



OFFICIAL CONDUCT POLICY 2017

Co-Ed & Women Divisions

CONDUCT POLICY

Originally Published on December 3, 2015

Updated on January 8, 2017

1. INTRODUCTION

The Circuit's Player Conduct Policy ("Conduct Policy") defines a code of conduct for players of the The Circuit community, details the bodies that manage matters related to conduct, and describes the procedures for addressing conduct violations and sanctions relating to conduct violations.

The primary means for dealing with disputes is direct discussion between the persons or teams involved. Kickball365 applauds the maturity its players regularly exhibit in resolving their own disputes and correcting their own misdeeds, and celebrates the general irrelevance of this Policy. However, in the rare circumstance where formal redress is needed, this Policy takes effect.

Beyond its own rulebook and the document entitled "Structure of The Circuit", Kickball365 expects all players to abide by the laws, regulations and statutes of the jurisdiction in which they participate, whether at a Kickball365 Circuit Event. Kickball365, its Executive Officers ("Executive Team"), Staff, Event Managers, affiliates and players will cooperate fully with the relevant authorities to ensure compliance with such laws, regulations and statutes.

2. DEFINITIONS

A. "Acting Disciplinary Authority" - means any Event Manager(s), Event Head Referee-in-Charge, or any Kickball365-appointed individual or group charged with decision-making regarding conduct pertaining to a specific Kickball365 Circuit Event in progress.

B. "Administration", "Staff Member", or "Volunteer" - refers to the individuals working for Kickball365 at a Circuit Event.

C. "Rules Committee" - means a committee comprised of players, captains, referees, and other trustworthy kickball individuals selected by the Kickball365 Executive Team to act as the main governing body that applies and interprets the Rulebook for The Circuit. The Rules Committee will oversee matters of right to play, administrative grievances, discipline, and conduct pursuant to the terms of this Policy and the Structure of The Circuit of Kickball365.

D. "Conduct within Kickball365" - shall have the meaning set forth below in Section 3.B which includes, but is not limited to, a player's or a team's actions, statements, written words, and documents in dealing with an Acting Disciplinary Authority, officers, volunteers, players and staff of Kickball365.

E. "Initial Determination" - means the initial action recommended by Rules Committee upon reviewing a formal complaint submitted pursuant to Section 4(B).

F. "On or Off-Field Conduct" refers to the actions of players and teams during the course of a Kickball365 Circuit Event or other event and is not limited to actions during a game.

G. "Player" and "member" - both refer to any player of Kickball365, except where otherwise noted.

H. "Executive Team" means the officers and directors of Kickball365.

3. CODE OF CONDUCT

Kickball365 players are required to adhere to this Conduct Policy while (a) on the playing field, (b) interacting with the administration and officers of Kickball365, whether on or off the field, and (c) dealing with the greater kickball community including other members. The same expectations exist for teams and other groupings of players.

A. On-Field Conduct

Players and teams are expected to treat one another with respect, to conduct themselves in a safe and orderly manner, and, while playing, to adhere to the rules set forth in the Rulebook of Kickball365 or any other Circuit Event rules or site regulations.

This Conduct Policy shall therefore govern any On and Off-Field Conduct including, but not limited to, violations of the Rulebook of Kickball365 that govern play and reckless behavior at a Circuit Event, as well as applicable private, local, state, and/or federal regulations, rules and regulations that govern a Circuit Event or premises on which games or any other Kickball 365 event may take place. Further, this Conduct Policy shall govern any On an Off-Field Conduct which, in the sole discretion of the Rules Committee or Executive Team, casts a negative light on Kickball365.

Repeated, excessive or deliberate inappropriate conduct constitutes a violation of this Conduct Policy. An individual instance of inappropriate conduct may also warrant sanctioning by the Rules Committee if the action is sufficiently severe. Such a sanction may be in addition to any penalties imposed by the Rules Committee.

B. Conduct within Kickball365

Players and teams are expected to be truthful and respectful in their dealings with the Administration and Staff Members of Kickball365, in addition to complying with Kickball365 rules and deadlines.

