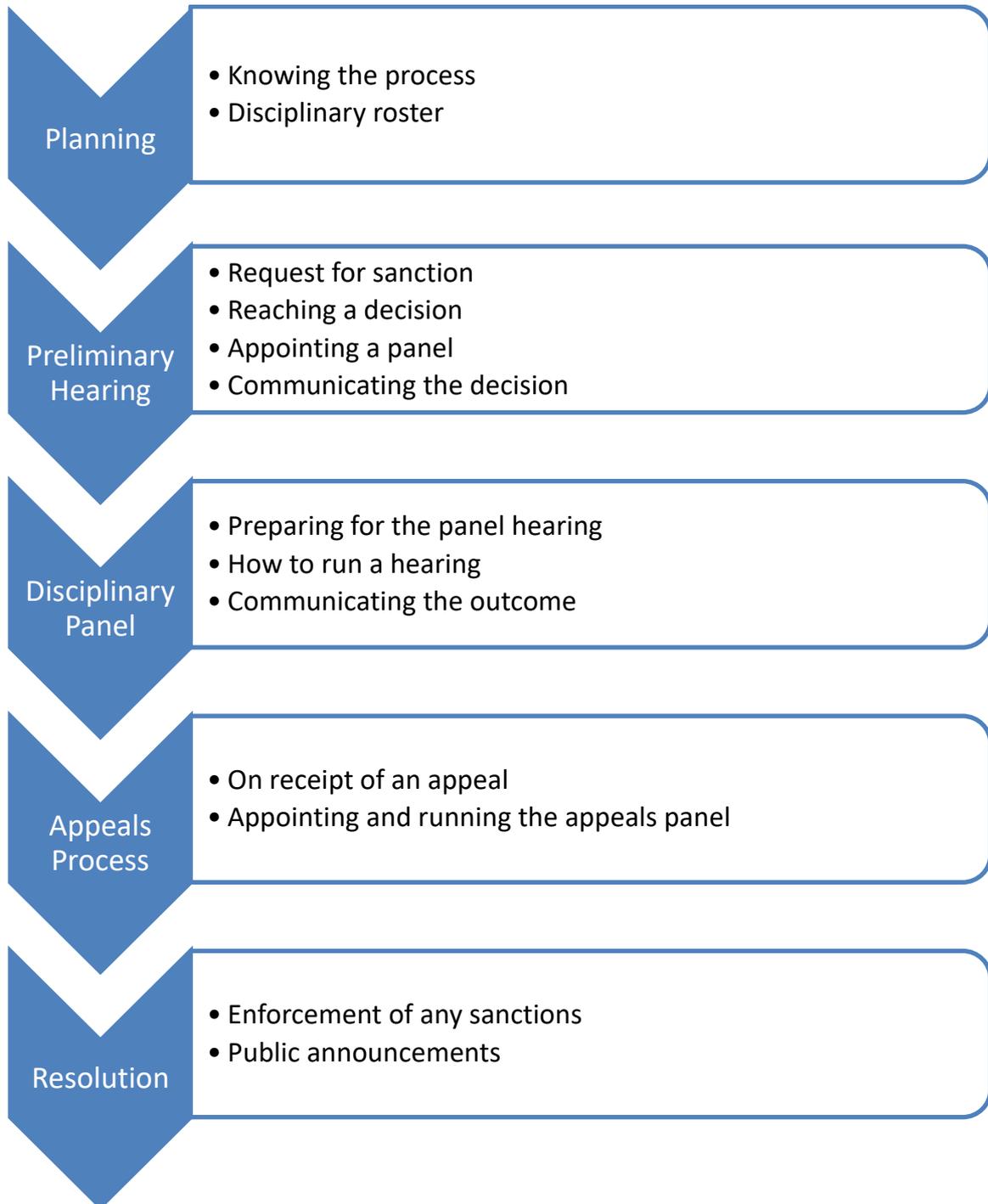
- **Natural Justice:** this means that the process is conducted fairly and its decision-makers must be free from bias. The right to a fair hearing requires that individuals should not be penalized by decisions affecting their rights or legitimate expectations unless they have been given sufficient prior notice of the case, a fair opportunity to answer it, and the opportunity to present their own case.
- **Transparency:** this means operating in such a way that it is easy for others to see what actions are performed. Transparency may be limited to protect the confidentiality of individuals in the process, data protection issues and the protection of any Minors.
- **Consistency:** this means that the process is conducted in the same way on each separate occasion so that all participants are protected by the integrity of the process. Consistency should also be applied to any sanctions applied through the policy, cognizant of the severity of the original Offence.
- **Publicly Available:** this means that this policy is made available in a public online forum to any Member or individual on request. It is the responsibility of the relevant National Touch Association to ensure that the policy is properly understood where language may be an issue.
- **Time-sensitive:** this means that sufficient time is allowed to enable all sides to present their arguments to any panel so that any decision taken is done so in full knowledge of all the facts. The policy provides a fast-track process which allows decisions to be made within Tournament play.
- **Flexible:** The policy should be useable by Touch administrators at all levels.

## 5. FIT DISCIPLINARY POLICY PROCESS

5.1 There are two versions of the process:

- The **normal** process is the default option; and
- The **fast** process is used for one day and multi-day events where a quick resolution is required. The fast process is detailed in yellow boxes over the following pages. Tournament Conditions Of Entry should refer to this process so all participants are aware.

5.2 The process itself has several steps. These are summarized below.



## Planning

5.3 When an offence happens, the Disciplinary Process needs to be triggered without delay. This means that a panel must be convened at short notice and that everyone knows the process ahead of time.

