AFFILIATED CLUB DISCIPLINARY POLICY & PROCEDURES

JUNE 2021

CONTENT

1. Policy Statement

2. Aims

3. Guiding Principles

4. Scope

5. Disciplinary Matters

6. Jurisdiction and Powers

7. Application for Investigation (making a complaint)

8. Interim Suspension

9. Investigation

10. Disciplinary Panel

11. Disciplinary Proceedings

12. Personal Hearing

13. Sanctions

14. Records and Confidentiality

15. Appeals

16. People under 18 years

17. Adults at Risk

18. Glossary

1. POLICY STATEMENT

1.1. The [Highland Hill Runners] Disciplinary policy provides a framework and process for any club related disciplinary action, should it be required. It is a tool to address unacceptable conduct or behaviour promptly, fairly and consistently. On occasion, it may be necessary to impose a sanction if the conduct or behaviour is unacceptable. This policy reflects national guidance on managing disciplinary matters issued by **scottish**athletics.

2. AIMS

2.1. To provide a clear understanding of the club disciplinary policy

2.2. To provide guidance on how the procedure should be followed

3. GUIDING PRINCIPLES

3.1. [Highland Hill Runners] will:

3.1.1. Treat you fairly, equally and consistently

3.1.2. Establish the basic facts of any disciplinary issue and identify whether it is proven and amounts to misconduct or gross misconduct, and then follow the relevant process

3.1.3. Investigate promptly and thoroughly, establishing the facts as clearly as possible

3.1.4. Allow you to put forward your case and listen to your views and any mitigating circumstances

3.1.5. Give you a full written explanation of any disciplinary action

3.1.6. Give you an opportunity to appeal any formal disciplinary action

3.1.7. Encourage you to be accompanied at disciplinary meetings

4. SCOPE

4.1. This policy applies to any person who is a member of [Highland Hill Runners] and includes athletes, volunteers, coaches [whether club members or independent coaches working with club member athletes] and parents. This policy takes precedent over any previous [Highland Hill Runners] disciplinary policy and procedures.

5. DISCIPLINARY MATTERS

5.1. Anyone coming under the scope of this policy by virtue of paragraph 4.1 above shall be liable to disciplinary action in accordance with this Policy if their conduct or behaviour is alleged to breach the codes of conduct, be inappropriate, incorrect, improper, unlawful or unsporting.

The following **non-exhaustive** list are examples of conduct which may constitute a breach of this Policy:

5.1.1. Failing to comply with [Highland Hill Runners] policies, constitution and regulations;

5.1.2. Doing anything which has the potential to harm [Highland Hill Runners] or bring [Highland Hill Runners] into disrepute;

5.1.3. Failing to comply with a written agreement with, or a written undertaking given to [Highland Hill Runners] as part of this disciplinary process;

5.1.4. Making an untrue written statement to [Highland Hill Runners] or a person acting on behalf of [Highland Hill Runners];

5.1.5. Committing a breach of the Code of Conduct;

5.1.6. Committing a breach of [Highland Hill Runners] Social Media Policy

5.1.7. Failing to treat others in the sport with dignity and respect;

5.1.8. Committing a breach of Scottish Athletics' Anti-Doping Regulations;

5.1.9 Committing a breach of Scottish Athletics' Gambling and Match-Fixing Regulations;

5.1.10 Assisting or encouraging any person to breach this Policy.

6. JURISDICTION AND POWER

6.1. The club committee retains jurisdiction to act in relation to any Disciplinary Matter, including the power to impose appropriate sanctions in accordance with the procedures in this Policy except that:-

6.1.1. Allegations relating to doping as defined within the Scottish Athletics' Anti-Doping Regulations shall be dealt with by the UK National Anti-Doping Panel, in accordance with the provisions of the relevant UK Anti-Doping Rules;

6.1.2. Allegations or concerns that a person has engaged in conduct which directly or indirectly adversely affects the welfare or safety of a person under 18, or an adult at risk, and/or places them at risk, shall be dealt with exclusively by UKA in conjunction with Scottish athletics and must be reported in line with the UKA safeguarding policies and procedures.

