Club discipline and appeal process

Step 1:

All complaints regarding the misconduct of club members should be submitted in writing to the Club Secretary. Where the matter relates to the Club Secretary, submit the complaint to the Club Welfare Officer. The content of a complaint will include specific details and evidence in relation to the infringement of Club Rules or any other offence or misconduct carried out during or in association with athletics activities which might reasonably be considered as bringing or having the potential to bring the Club into disrepute.

Step 2:

Upon receipt of a formal complaint, the Club Secretary shall, having taken, and subject to, such advice as he or she considers it prudent to take in the circumstances, write to the Member or Members concerned to inform them of the complaint and to invite them to comment in writing within fourteen days upon the relevant allegations.

Step 3:

On completion of step 2, the Club Secretary will determine if the complaint has sufficient grounds and is capable of being pursued based on the evidence/statements provided and will dismiss any frivolous complaints at this stage. If the matter is sufficiently evidenced a process will be pursued. The Club 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.

Step 4:

The Club Disciplinary Panel or Hearing will consider the matter on receipt of the initial complaint and formal responses from the member(s) involved. The Club 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.

The Disciplinary Panel/Hearing will make such further enquiries as it thinks fit and will offer a reasonable opportunity to any Member concerned, who may be accompanied by a supporter, if so desired, to meet with it and answer the allegations and the Disciplinary Panel/Hearing will

hear such witnesses as are reasonably produced. The Disciplinary Panel/ Hearing will make such procedural provisions as necessary for the just and efficient disposal of the case.

If the Disciplinary Panel/Hearing 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;

iv. recommend to the relevant governing body that the Member be disqualified from any involvement in athletics for some definite or indefinite period and/or;

v. terminate the membership or such other penalty as the Disciplinary Panel considers appropriate.

All parties concerned will be provided with the Disciplinary Panel's/Hearing formal written outcome notification by hand or by recorded delivery within seven days of the decision.

Step 5 – Appeal Process:

The letter notifying the decision of the Disciplinary Panel shall also set out the right to Appeal. The accused and/or the Complainant, may appeal against the decision of the Disciplinary Panel/Hearing, by serving a Notice of Appeal on the Club Secretary within seven calendar days of receiving the written decision. The Notice of Appeal must state the grounds on which the verdict of the Disciplinary Panel is challenged.

The Club Secretary shall acknowledge a Notice of Appeal within seven calendar days of its receipt and will cast a decision in regard to 'the grounds on which the verdict is challenged', if there are sufficient grounds/evidence provided to support the challenge, the Appeal Panel process will commence (Step 5.1.), if there are insufficient grounds, the appeal will be dismissed.

Step 5.1.

The Club 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.

The Club Secretary shall inform all parties concerned of the composition of the Appeal Panel. Either party may object to the composition of the Appeal Panel by notifying the Club Secretary of the Objection and setting out the reasons for such an Objection no later than seven calendar days from the date of being informed of the composition of the Panel.

The Club Secretary, within fourteen calendar days from the date of receipt of an Objection, will notify in writing the parties that either:

- the composition of the Panel has changed, in which case the Club Secretary shall provide details of the new Appeal Panel; or
- the composition of the Panel has not changed, in which case the Club Secretary shall give reasons why it has not accepted the Objection.

Within fourteen calendar days from the date the Club Secretary responds to the Objection above (as appropriate), the Club Secretary shall give such directions to all parties that include;

- the date and place at which the Appeal Panel will meet to determine the Appeal.
- whether the appeal will proceed by way of written submissions or an oral hearing; and
- 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.

Powers of the Appeal Panel

The Appeal Panel shall meet on the date fixed by the Club Secretary. 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.

Any such hearings shall be in private unless all parties agree otherwise, or unless the Appeal

Panel directs. The Appeal Panel shall have power to make a decision on the facts as it thinks

fit and may:

- Quash the original decision;
- Confirm the original findings
- Request that the case be reheard (re-trial)
- Increase the original sanction;
- Abate the original sanction;

The Appeal Panel shall inform all parties of its decision within fourteen calendar days together with written reasons for its decision. The decision of the Appeal Panel shall be final. The Appeal Panel shall decide on any issue by majority.

A supporter can be a legal representative, who must be named, and may accompany the Complainant/Accused throughout the appeal process.

Records of Hearings and Appeals

The decision of a Disciplinary Panel/Hearing, including Appeal Panel/Hearing, shall be recorded and retained in confidential records for a period of six years by the Club. 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).