

# Discipline and Appeals Procedures

- 1 Every club must have a written disciplinary procedure and expulsion provision as part of their constitution (or if no formal constitution, Club Rules) and when a disciplinary matter arises, this must be strictly adhered to.
- 2 This procedure should state that breach of club rules may result in disciplinary action being taken against a member and give an indication of the action that the club may take if an offence is proven. This might take the form of a warning, verbal or written, temporary banishment or even expulsion. The format of the procedure should also be explained.
- 3 The procedure should include at least three stages

## 3.1 The Initial Inquiry

- 3.1.1 An initial hearing should be held by the Committee to establish whether or not there is a case to answer. It would not be essential for the alleged offender to be present at this stage, although he/she should be made aware that they are being investigated and the reason for the investigation. The minutes of this hearing must be recorded in writing.

## 3.2 The Hearing

- 3.2.1 If the initial hearing determines that there is a case to answer, the alleged offender should be advised of the allegation against him/her in writing by the Club Secretary and invited to attend a hearing by the Committee. The alleged offender must be informed that he/she has the right to be represented at the hearing.

- 3.2.2 At the hearing, the Committee should reiterate the allegations, allow the alleged offender to answer and then ask whatever questions are deemed to be relevant and both the questions and the answers should be recorded. The hearing would also hear evidence from any witnesses. The minutes of this hearing must be recorded in writing. Having heard all the evidence, the Committee would then determine whether the offender is guilty of the offence or not. If it so decides, it should then determine what action, if any is to be taken. It is important that any action is seen to be what a fair and reasonable person would deem appropriate having regard to the offence committed. The Committee's decision on disciplinary action should be communicated to the offender in writing without delay and in any event, within 48 hours of the hearing. The notice of disciplinary action should include a statement setting out the following: -

3.2.2.1 Details of the offence, which he/she has been found guilty of.

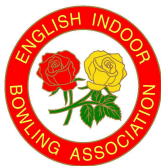
3.2.2.2 Details of the decision of the Committee and the action to be taken.

3.2.2.3 An explanation of the offender's right of appeal to the club in general meeting.

3.2.2.4 An explanation of the Appeal procedure.

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## 3.3 The Appeal Procedure

3.3.1 This is an essential part of a disciplinary procedure and the offender must be advised of his/her rights regarding this. It is recommended that a copy of the appeals procedure is provided to the offender and this should explain: -

3.3.1.1 That a request for an appeal hearing should include the basis of the request. (e.g. new evidence or information, unreasonable disciplinary action for the offence committed etc.)

3.3.1.2 How the request for an appeal hearing should be made. (e.g. in writing)

3.3.1.3 To whom it should be made. (e.g. Club Secretary or other nominated person)

3.3.1.4 That the offender may be represented at the hearing if he/she so wishes.

3.3.1.5 The timescale within which an appeal must be lodged. (e.g. fourteen days following receipt of the decision of the Disciplinary Committee)

3.3.1.6 How long after the receipt of an appeal request, the process will take to complete. (e.g. fourteen days)

3.3.1.7 That the decision of the Club on Appeal is final and binding.

3.4 If an appeal is made correctly and is accepted for consideration by the Club Committee, an Extra Ordinary Meeting must be called. At this Extra Ordinary Meeting, the offender would have the right to be represented and he/she should be asked to put a case forward explaining why they believe the decision of the Committee to be unacceptable. The offender should be permitted to introduce witnesses who may have other information about the alleged offence or who may simply be character witnesses. When all evidence has been provided, the members would then consider the case and a vote taken. The members have the option of confirming the decision of the Committee or changing it in the light of any additional information that may have been provided at the Extra Ordinary Meeting. The decision of the meeting should be minuted and communicated in writing to the offender and is binding.

If such a procedure was operated, it is unlikely that the offender could get the decision of the club overturned on the grounds that a satisfactory procedure was not followed.

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