*If you consider a child is at immediate risk of harm contact the police on either 999 or 101.

6.2. Disciplinary Action and any resulting sanction under this Policy shall be separate from and may be additional to: -

6.2.1. Any sanction imposed by **scottish**athletics or UK Athletics under separate disciplinary processes;

6.2.2. Action or investigation by the police or statutory authorities in accordance with criminal law or other statutory regulations, whether or not resulting in a conviction, but any action under this Policy may be paused until the outcome of any criminal or external investigation is concluded, save to the extent that any Person may be suspended and/or precluded from participating in [Highland Hill Runners] activities pending determination of any criminal or external investigation.

7. APPLICATION FOR INVESTIGATION (making a complaint)

7.1. A Club member or any other person (the 'Applicant') may make a written application to the club Secretary that an alleged Disciplinary Matter involving a club member who is subject to this Policy by virtue of paragraph 4 above (the 'Respondent') be investigated.

7.2. Where the complaint relates to the conduct of the club secretary the written complaint should be submitted to the club president.

7.3. The written application shall include the name and contact details of the Applicant, the identity of the Respondent, the nature and date(s) of the alleged Disciplinary Matter and the names of any known witnesses.

8. INTERIM SUSPENSION

8.1. The club committee may suspend a Respondent from club activities ('interim suspension') on receipt of either of the following: -

8.1.1. A written application for investigation of an alleged Disciplinary Matter involving a club member. Such interim suspension may remain in force until not later than the final conclusion of the Disciplinary Action;

8.1.2. Notification by the statutory authorities (police/social work services etc.) that a club member is under investigation in relation to an alleged offence under the Sexual Offences Act 2003 or any related or preceding legislation. Such interim suspension may remain in force until the legal outcome becomes known and the club disciplinary process has concluded.

8.2. An interim suspension shall only be imposed if the club committee is satisfied it is necessary in the best interests of the club, its members, and the sport of athletics.

8.3. Interim suspension shall be a neutral action and shall not imply any prejudgment of the circumstances under investigation.

8.4. **scottish**athletics must be informed of any interim suspension of a club member. If you wish to discuss a potential suspension prior to imposing, please contact welfare@scottishathletics.org.uk

9. INVESTIGATION

9.1. On receipt of a written complaint for an alleged Disciplinary Matter the club Secretary shall inform the club President. Depending on the circumstances the club may seek an informal resolution to the Disciplinary Matter or appoint an Investigator to investigate it.

9.2. The club may appoint as Investigator any club member that does not have an interest in the case. The club president and members of any subsequent Disciplinary Panel are excluded from conducting investigations.

9.3. Where the Disciplinary Matter relates to conduct towards a person under 18 years, or towards an adult at risk, the club must follow the UKA Safeguarding procedures and report the matter to the Safeguarding team at UKA..

9.4. When an Investigator is appointed, he or she will inform the Applicant in writing that they are dealing with the matter and inform that the details of the application will be disclosed to the Respondent.

9.5. The investigator will also inform the Respondent in writing that they are the subject of a complaint, provide an outline of the allegation, identify who made the complaint (but only when the identification of such person is not confidential for safeguarding reasons), and seek a brief response to the complaint. Such a reply should include a short factual response to the allegation.

9.6. The Investigator will then conduct an investigation that is thorough, proportionate, relevant and fair to all parties. Contact with the Applicant, the Respondent and all witnesses can be face to face or via telephone or email. The Applicant, the Respondent and any witnesses shall give the Investigator all reasonable assistance, including promptly supplying statements if necessary, making themselves available for interview, answering any questions and supplying documentary or other information.

9.7. The Investigator shall make a written report which shall include the documentary evidence and a recommendation as to whether the Respondent has a case to answer.

9.8. The Investigator's report shall be submitted to the club committee in strictest confidence. The committee shall either confirm the recommendation or arrange for further investigation by the same or a different Investigator. The report must not be circulated further.