5.4 National Touch Associations may wish to appoint a Disciplinary Officer whose role it is to oversee the process from start to finish, ensuring that all parties are aware of their roles and responsibilities and have what they need. This person does not take part in the initial stages of the case, nor does he/she participate in the panel discussion but they may be involved. An example template for this role can be found at Appendix D.

### Knowing the process

5.5 All those potentially subject to the disciplinary policy should know about it beforehand. This varies from person to person. A general guide is shown below:

<u>General Awareness</u>	<u>Specific Knowledge</u>	<u>In-depth Understanding</u>
<i>"I am aware there is a Disciplinary policy and where to find it"</i>	<i>"I know how the Disciplinary Policy applies to me as an individual or individuals under my care"</i>	<i>"I understand how each stage of the Disciplinary Policy works in practice"</i>
Players	Referees	Disciplinary Officer
Spectators	Coaches	Disciplinary Panel and Roster
Parents	Managers	Tournament Organizer
	FIT/ NTA Board	
	Administrators (at any level)	

5.6 As a minimum, the policy must be made available publicly (e.g. on a website) so that it can be accessed at any time. A link to the policy should be provided in advance of any Touch event along with a reminder that it is the individual's responsibility to familiarize themselves with the policy in accordance with their role at the event. This policy will always be available on the FIT website ([www.internationaltouch.org](http://www.internationaltouch.org)).

### Fast Track Process

Any Tournament that wishes to use this policy MUST make all participants aware of the fact in any tournament briefing. The Conditions Of Entry should request that participants agree to abide by the policy and procedures contained within it.

It is the responsibility of participants to know the process as per the above table.

### The Disciplinary Roster

5.7 It is best practice to assemble a small roster of Disciplinary Panel members. It is important to prime these individuals beforehand so that they know to familiarize themselves with the policy.

- For a **tournament**, we suggest at least five people. This accounts for key principles such as gender balance and conflicts of interest, especially important if the incident arises during a tournament day and someone has to be selected at short notice.
- For a **National Touch Association, local association** or **Regional Committee** the number will vary depending on the number of anticipated incidents but we suggest at least five people are selected.
- For **FIT**, there will be a roster of 5 people, renewed on an annual basis.

## Preliminary Hearing

### **Request for Sanction**

5.8 Every disciplinary process starts with a Request for Sanction. A Request for Sanction can only be made by a Member or an individual who represents a group affiliated to FIT (e.g. a referee, club, coach). A Request for Sanction is made when it is believed that someone has acted against the FIT Codes of Conduct in some way and where grounds exist for further action to be taken.

5.9 A Request for Sanction for **In-Game** Offences are considered by the relevant Tournament Organizer. In such a case, it is likely that the referee will make the Request for Sanction through a formal report. Unless the Referee insists that no further sanction should apply, such instances must always be referred to a Disciplinary Panel by the Tournament Organizer.

5.10 In the unlikely event that a Request for Sanction for an In-Game Offence is not reported by a referee, the Tournament Organizer must use their discretion to determine whether the matter is passed to a Disciplinary Panel.

#### **Fast Track Process**

A Request for Sanction for In-Game Offences must be received by the Tournament Organizer within 1 hour of the conclusion of the game in question unless an extension is granted by the Tournament Organizer.

Given the need for speed, the Tournament Organizer is free to ask others involved with the tournament organization for a view.

5.11 A Request for Sanction for **Out-of-Game** Offences are considered by the relevant association who will appoint a Case Manager, as follows:

- Local associations would consider a Request for Sanction involving a club or state-wide Offense;
- National Touch Associations would consider a Request for Sanction involving their national squad or between local associations;
- FIT would consider a Request for Sanction around specific FIT events, where cross-border issues apply or where multiple National Touch Associations are involved.
- FIT reserve the right to delegate the handling of a Request for Sanction to the appropriate Regional Committee.

5.12 A Request for Sanction for Out-of-Game Offences must be received by the relevant association or FIT (as appropriate) within 15 days of the time of the Offence in question unless an extension is granted by the relevant association or FIT (as appropriate).

## **Reaching a Decision**

5.12 The wide array of potential Offences mean that it may be difficult to consider whether a Request for Sanction should be heard. A check-sheet to help make such a decision can be found in Appendix C. The Tournament Organizer/ Case Manager may request further information to make a properly informed decision.

5.13 There are some instances when a decision is clear cut. These are listed below:

<b>Offence</b>	<b>Decision on the Request for Sanction</b>
The Offence has broken or is likely to have broken the law or is under investigation for doing so	Defer until formal investigation is concluded
The Offence doesn't fall within the jurisdiction of the Federation	Dismiss the request
The Request for Sanction was submitted after the required deadline without extension or approval	Dismiss the request
The Request for Sanction for an In-Game Offence was submitted by a referee	Refer to Disciplinary Panel
The Request for Sanction is related to a Doping Offence	Defer until formal investigation is concluded
The Request for Sanction is related to a breach of FIT or relevant association policy	Refer to Disciplinary Panel

### **Fast Track**

During a tournament, where a participant has already been disciplined during a match, if it is subsequently discovered that a different participant is at fault (i.e. mistaken identity), then the Tournament Organizer should transfer the request for a sanction to the participant who allegedly transgressed.

## **Who should form a Disciplinary Panel?**

5.14 Administrators at the level of delivery of the sport that an Offence or reported Offence occurs should consider the following principles in forming a panel. These principles are desirable but if not achievable should not stop the formation of a panel and consequently the procedure. A panel should be formed of three people with:

- at least one man and one woman to ensure gender representation;
- significant experience of Touch, either as players, officials or administrators. This will help the panel to understand the situation better;
- high standing amongst their peers. This will help provide credibility to any decision;
- no existing or past Conflict of Interest. This will promote a fair hearing;
- a balance of roles, for example one referee, one player and one coach. This will help the panel to approach the situation from multiple perspectives; and
- a balance of ethnic, cultural, club and national backgrounds to again provide the panel with multiple perspectives and prevent bias.