Violations of the Conduct Policy occur upon the breach of these expectations, regardless of the location in which they occur, or whether or not they occur on the premises at which games take place. Violations of conduct within Kickball365 may therefore include, but are not limited to, filing a fraudulent roster; hacking the Kickball365 Website; supplying fraudulent player pro-

file data to Kickball365 (e.g., false e-mail address to avoid Player Transfer Policy); theft of privileged information from Kickball365; obstructing an agent of Kickball365 from performing his/her duty; and defamation against a director, event manager, organizer or administrator regarding Kickball365-related activity. For example, a player who groundlessly accuses an Executive or Staff member of embezzlement while being interviewed live on television, radio, podcast, or social media may violate this Conduct Policy on the grounds of defamation, even if that player later recants while off camera.

4. ENFORCEMENT OF THE CONDUCT POLICY

Alleged violations of Section 3 set forth above may be reviewed in two ways. For conduct that occurs during a Kickball365 sponsored or sanctioned Circuit Event or program in progress, expedited resolution may be required and, as a natural result, the review and appeal process is necessarily limited to real-time review. Alleged violations of this Policy that do not need to be resolved during a Kickball365 sponsored or sanctioned Circuit Event, may be reviewed through a formal complaint-defense-appeal-process.

A. Enforcement During a Kickball365 Circuit Event in Progress

An Acting Disciplinary Authority may, as necessary, impose sanctions or penalties for violations of the Conduct Policy to ensure expedient administration of its duty in anticipation of or during a Kickball365 Circuit Event. For example, an Event Manager, Event Head Referee-in-Charge, or Kickball365 Executive Team member has the authority to eject a violent player from a Circuit Event.

More than one Acting Disciplinary Authority may have jurisdiction over a Circuit Event. In such case, communication and coordination between the multiple Acting Disciplinary Authorities with jurisdiction is encouraged to ensure that consistent results are achieved and the appropriate course of action is determined.

Notwithstanding the foregoing, in the event that disagreements between multiple Acting Disciplinary Authorities at a particular event arise, the highest level Acting Disciplinary Authority who is ascertainable and reachable during an event shall make the final decision.

B. Disciplinary Points

Yellow Card

Consistent with the Kickball365 Rulebook, when a player gets a yellow card during a game, the player is assigned 5 disciplinary points.

Red Card

Consistent with The Circuit's Rulebook, when a player receives a red card (*or a combination of 2 yellow cards*) during a game, the player is ejected from the game and the follow penalties apply. The player must sit out their next scheduled Circuit Game. The player is assigned 10 disciplinary points.

C. Accumulation of Disciplinary Points

Throughout the Circuit Event National Tour Year, all player cards and disciplinary points will be tracked and recorded. When the player's points add up to twenty (20) Disciplinary Points, the Player must sit out the next Circuit Event game. A red card suspension does not count for the accumulated disciplinary point sit out.

If a player gets a red card in a game, that player must sit out the next event game for receiving ten (10) accumulated Disciplinary Points. If the player receives another red card in a later game in the season/year, that player must sit out the next TWO (2) games, one for the red card and one for the twenty (20) accumulated disciplinary points.

If a player gets four yellow cards in four different Circuit Events in a year, that player must sit out the next Circuit Event because that player has have twenty (20) accumulated disciplinary points.

Any combination of red and yellow cards that totals twenty (20) points results in an accumulated disciplinary point sit out for the player.

A Red Card sit out does not count for an accumulated disciplinary point sit out.

Once a player reaches twenty (20) accumulated disciplinary points and serves the corresponding sit-out suspension, the player must serve an additional sit out suspension each time that player accumulates ten (10) points (at 30, 40, and 50 points) during the National Tour year.

D. Exceptions

If a player receives two (2) Yellow Cards in the same Circuit Event during separate games, then that player's disciplinary point total (10 points) will count as a Red Card and the player will be forced to sit out the next Circuit Event.

Any additional cards received during that Circuit Event will, consistent with the Kickball365 Official Rulebook of The Circuit, only be red cards, as that player will have lost the courtesy of a warning of a yellow card. Such player will be ejected from the Circuit Event immediately and must leave the facility.

