



## **BASINGSTOKE & MID HANTS ATHLETIC CLUB**

### **DISCIPLINARY AND APPEALS POLICY**

#### **INTRODUCTION**

There are standards of conduct and behaviour required of all athletes and volunteers together with others engaged in athletics and regrettably there will be occasions when someone will breach those standards. This policy is to lay out the Club's disciplinary process in a clear and concise way that ensures any such cases are dealt with in the same way. Confidentiality, diligence, fairness, impartiality and natural justices are key features of this Disciplinary and Appeals Procedure and will be applied at all times.

#### **PART A – THE DISCIPLINARY PROCESS**

##### **Step 1**

- a) Any complaints and grievances regarding the misconduct of a Club member should be sent in writing to the General Secretary. (References to 'in writing' includes handwritten and/or email messages.) If the complaint involves the General Secretary, the complaint should be submitted to the Club Welfare Officer.
- b) The complaint should include specific details and evidence in relation to breaking Club rules, or any other offence or misconduct carried out during, or in association with, athletics activities. These activities must reasonably be considered to bring, or have the potential to bring, the Club into disrepute.

##### **Step 2**

- a) The General Secretary shall consider the complaint and seek whatever advice or guidance they deem necessary. It is essential that as much confidentiality as possible is maintained and names should not be divulged unless absolutely necessary.
- b) If, after consideration of the evidence and information gathered, the General Secretary decides there is a case to answer, he/she should write to the member(s) concerned to inform them of the complaint and to invite them to comment in writing upon the relevant allegations within fourteen days from the date shown on the communication.
- c) The General Secretary will dismiss any frivolous complaints at this stage.

##### **Step 3**

- a) The General Secretary will appoint 3 club members to sit on the Disciplinary Panel, none of whom have had any direct interest or involvement in the matter.
- b) Attending the Disciplinary Hearing will be the 3 members conducting the hearing, plus the General Secretary whose two responsibilities are solely to answer any procedural queries the Panel may have and to minute the discussion.
- c) The Disciplinary Panel will consider the matter on receipt of the initial complaint and formal responses from the member(s) involved.



- d) The Disciplinary Panel will have the power to suspend temporarily from membership any member accused of an offence or misconduct, pending further investigations or enquiries. This suspension shall be to facilitate the investigation and be without prejudice to the outcome of the investigation.
- e) Whilst conducting further investigation the Disciplinary Panel must continue to maintain as high a level of confidentiality as possible as to the identity of the members involved.
- f) Once the Disciplinary Panel has assessed the evidence and taken further advice if required a date for the Disciplinary Hearing will be agreed by the Panel and the General Secretary.

#### Step 4

- a) The General Secretary will write the member(s) involved, setting out the date of the Disciplinary Hearing, which must be at least 14 days from the date of this notification.
- b) A reasonable opportunity, within the 14 days mentioned above, will be offered to any member concerned, who may be accompanied by a supporter if so desired, to meet with it and answer the allegations. The Disciplinary Panel will hear such witnesses as are reasonably produced.

#### Step 5

- a) It is the duty of the General Secretary and the Disciplinary Panel to make such procedural provisions as necessary for a just and efficient discussion about the case.
- b) If the Disciplinary Panel is satisfied that an offence of misconduct has been committed by a member, then it may impose one or more of the following actions:
  - i. note the offence or misconduct but take no further action
  - ii. formally warn the member concerned as to future conduct
  - iii. suspend or disqualify the member from club athletic competition, club coaching and/or administration and/or use of the Club's premises for some definite or indefinite period of time
  - iv. recommend to the relevant governing body that the member be disqualified from any involvement in athletics for some definite or indefinite period of time
  - v. terminate the membership, or such other penalty as the Disciplinary Panel considers appropriate.
- c) All parties concerned will be provided with the Disciplinary Panel's formal written outcome notification by hand or by recorded delivery, within ten days of the Disciplinary Panel hearing of the case and reaching their decision.
- d) The letter notifying the decision of the Disciplinary Panel shall also set out the right to Appeal.
- e) The decision shall be recorded and retained in confidential records for a period of six years by the Club in the manner set out by the General Secretary.