5.15 In some countries additional considerations may apply, especially where cultural or religious sensitivities exist.

## **Conflict of Interest**

5.16 If at any time there is a conflict of interest present, this should be announced by the relevant party and they should withdraw from the process immediately. It is important therefore to have a reserve available at every stage of the process. Any individual not owing up to a relevant conflict of interest may be subject to disciplinary procedures.

### ***Communicating the Decision***

5.17 The Case Manager/ Tournament Organizer should communicate the decision as soon as possible on whether a Request for Sanction will be heard as follows:

To:

- the Member who made the Request for Sanction;
- the referee (if relevant);
- the person accused of allegedly committing the Offence; and
- any other representative deemed necessary (e.g. a team manager, coach or NTA).

What:

- whether or not the case will be heard by a Disciplinary Panel and who will be on that panel;
- if the Request for Sanction is not to proceed, the reason(s) why;
- the process going forward; and
- relevant timescales.

Under the normal process, the above should be stated in writing.

#### **Fast Track**

During a tournament, the Tournament Organizer should deliver the above verbally for the sake of time (and later write up and issue), ensuring that all parties understand his/her decision.

5.18 Appeal – At this stage only the Member who made an unsuccessful Request for Sanction may appeal by asking for a second opinion. The Tournament Organizer/ Case Manager refers the case to one person on the Disciplinary Roster. That person's decision is final.

### **Disciplinary Panel**

#### ***Preparing for the panel hearing***

5.19 The Case Manager/ Tournament Organizer should provide the Disciplinary Panel with all relevant documentation available and make arrangements for the panel to meet in a quiet place that provides privacy for the hearing.

5.20 The Disciplinary Panel should appoint a Chair and someone to take minutes. It will be the Chair's responsibility to report the panel's verdict to the Case Manager/ Tournament Organizer.

5.21 The Disciplinary Panel should feel free to hold whatever discussions it sees fit before interviewing anyone. These discussions may be held by email, telephone conference, video conference or face to face. This is recommended to help identify any gaps in the information it has in order to make a decision.

5.22 The Disciplinary Panel must determine whether additional people/resources are required for the meeting, as follows:

- **Translators** for documentation in a foreign language or to assist with the interviewing process;
- **Minors** must be accompanied by either a parent/ guardian or designated responsible official (e.g. team coach or manager). The preference is both (note, this applies even if the Minor is merely a witness). See also section 6 below; and
- **Equipment** such as audio-visual or communication resources.

5.23 Note that there is no absolute right to legal representation at a Disciplinary Panel hearing. Most panels however are given a discretionary power in their rules, and where an issue involves either a person's livelihood or a serious allegation, the person should be allowed to be legally represented.

5.24 Take care when scheduling the interviews to keep distance between the various parties in this process, especially if they are in opposition. Individuals should be interviewed separately to ensure that the process remains focussed on the facts and any emotions are set aside.

### ***How to run a hearing***

5.25 A hearing is not required to follow any specific legal process other than that outlined in the organisation's constitution or by-law. A hearing is not expected to act as a court of law, rather the panel should conduct the hearing as quickly, informally and comprehensively as practicable.

5.26 A hearing can use any information available to it, even if it would not normally be admissible in a court of law. Any evidence can be considered by a hearing if it is considered reliable, applicable and appropriate. There is no legal obligation however for witnesses to disclose relevant information, or even answer certain questions during a hearing.

5.27 The hearing should be minuted but to protect individuals serving on the panel, comments and decisions should not be individually attributed. Similarly, any votes should be recorded as unanimous or by majority but not attributed to a person. This way the panel takes collective responsibility for its actions. Minutes need not be extensive – the main information and decision points are generally sufficient. Minutes for such meetings should be held by the Case Manager/ Tournament Organizer in case they need to be referred to later in the process in accordance with that country's Data Protection rules. They must not be released into the public domain unless required to do so by law.<sup>2</sup>

#### **Fast Track**

During a tournament, there may not be time to type up formal minutes. In this instance, notes will suffice as long as these are later typed up. This means that the Tournament Organizer is unlikely to be given full minutes in time for communicating a decision. Instead, the Tournament Organizer should use the Chair's report as the basis for this.

As the scope for any sanction during a tournament is limited to the tournament itself (for example the Offence could occur in that player's final match), the panel must also indicate whether a formal Disciplinary Panel must be convened after the tournament to consider further sanction.

5.28 Any decisions arrived at by a hearing should be based only on relevant evidence provided, and should not be influenced by rumour, speculation or gossip. Decisions should also be arrived at on the reasonable satisfaction of the Disciplinary Panel or on the 'balance of probabilities' (that is, more probable than not). It is considered good practice to outline the reasons for any decisions that are made.

5.29 Under natural justice principles, a person should be given the opportunity to address the panel when the question of penalty is to be decided. The penalty options that a panel can impose must be specifically outlined in the organisation's constitution or by-laws. Any penalty imposed by a panel must be reasonable under the circumstances of the case or issue, see Appendix C for suggested sanctions. The panel should also take into account any referee recommendation and any contrition on behalf of the person responsible for the Offence.

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<sup>2</sup> Any FIT Disciplinary Panel record is subject to Australian law.

5.30 Some points for the panel to consider might be:

- The exact nature of the Offence;
- What were the sequence of events leading to the Offence;
- Was the individual acting rationally or rashly;
- Was the individual aware they were committing an act contrary to the Code;
- How serious was the impact/ damage to others and the sport of Touch; and
- Were there any mitigating circumstances.