Players that receive Red Cards for egregious Red Cards (including, but not limited to, fighting and contact with a referee), will be suspended from the rest of the Circuit Event and will be subject to additional sanctions, such as multiple game suspensions or even permanent banishment from Kickball365 Circuit Events.

6. Initiating and Carrying Out the Enforcement Process

An Acting Disciplinary Authority may act on his or her own initiative to impose sanctions or penalties for violations of this Policy. In addition, an individual may allege a complaint against a player or team by directly contacting the appropriate Acting Disciplinary Authority, who may act upon the complaint as he or she sees fit. Due to the time sensitive nature of the situation, no written complaint is necessary.

7. Appeal of the Acting Disciplinary Authority Decision

If the sanctions imposed by the Rules Committee continue beyond the tournament or event where the conduct violation took place, the sanctions may be appealed by following the procedures set forth in Section 6 below. Kickball365 Players may also appeal a decision which they believe was made by an Acting Disciplinary Authority unfairly or in error pursuant to the Kickball365 Administrative Grievance Policy.

5. Enforcement Through a Formal Complaint

The second method by which alleged violations of this Policy are reviewed is through a more formal complaint-review-appeal process. While this process is more formal, it is understood that a particular situation may have a time-sensitive nature, and as such the timeframes set forth below may be accelerated at the discretion of the Executive Team to ensure that time-sensitive complaints are reviewed quickly by the Rules Committee while still being afforded the full appeal process outline below.

1. Initiating the Enforcement Process

Any Kickball365 Circuit player or team may file a complaint against any other player or team, or a decision made by an Acting Disciplinary Authority if the sanctions imposed continue beyond the tournament or event where the conduct occurred. In the case of a complaint relating to on-field conduct, the complainant must be a witness to the conduct in question. An individual who hears of but does not witness offensive conduct may request an investigation by the Rules Committee, who may act on such requests at their sole discretion.

Additionally, any individual who has been suspended for longer than (1) year shall have the right to have their suspension reviewed annually by submitting a written request for review to the Rules Committee. Review of suspensions shall be heard by the Rules Committee and shall not require an Initial Determination.

The complainant must email Kickball365 at info@kickball365.com and submit their request to the Chair of the Rules Committee, identified at <http://www.kickball365.com/rules/>, within seven (7) days of the conduct in question. The Rules Committee shall have the sole, unreviewable discretion to grant complainants extensions of this deadline. Multiple complaints by different parties regarding a single incident may be consolidated and treated as a single complaint.

The Rules Committee will determine, in its sole discretion, whether a complaint is sufficiently credible to warrant a hearing. In making this determination, the Rules Committee may consult with Executive Team Members. In the event that the Rules Committee determines that a complaint is insufficient to warrant a hearing, it shall notify the Executive Team and the complainant in writing of its determination. In the event the complaint is deemed credible, the Executive Team will inform the complainant and will also inform the respondent of the complaint, making known to him or her the allegations being charged.

Any individual or team making a frivolous complaint, as determined in the sole discretion of the Rules Committee, will be subject to sanctions under Section 7 of this policy, in the sole discretion of the Rules Committee. A frivolous complaint is one that has no basis in fact and/or in the rules and policies of Kickball365, and/or one whose primary purpose is to harass, intimidate,

embarrass, defame, otherwise bring the respondent(s) into disrepute, or to waste administrative and financial resources, or to disparage the game of kickball.

The respondent will have seven (7) days to submit a written response to the complaint to the Rules Committee. The Rules Committee shall have the sole, unreviewable discretion to grant respondents extensions of this deadline.

2. Review of the Initial Determination by the Executive Team

The Executive Team shall review the Initial Determination of the Rules Committee within a commercially reasonable period of time. Within ten (10) business days of receipt of the Initial Determination, the Executive Team may validate the Initial Determination or reconsider the Initial Determination. If the Executive Team does not validate or reconsider the Initial Determination, the Initial Determination shall be deemed final and not subject to further review.

(a) Validation. If the Executive Team validates the Initial Determination, the Initial Determination shall become the final decision of Kickball365 which shall not be subject to further review in any forum.