## PART B – THE APPEALS PROCESS

### Step 1

- a) The member(s) may appeal against the decision of the Disciplinary Panel, by serving a Notice of Appeal on the General Secretary within seven calendar days of receiving the written decision.
- b) The Notice of Appeal must state the grounds on which the verdict of the Disciplinary Panel is challenged.
- c) The General Secretary shall acknowledge receipt of a Notice of Appeal and decide if there are sufficient grounds and evidence provided to support the challenge, within seven calendar days. In the reply the General Secretary will lay out the steps of the Appeal Process.
- d) If there are sufficient grounds and evidence provided to support the challenge, the Appeal Panel process will commence.
- e) If there are insufficient grounds, the appeal will be dismissed.

### Step 2

- a) The General Secretary shall appoint an Appeal Panel of three members who have not been involved directly, either in the events giving rise to the Hearing, or in the initial Disciplinary Hearing itself.
- b) The Club Secretary shall inform all parties concerned of the people comprising the Appeal Panel and the date of the Appeal Hearing.
- c) Any objections to the composition of the Appeal Panel should be made by notifying the General Secretary of their Objection and stating their reasons for such an Objection, no later than seven days from the date of the communication informing them of the composition of the Appeal Panel and the date of the Appeal Hearing.
- d) The General Secretary, within fourteen calendar days from the date of receipt of an Objection, will notify in writing the parties that:
  - i. either the composition of the Panel has changed, in which case the General Secretary shall provide details of the membership of the new Appeal Panel
  - ii. or the composition of the Panel has not changed, in which case the General Secretary shall give reasons why it has not accepted the Objection.

### Step 3

- a) Within fourteen calendar days from the date the General Secretary responds to the Objection, the General Secretary shall notify all parties:
  - i. the date and place at which the Appeal Panel will meet to determine the Appeal
  - ii. whether the appeal will proceed by way of written submissions or an oral hearing



- iii. whether the parties should be required to submit statements of their evidence and/ or written submissions prior to the hearing and, if so, a timetable for doing so and the procedure for exchanging such statements and written submissions.

#### Step 4

- a) The Appeal Panel shall meet on the date fixed by the General Secretary.
- b) The Appeal Panel may at its sole discretion disregard any failure by a party to adhere to this appeal procedure and may give such further directions as may be appropriate.
- c) Any such hearings shall be in private unless all parties agree otherwise, or unless the Appeal Panel directs.
- d) The Appeal Panel shall make a decision based on the facts as it thinks fit and may:
  - i. Quash the original decision
  - ii. Confirm the original findings
  - iii. Request that the case be reheard
  - iv. Increase the original sanction
  - v. Abate the original sanction.
- e) The Appeal Panel shall decide on any issue by majority.
- f) The decision of the Appeal Panel shall be final.
- g) A supporter can be a legal representative, who must be named, and may accompany the Complainant throughout the appeal process.

#### Step 5

- a) The Appeal Panel shall inform all parties of its decision within fourteen calendar days from the date of the Appeal Hearing, together with written reasons for its decision.
- b) The decision of the Appeal Panel shall be recorded and retained in confidential records for a period of six years by the Club in the manner set out by the General Secretary. Supporting documentation shall also be retained in the same fashion.

#### Notification to UK Athletics (UKA) and England Athletics (EA)

Where appropriate the Panel Chair, once the Appeal notice has expired, will inform EA/UKA;

- Disciplinary Hearing – details of a decision, including sanctions imposed, will be communicated to EA and/or UKA if it is considered necessary to ensure compliance with a sanction, or for the safety and well-being of those engaged in athletics activity. EA/ UKA may determine to publish details on their websites
- Appeal Panel – details of a decision, including sanctions imposed, will be communicated to EA and/or UKA if it is considered necessary to ensure compliance with a sanction, or for the safety and well-being of those engaged in athletics activity. EA/UKA may determine to publish details on their websites.



### Co-operation of All Parties

- The procedures described in these Discipline Procedures assume that all parties will co-operate in the interest of resolving the issue in question. In the absence of such co-operation, or if it is withdrawn at any stage, the Club reserves the right to proceed with a Hearing or an Appeal based on such evidence and information as it is able to obtain.
- When dealing with a complaint, the Club Secretary or nominated Club representative shall be entitled to take, or omit to take, such action as is recommended pursuant to legal advice received from a legal practitioner whom the Club Secretary reasonably believes is competent to provide such advice and/or EA's legal representative service for affiliated members (contact EA Membership Services for further details on 0121 347 6543).

Last Reviewed: February 2024

Next Review Date: February 2025