5.31 The Chair should summarise the panel's findings (see Appendix D for a suggested template) and report these back to the Case Manager/ Tournament Organizer along with any minutes within 4 days of the hearing.

### ***Communicating the Outcome***

5.32 The Case Manager/ Tournament Organizer should formally advise the outcome of the Disciplinary Panel's deliberations as follows:

To:

- the Member who made the Request for Sanction;
- the referee (if not the same as above);
- the referee manager for the event;
- the person accused of committing the Offence; and
- any other representative deemed necessary for the enforcement of the sanction (e.g. a team manager, coach, those interviewed by the panel or NTA).

What:

- whether any sanction will be applied and if so, what that sanction is and who will enforce it;
- the reasons for the panel's decision;
- request receipt of the communication along with either an acceptance of the decision and any sanction or the lodging of an Appeal (see below) by a deadline date and time;
- a broad outline of the Appeal process available to the person being sanctioned (for instance by referencing this policy); and
- relevant timescales for the above.

#### **Fast Track**

During a tournament, the Tournament Organizer needs to establish immediately whether the person found responsible for the Offence wishes to appeal the sanction that is being proposed. This is to place that sanction into effect before the person's next match.

## Appeals Process

### *On receipt of an appeal*

5.33 Only an individual who has received a sanction by the Disciplinary Panel has the right to appeal that decision but this must not be taken lightly. The person making the appeal may cause an **extension of the sanction** or alternative penalty if the Appeals Panel ultimately determines that the appeal is without merit, frivolous or wasteful. The level of additional sanction is a matter for the Appeals Panel.

The individual must therefore provide suitable grounds for an appeal so that the Case Officer has enough cause to form an Appeal Panel. The following may be used to help determine whether an appeal should go ahead:

- factual inaccuracies in the Panel's reasoning;
- missing information that is relevant to the case; or
- inconsistencies with the application of the sanction (for instance that the sanction is excessive), perhaps compared to other similar cases.

Without the above, the Case Manager is within his rights to immediately dismiss the appeal.

5.34 A form to help the Case Manager make this decision is at Appendix D.

#### **Fast Track**

During Tournaments, it may not be possible to hear an appeal before the sanctioned individual's next match. In this instance, the sanction is applied even though the appeal has yet to be heard. Any ban already served is deducted from the final sanction determined by the Appeals Panel.

The Tournament Organizer should ensure that the disciplinary process has no impact on the match schedule for the Tournament.

### *Appointing and running the Appeals Panel*

5.35 The Appeals Panel is appointed in the same way that the original Disciplinary Panel is, except that the level of officials taking part should be one level higher than those making the original decision. All criteria at 5.14 should be again followed to allow maximum fairness and transparency.

5.36 The correct level of officials to form an Appeals Panel is as follows:

- For Local Associations, this would be members of that local governing board or committee;
- For National Associations, this would be members of that national governing board or committee;
- For Cross-border/ international issues, this would either be the FIT Executive or at the discretion of FIT, the relevant Regional Association's executive board or committee.

5.37 Once formed, the Appeals Panel should hold its meeting in the same manner as the Disciplinary Panel (see 5.19 onwards). The outcome is communicated in the same way as the Disciplinary Panel, (see 5.32), except to intimate that a second appeal at this level is not possible.

## Resolution

### *Who applies the sanction*

5.38 It is important to determine who applies the sanction and who is responsible for ensuring that it is enforced. Failure to comply with a sanction or assist in helping another avoid a sanction is in itself a serious disciplinary offence.

5.39 The Case Manager/ Tournament Organiser should therefore ensure that the sanction has been met in full. This may mean contacting different officials or associations if the sanction is to be applied by those officials.

5.40 For the integrity of the sport of Touch, local, national and regional bodies are obliged to work together and with FIT to ensure sanctions are tightly applied.

### ***Public Announcements***

5.41 The Case Manager should ensure that all parties to the case are notified of the outcome to the case. This includes the sanctioned person, any referees and referee managers, tournament officials, coaches and NTA or club representatives. Usually such notification is sufficient.

5.42 In certain cases it may be appropriate for a notice to be submitted into the public domain so that everyone is aware of the disciplinary offence, the individual responsible for it and any sanction. It is usual for the Case Manager to draft this. Any reference to the offence should be general in nature, for example: striking an official; bringing the sport of Touch into disrepute; or use of offensive language on social media.

5.43 In putting out any notice, the Case Manager, should ensure that all other matters in the case are resolved.

#### **Fast Track**

During tournaments, the issue of any official notice is at the discretion of the Tournament Organiser.

### ***Disciplinary Records***

5.44 FIT or the relevant association must keep an accurate log of the case and its outcome along with confirmation that the sanction was applied. This is to ensure that earlier offences can be taken into account if the same person repeats the offence. It is important, subject to data protection regulations, that this information is shared between FIT and other Touch associations so that repeat offenders are handled appropriately.

### ***Further Appeals***

5.45 Under this policy the sanctioned individual may lodge an appeal at the next highest tier within the Touch structure. It should be noted that there is no onus on the next highest tier to accept the appeal request and they may have their own disciplinary policy. See 7.04 if further appeals within the sport of Touch are no longer possible.

## 6. CHILDREN OR MINORS

FIT places the protection and safeguarding of children or minors of paramount importance within the sport of Touch, both on and off the field of play. As with adults, this policy must be implemented with the physical and mental health of children in mind.