(b) Reconsideration. The Executive Team may require the Rules Committee to reconsider the Initial Determination if, in the Executive Team's reasonable judgment either the Initial Determination (i) significantly departs from existing precedent; (ii) imposes sanctions that are grossly disproportionate to the violation in question (i.e., too strict or too lenient); (iii) clearly misinterprets existing rules regulations, policies or (iv) if significant new information has been presented that may affect the facts and circumstances involved in the alleged conduct violation, which was unavailable to the respondent or complainant prior to the Initial Determination.

Reconsideration may not necessarily result in modifications of or changes to the Initial Determination. However, the Executive Team may either, (a) modify the Initial Determination at which point it will become final, or (b) remand the Initial Determination back to the Rules Committee with explanation as to the rationale for such remand for the Rules Committee to reconsider the Initial Determination. The Rules Committee will then be bound by the rationale for such remand. Upon remand, the Rules Committee shall modify the Initial Determination in strict accordance with the Executive Team's direction.

If the Rules Committee reconsiders the Initial Determination, it may conduct its own independent investigation and may incorporate any new information presented into its decision-making process.

Kickball365's final decision (the "Final Decision") shall be either the:

- (i) Initial Determination of the Rules Committee, unless reconsidered by the Executive Team as set forth above;
- (ii) The Initial Determination as modified by the Executive Team as set forth above;
- or,
- (iii) The Initial Determination, as modified by the Rules Committee on remand from the Executive Team.

The Final Decision shall be communicated in writing to the affected parties as soon as practicable but no later than ten (10) days of receipt of the Initial Determination and no later than thirty (30) days from the date the complaint is submitted to the Rules Committee. Unless otherwise stated, the Final Decision shall take effect immediately and will not be subject to any further review or appeal in any forum.

The Rules Committee reserves the right to lengthen the time periods set forth above in its sole, unreviewable discretion due to either the (a) time sensitive nature of a particular issue or (b) in order to ensure that the involved parties have a meaningful opportunity to avail themselves of the full appeal process. Any changes to deadlines contained herein must be expressly communicated to the involved parties in writing.

During the review process, the Rules Committee may, in its sole, unreviewable discretion, temporarily impose or suspend imposed penalties on affected parties until the matter is fully resolved. For example, this may mean that a Kickball365 member may or may not be allowed to compete in Kickball365 Circuit Events until the final resolution of an appeal.

Rules Committee decisions are based on majority vote. In the event of a tie, the Chair of the Rules Committee casts the deciding vote.

6. APPEALS

A disciplined respondent may appeal the Final Decision to the Executive Team who may, in the sole and absolute discretion of the Executive Team, direct the Rules Committee to hear an appeal of a Final Decision, or, may attempt to resolve the appealed decision in the discretion of the Executive Team. Respondents shall have up to seven (7) days to make a request written request for an appeal which shall be directed to the Executive Team. Respondents may not be entitled to present new evidence that was not before the Rules Committee when it reached its decision.

If a player is suspended and submits an appeal, the suspensions will be enforced until such time as an appeal modifies or reverses a Final Decision.

A formal appeal of a Final Decision shall be submitted to the Executive Committee, in writing, within seven (7) days of the Final Decision, and shall set forth, with sufficient specificity, the reasons why such appeal should be considered. The appeal request shall be provided to the Executive Team at info@kickball365.com.

7. SANCTIONS

A. Sanctions by an Acting Disciplinary Authority

An Acting Disciplinary Authority may impose sanctions necessary for the administration of its duties. Such sanctions may include, but are not limited to, ejection of a team or player from a Circuit Event; denial of registration or membership of a player; denial of the ability to act as captain for any Kickball365 team; and denial of participation in a non-related Circuit Event, or any other event, hosted by Kickball365.

No Acting Disciplinary Authority may suspend any player or team from participation in any event other than the immediate event, program or process being administered by that authority.

B. Sanctions by the Rules Committee

The Rules Committee, acting as proxy, is not limited in its range of sanctions, except by the requirement that the penalty be proportionate to the severity of the action or its consequences. Such sanctions may include, but are not limited to, any sanctions that an Acting Disciplinary Authority may impose, public or private censure, demand of public or private apology, demand of completion of service to the kickball community, and suspension from participation in any and all Kickball365 events. The Rules Committee may determine any on or off-field conduct in making its determination.

Suspensions or penalties occurring for a period of time longer than one (1) year may be reviewed annually by the Rules Committee upon request.

Any and all sanctions, whether by an Acting Disciplinary Authority or by the Rules Committee, shall be without regard to race, religion, gender, sexual preference, or socioeconomic status. If any member of the Kickball365 community reasonably believes any such discrimination has been inappropriately used in the application of a sanction, then such member shall notify the Executive Team, in writing, within seven (7) days of any such discriminatory issue.

C. Publication of Decisions

The Rules Committee may in their sole, unreviewable discretion, publish specific or general summaries of decisions made and sanctions imposed in connection with the enforcement of this Policy for the purpose of providing guidance ("Published Guidance"). Published Guidance shall not refer specifically to the parties involved and shall be redacted to the extent practicable. Published Guidance shall be made available to the public on the Kickball365 website.

8. MISCELLANEOUS

Any dispute arising out of this Conduct Policy, including the interpretation or application of the same, which is not resolved after the application of the procedures set forth in this policy, then is not resolved and any member wishes to contest the same, they may do so only in accordance with the following requirements:

- (a) The party disputing the Conduct Policy, or the interpretation or application of the same ("Disputing Party"), must have exhausted all applicable appeal provisions set forth in the Policy within the time periods set forth herein, time being of the essence.
- (b) The Disputing Party must submit to the jurisdiction of the courts located in the City of Alexandria, Virginia for resolution of the same.
- (c) The Disputing Party must bear all costs and expenses of Kickball365 related to any such dispute.

Notwithstanding the foregoing, in the event any party fails to adhere to the terms of this Conduct Policy and violates any sanctions issued against him or her, Kickball365 may petition any court with jurisdiction over the violating party for injunctive relief to restrain such person from attempting to participate in any Kickball365 events at the violating parties' sole cost and expense (including the cost of reasonable attorneys' fees).

All captions in this Agreement are for convenience only and shall be deemed irrelevant in construing any provision of the Agreement.

As the context shall require, the use of the singular in this Agreement shall denote the plural and vice versa. The use of any gender shall denote another gender.

Severability of Provisions. Each provision of this Policy (a "Provision") shall be deemed severable. If (i) any Provision or (ii) the application of any Provision to any person or circumstance shall be held invalid or unenforceable by a court of any jurisdiction:

- (a) Affected Jurisdiction. The Provision shall be ineffective only in that jurisdiction.
- (b) Scope of Ineffectiveness. The Provision shall be ineffective only to the extent that it has been expressly held to be invalid or unenforceable in that jurisdiction.

Each participant in any Kickball365 event shall be bound by the terms of this Conduct Policy, in the form as it is then posted on the Kickball365 website at www.kickball365.com. The participant acknowledges that, by participating in any Kickball365 event, he or she affirmatively consents to the terms of this Conduct Policy and waives their right to contest the any provision set forth herein.

9. SUMMARY

Kickball365 expects all players to treat one another with respect, and to be truthful and considerate in their dealings within the organization and the greater kickball community. These standards of conduct are maintained by the strong tradition of etiquette and sportsmanship within the kickball community, and by good-faith resolutions of disputes among the parties involved.

The Circuit and kickball in general relies upon a spirit of sportsmanship that places the responsibility for fair play on the player. Kickball365 is about the love of the game but we recognize highly competitive play is going to happen, but it should never at the expense of mutual respect among competitors, adherence to the agreed upon rulebook, or the basic joy of play.

We encourage all Players and Referees to protect these vital elements of The Circuit and strive to eliminate unsportsmanlike conduct from the field. Such actions as taunting opposing players, dangerous aggression, belligerent intimidation, intentional infractions, or other 'win-at-all-costs' behavior are contrary to the Spirit of the Game and must be avoided by all player.

In the event the letter of the rules or this policy can be interpreted in a manner that conflicts with the spirit of the entire policy or rulebook, we reserve the right to protect the integrity and intent of the sport.