### Holding a hearing involving a child

A child **aged 13 or under** must not appear at a Disciplinary Panel as either a witness or the person charged. An alternative method should be adopted which could include:

- A meeting - bring the parties together to talk through the issues.
- The relevant FIT Member Protection Information Officer (MPIO) or association's child protection/welfare officer (CPO) to talk to the child to warn them about their behaviour. A parent/carer should be present at any meeting.
- The relevant CPO to obtain written statement from child and Disciplinary Panel to then proceed on paper basis only – the welfare officer may need to write the statement in conjunction with the child and parent/carer.
- Private meeting between child and relevant CPO to establish child's version of events, CPO to report verbally to disciplinary commission. The CPO should make a contemporaneous note of the meeting and a parent/carer should be present throughout.

A child between the **ages of 14 and 16 years inclusive** can attend a disciplinary commission provided that:

- he / she understands it is his / her duty to speak the truth.
- his / her evidence is sufficiently important to justify it being heard.
- the appropriate procedures relating to minors are adopted. The child must be accompanied by a parent/carer and if requested also a team coach.

When dealing with a Disciplinary Panel involving those **aged 17 years**, best practice would be to follow the guidance established for adults, except in cases where the individual has learning development needs. Those with learning development needs should be treated in a manner consistent with their mental capacity. If the suggestion is that the participant has the cognitive reasoning of a child of a particular age, follow that guidance. The Parent/Carer should be consulted when making such a determination.

Where a child is aged 17, consent of the parent should be sought for the child to attend the Disciplinary Commission where possible / appropriate. A 17-year old is still a child and must have adult representation, preferably a parent/carer and if requested also a team coach.

## **Placing a sanction on a child**

Care should be given to placing a sanction on a child although if the health and safety of that child or any other person is at risk then the Case Manager/ Tournament Organizer should use this policy to sanction that child out of necessity. This decision must be lodged in writing and acknowledged by the parent/carer of that child.

The aim for any sanction on a child is always to encourage a change in Behaviour. While this policy does not preclude any sanction listed in Appendix C, any Disciplinary Panel should veer towards measures that re-educate such as:

- coaching;
- warnings: verbal, written or both;
- meetings with the party affected by the offence;
- referee course;
- an apology;
- compensation (this need not be monetary, e.g. a gift)
- provide a mentor; and/or
- consult a paediatric professional.

## 7. FURTHER INFORMATION

### Reviewing a sanction

7.01 In exceptional circumstances, this policy permits the FIT President or lead official for the governing body that issued the sanction, to retrospectively review that sanction. There is no time limit for this review.

7.02 Such a review can be conducted in a manner agreed by the relevant governing body.

7.03 The review of a sanction should only be used if it is retrospectively found that there are significant grounds for reducing or removing that sanction.

### Further Appeals

7.04 Appeals may be made beyond the sport of Touch through the Court for Arbitration in Sport (CAS), Avenue de Beaumont 2, CH-1012 Lausanne, Switzerland; Tel: +41 (21) 613 5000; Email: info(at)tas-cas.org . Such appeals should can only be made once all levels of appeal have been exhausted, as follows:



7.05 Appeals made to CAS must be copied to the relevant National Touch Association and FIT even if the Disciplinary Panel was at a local level.

## 8. CONTACT

Enquiries in relation to this policy should be directed to the FIT Secretary General: [secretary-general@internationaltouch.org](mailto:secretary-general@internationaltouch.org)

## 9. RELATED POLICES AND DOCUMENTS

Refer to the following related policies and documents:

- FIT Coaching Commission Policy <http://docs.internationaltouch.org/policy/coaching/>
- FIT Conflict of Interest Policy <http://docs.internationaltouch.org/policy/conflict-of-interest/>
- FIT Constitution 2011 <http://docs.internationaltouch.org/constitution/>
- FIT Member Protection Policy <http://docs.internationaltouch.org/policy/member-protection/>
- FIT Referees Commission Policy <http://docs.internationaltouch.org/policy/referees/>
- FIT Volunteer Policy <http://docs.internationaltouch.org/policy/volunteer/>
- FIT Code of Behaviour Policy <http://docs.internationaltouch.org/policy/code-of-behaviour/>

## **10. APPENDICES**

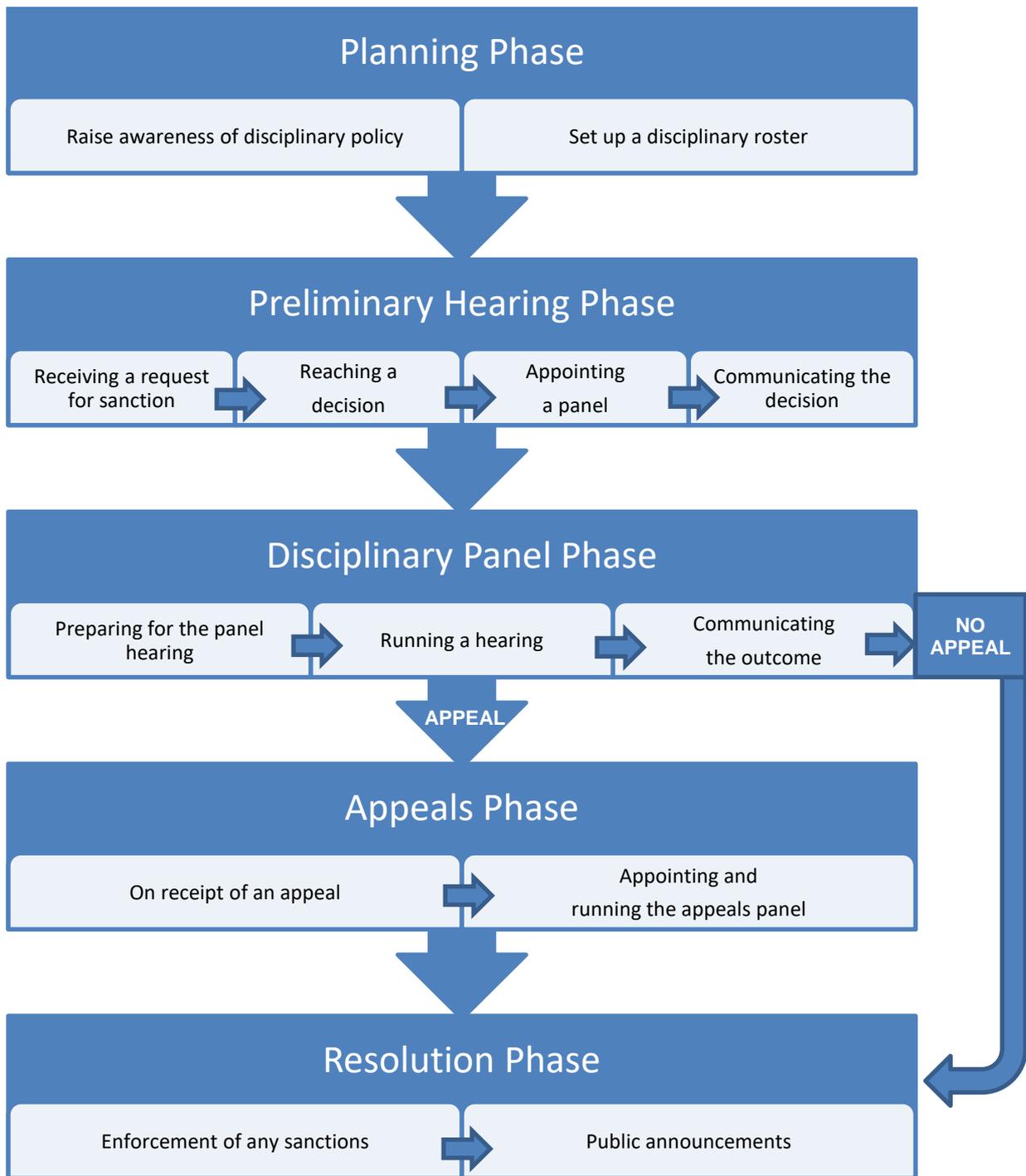
- A. Flow Chart of Actions
- B. Sanctions Guidance
- C. Useful Forms
- D. Sample Disciplinary Officer Job Description

Approval Authority: President  
Responsible Officer: Secretary General  
Date first approved: 13<sup>th</sup> December 2017  
Date last amended:  
Effective start date: 13<sup>th</sup> December 2018  
Date to be reviewed: 13<sup>th</sup> December 2019

**Erick Acker**

**President**

## APPENDIX A – FLOW CHART OF ACTIONS



## **APPENDIX B – SANCTIONS GUIDANCE**

Note that the list overleaf is not exhaustive and the length of ban is dependent on many factors and rests entirely at the discretion of the Disciplinary Panel/ Appeals Panel. It has been reproduced with kind permission by Touch Football Australia.

A minimum suggested penalty and a maximum suggested penalty have been included with each of the infringements listed. The spread between the minimum and maximum suggested penalties has deliberately been made wide to provide a large range of possible penalties. However, these are only suggested minimum and maximum penalties and the Disciplinary Panel may determine that it is appropriate to impose a higher or lower penalty. This includes increasing or reducing the 'automatic 2 game ban' cited in the FIT Rules, 4<sup>th</sup> edition.

As each matter must be judged upon its own merits, it is highly likely that individual cases of what might appear to be 'similar' infringements will actually receive different penalties due to the possibility of differing circumstances surrounding the incidents.

Each individual case must be judged entirely upon its own merits. The Disciplinary Panel upon hearing all the evidence presented may decide to waive the imposition of any penalty, or award a lesser or greater penalty than the suggested minimum or maximums.

Any penalty that may be imposed by the Panel is to discourage unacceptable behaviour from members, either on or off the field of play.

The Disciplinary Panel may impose a sanction which is partly or wholly suspended which may be used to encourage participants to improve their behaviour in future. Sanctions may also be mitigated by suggested positive courses of action which involve making a contribution back to the sport of Touch, e.g. attending a referee course.

These sanctions are for the Disciplinary Panel to consider and do not affect the power that Tournament Organisers have to enforce an immediate sanction to protect the safety of participants. However, the Disciplinary Panel should consider any such pre-applied sanction when considering the length of any further sanction.

### **SANCTIONS FOR OUT-OF-GAME VIOLATIONS**

There are many ways in which one can be in breach of policies relating to Out-of-Game discipline. It is therefore impossible to set out an exhaustive list of sanctions but suggestions are below. The Panel is urged to consider each case on its merit and apply the most appropriate sanction – a combination of sanctions is an option.

Options for sanctions include but are not limited to:

- a. A withdrawal of membership from the relevant local Touch Association (note, this would bar their membership from the National Touch Association also);
- b. Restriction of participation at events. Restrictions may be to volunteer/ coaching or refereeing/ spectating or total;
- c. A formal written warning;
- d. The requirement of some sort of public statement;
- e. Some monetary recompense/ payment of damages or material compensation;
- f. Some mandatory activity such as attendance at a referee course or diversity awareness training; and
- g. An apology to any injured party.

## SANCTIONS FOR IN-GAME VIOLATIONS

### Infringements against another Player

Infringements	Example	Minor Incident	Major Incident	Recommendation
<b>Bad sporting behaviour</b>	Claiming a touch when it has not occurred	Minimum 1 game suspension	Maximum of 12 games or 3 months suspension	Any action considered not to be in the spirit of the game of Touch should receive a penalty.
<b>Condescending language or signals</b>	Sledging	Minimum 1 game suspension	Maximum of 12 games or 3 months suspension	Speaking in a condescending manner, or using condescending signals towards another participant should receive a penalty
<b>Offensive language or signals</b>	Swearing	Minimum 2 games suspension	Maximum of 24 games or 6 months suspension	Use of offensive language or signals towards another participant should receive a penalty.
<b>Deliberately pushing, grabbing or tripping</b>	Pushing, grabbing or tripping	Minimum 3 games suspension	Maximum 48 games or 12 months suspension	Deliberately pushing, grabbing or tripping another participant should receive a penalty.
<b>Deliberately using an elbow, forearm or shoulder</b>	Impact through elbow, forearm or shoulder	Minimum 4 games suspension	Maximum life suspension	Deliberately using an elbow, forearm or shoulder on another participant should receive a penalty
<b>Deliberately striking, with an open hand</b>	Slapping – with the intent to connect	Minimum 4 games suspension	Maximum 48 games or 12 months suspension	Deliberately striking, with an open hand, another participant should receive a penalty
<b>Deliberately striking, with a closed fist</b>	Punching – with the punch thrown with the intent to connect	Minimum 6 games suspension	Maximum life suspension	Deliberately striking, with a closed fist, another participant should receive a penalty
<b>Participating in a fight</b>	Connection of one or more punches thrown by two or more participants	Minimum 8 games suspension	Maximum life suspension	In any fight, both the instigator/s and the retaliator/s shall be treated in an equal manner. It is recommended that anyone participating in a fight should receive a penalty.

### Infringements against a Referee or Official

Infringements	Example	Minor Incident	Major Incident	Recommendation
<b>Bad sporting behaviour</b>	Continual backchat	Minimum 2 games suspension	Maximum of 24 games or 6 months suspension	Any action considered not to be in the spirit of the game of Touch should receive a penalty
<b>Condescending language or signals</b>	Sledging	Minimum 2 games suspension	Maximum of 24 games or 6 months suspension	Speaking in a condescending manner, or using condescending signals towards a referee or official should receive a penalty
<b>Offensive language or signals</b>	Swearing	Minimum 4 games suspension	Maximum 48 games or 12 months suspension	Use of offensive language or signals towards a referee or official should receive a penalty
<b>Deliberately pushing, grabbing or tripping</b>	Pushing, grabbing or tripping	Minimum 6 games suspension	Maximum life suspension	Deliberately pushing, grabbing or tripping towards a referee or official should receive a penalty
<b>Deliberately using an elbow, forearm or shoulder</b>	Impact through elbow, forearm or shoulder	Minimum 8 games suspension	Maximum life suspension	Deliberately using an elbow, forearm or shoulder on towards a referee or official should receive a penalty
<b>Deliberately striking, with an open hand</b>	Slapping – with the intent to connect	Minimum 8 games suspension	Maximum life suspension	Deliberately striking, with an open hand, towards a referee or official should receive a penalty
<b>Deliberately striking, with a closed fist</b>	Punching – with the punch thrown with the intent to connect	Minimum 12 games suspension	Maximum life suspension	Deliberately striking, with a closed fist, towards a referee or official should receive a penalty

### Other Infringements

Infringements	Example	Minor Incident	Major Incident	Recommendation
Deliberate breach of competition or tournament rules of eligibility	Unregistered players	Suspended remainder of competition or tournament	Maximum of 24 games or 6 months suspension	Breach of the Rules of Eligibility for that Tournament should receive a penalty
Participating while suspended in any FIT affiliate or event	Currently serving a suspension	Increased sentence by half the original suspension	Increased sentence by the full amount of time originally suspended	Anyone participating in a game of Touch whilst under suspension should have the original suspension increased
Continual send offs throughout a competition	After serving an automatic suspension for a send-off, incidents occur again	Minimum 2 games suspension	Increased penalty if any of the above infringements have occurred	Summoned to appear before the panel to show cause why they should not receive an increased penalty

## APPENDIX C – USEFUL FORMS

### PRELIMINARY HEARING CONSIDERATION

<b>Preliminary Hearing</b>			Ref: 2017/001
<b>Name:</b>		<b>Referee(s):</b>	
<b>Team:</b>			
<b>League:</b>			
<b>Incident Date, Time &amp; Location:</b>		<b>Region:</b>	
<b>Summary of Incident (append any witness reports to this form):</b>			
<b>Is the request for sanction frivolous?</b>			Yes/ No
<b>Did the offence lead to significant emotional distress for any party?</b>			Yes/ No
<b>Did the offence lead to physical injury for any party?</b>			Yes/ No
<b>Was the offence a violation of the FIT Code?</b>			Yes/ No
<b>DECISION: CASE PASSED TO A DISCIPLINARY PANEL?</b>			Yes/ No
<b>Reason for decision</b>			
<b>Signature (Case Manager)/ (Tournament Organizer)</b>		(name)	(date)



**JUDICIARY REPORT TEMPLATE**

<b>Disciplinary Panel Report (Out-Of-Game)</b>		Ref: 2014/001
<b>Name:</b>		<b>Incident Date, Time &amp; Location:</b>
<b>Club:</b>		<b>Region/ NTA:</b>
<b>Summary of Panel's Deliberations:</b>		
<b>Panel verdict on additional sanctions for player (note this paragraph will be repeated in any writing to the player by the Case/Manager):</b>		
<b>Signature (Chair)</b>	(name)	(date)
<b>Signature (Panel Member)</b>	(name)	(date)
<b>Signature (Panel Member)</b>	(name)	(date)

## WITNESS STATEMENT TEMPLATE

<b>WITNESS STATEMENT</b>	
	 <b>FEDERATION OF INTERNATIONAL TOUCH</b>
<b>Name of witness:</b>	
<b>Date, time and location of incident:</b>	
<b>Does the witness have any affiliation to any party involved?</b>	
<b>Statement of surrounding facts and of the incident:</b>	
<b>Signature of witness:</b>	
<b>Date of Statement:</b>	

**APPEAL DETERMINATION BY CASE MANAGER**

<b>APPEAL DETERMINATION</b>			Ref: 2017/001
<b>Name:</b>		<b>Referee(s):</b>	
<b>Team:</b>			
<b>League:</b>			
<b>Incident Date, Time &amp; Location:</b>		<b>Region:</b>	
<b>Summary of Incident:</b>			
<b>Is the request for the appeal frivolous?</b>			Yes/ No
<b>Does the appeal cite additional information which may change the outcome of the case?</b>			Yes/ No
<b>Is there justification that the sanction applied is not consistent with a similar prior case?</b>			Yes/ No
<b>Is the case novel and likely to set a precedent for future cases?</b>			Yes/ No
<b>Is it likely that there was any flaw in the disciplinary process?</b>			Yes/ No
<b>Other Comments:</b>			
<b>Should the appeal be allowed?</b>			Yes/ No
<b>Signature (Case Manager)</b>		(name)	(date)
<b>Signature (Witness)</b>		(name)	(date)

## REFEREE REPORT TEMPLATE

The report below is used by the Panel to gather further information from the referee and is optional.

The report on the next page is the official FIT Referee Incident Report Sheet and is mandatory for any dismissal or citing of a player.

<b>REFEREE REPORT</b>	
<b>Name of person submitting report:</b>	
<b>Division:</b>	
<b>Date, time and location of match:</b>	
<b>Persons involved:</b>	
<b>Player numbers (if applicable):</b>	
<b>Statement of surrounding facts and of the incident:</b>	
<b>Action taken (if any):</b>	
<b>Signature of Referee:</b>	



**REFEREE INCIDENT REPORT SHEET**



Offending Players No \_\_\_\_\_ Offending Players Team \_\_\_\_\_

Please Tick: Dismissal  Citing

**CHARGE:** Please tick appropriate offence. If more than one, tick accordingly.

- Continual Backchat.                       Verbal abuse of a Player.                       Verbal abuse of a Referee
- Swearing.     Physical abuse to a Player.                       Physical abuse to a Referee
- Phantom Touch                                       Sledging     Professional Foul
- Tripping     Fighting     Repeated Infringements

If unlisted, please specify offence \_\_\_\_\_

Please answer the following:

Was a warning given to the player during the game? (Verbal or otherwise)                      Yes  No

Was the player sent from the field for a "**period of time**" during the game?                      Yes  No

Was the player sent from the field for the remainder of the game?                      Yes  No

Was the player abusive towards the Referee/s after the game?                      Yes  No

Do you consider that the matter should be referred to a Judiciary committee for further consideration?                      Yes  No

Are you aware that if you refer the matter to a Judicial hearing, you may be required to appear and give evidence?                      Yes  No

Please give specifics on offence. (Include word for word verbals or swearing)  
List any witness/witnesses.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Referee's Name \_\_\_\_\_ Signature \_\_\_\_\_

Signature of Coaching Panel Member \_\_\_\_\_

## APPENDIX D – SAMPLE DISCIPLINARY OFFICER JOB DESCRIPTION

*Below is an example of a national disciplinary officer. The same template can be used for regional or local officers by simply substituting national with local.*

**POST: NATIONAL DISCIPLINARY OFFICER**

**LOCATION: ANYWHERE**

**RESPONSIBLE TO: NATIONAL EXEXECUTIVE/ BOARD**

**APPROXIMATE WEEKLY TIME COMMITMENT: None usually. 2-3 hours if a disciplinary case arises**

<b>Responsibilities</b>	
<p><b>General Role:</b> You will be responsible for overseeing the implementation of the national disciplinary policy for Touch, protecting participants within the sport and helping to maintain the sport's integrity.</p> <p><b>Key Focus Areas:</b></p> <ul style="list-style-type: none"> <li>▪ The co-ordination of any disciplinary panels for national events such as the National Touch Series and National Championships</li> <li>▪ Advise Regional Association Disciplinary Officers on their implementation of the Disciplinary Policy at a local level</li> <li>▪ Provide a summary of recommendations for any review of disciplinary guidance</li> <li>▪ Create and manage a national database of Disciplinary Cases</li> </ul> <p><b>Additional Responsibilities:</b></p> <ul style="list-style-type: none"> <li>▪ Raise awareness of the Disciplinary Guidance within the Touch community in our country</li> <li>▪ Where appropriate liaise with other countries that may trial similar guidance</li> </ul>	
<b>Person Specification</b>	
<p><b>Essential:</b></p> <p>Knowledge:</p> <ul style="list-style-type: none"> <li>▪ The rules of the sport of Touch</li> <li>▪ The FIT Codes of Conduct</li> </ul> <p>Other Areas:</p> <ul style="list-style-type: none"> <li>▪</li> <li>▪</li> </ul>	<p><b>Desirable:</b></p> <ul style="list-style-type: none"> <li>▪ An understanding of natural justice</li> </ul>
<b>Skills/Experience</b>	
<ul style="list-style-type: none"> <li>▪ Highly organised</li> <li>▪ Good communication skills</li> <li>▪ Ability to handle issues with sensitivity</li> </ul>	