9.9. If the committee confirms a recommendation that there is no case to answer the club president shall inform the Applicant and the Respondent accordingly in writing. There shall be no appeal against a decision that there is no case to answer but a case may be re-examined if further evidence is later forthcoming.

9.10. If the committee confirms a recommendation that there is a case for the Respondent to answer the club president shall inform the Applicant and the Respondent accordingly and establish a disciplinary panel.

10. DISCIPLINARY PANEL

10.1. The club committee shall appoint no fewer than three individuals to constitute a disciplinary panel, designating one of those as the disciplinary panel chairperson.

10.2. The disciplinary panel members will be independent to the alleged circumstances and those involved.

10.3. A disciplinary panel member having an interest in a matter to be considered must declare that interest as soon as he or she is aware of it and must have no further involvement in that case.

10.4 The club president should not sit on a disciplinary panel, see 15.6.

11. DISCIPLINARY PROCEEDINGS

11.1. Once the committee confirms a recommendation that there is a case to answer and establishes a disciplinary panel, they shall give the Respondent written notice of the decision together with the Investigator's report. Not later than 14 days after the sending of the notice the Respondent shall send to the disciplinary panel chairperson a written response, together if desired with signed statements from any witnesses. At the same time the Respondent may be invited to, or request, a personal hearing.

11.2. If the Respondent is not invited to or does not request a personal hearing within the prescribed time outlined in the notice, the disciplinary panel shall adjudicate the matter, taking into consideration the report of the Investigator, the written statements of the Applicant, Respondent and witnesses and any other evidence it thinks appropriate. The disciplinary panel may in certain cases decide to adjudicate a case by correspondence only.

11.3. Proceedings, findings or decisions of the disciplinary panel shall not be invalidated by reason of any minor defect, irregularity, omission or technicality unless it raises a material doubt as to the reliability of the proceedings, findings or decisions.

12. PERSONAL HEARING

12.1. If the Respondent requests a personal hearing, the Disciplinary Panel shall give the Respondent at least 14 days' notice of the date, place and time of the hearing, which shall be held as soon as practicable and where possible within 42 days of receipt of the original request for a personal hearing.

12.2. The Respondent may be accompanied at a personal hearing by one other person of the Respondent's choice, who shall not be a witness. This right shall be in addition to the right of a Respondent who is under 18 or an Adult at Risk to be accompanied by a parent or carer.

12.3. The disciplinary panel chairperson shall be responsible for managing the hearing's proceedings.

12.4. Failure of any person to attend the hearing, or to answer any question, or to produce any necessary papers, shall not prevent the disciplinary panel from proceeding to a decision.

12.5. The disciplinary panel shall consider its decision in private. If the allegation is contested the disciplinary panel shall first decide whether or not it is proved on the balance of probabilities and inform the respondent accordingly.

12.6. If the allegation is admitted, or if the disciplinary panel finds the allegation proved, the Respondent may present a plea in mitigation before the disciplinary panel decides on any sanction to impose.

12.7. The disciplinary panel is entitled absolutely to determine the procedures that will be adopted at any personal hearing.

13. SANCTIONS

13.1. If the Respondent admits an allegation or if the disciplinary panel finds an allegation proved it may impose any one or more of the following sanctions:

13.1.1. Receive a verbal warning valid for [panel to state period] from the date the sanction is imposed.

13.1.2. Receive written warning valid for [panel to state period] from the date the sanction is imposed.

13.1.3. Be monitored by another club coach or any other person deemed relevant.

13.1.4. Be required to attend a relevant training course.

13.1.5. Be suspended by the club from some or all of the club activities for a stated period.

13.1.6. Be required to leave or be dismissed by the club.

13.1.7. Requirement to give an undertaking in such terms as the disciplinary panel may decide; failure to give the undertaking within 14 days or a breach of it within two years shall be deemed a breach of this Policy and upon such breach the offender shall be liable to a sanction in addition to the sanction for the original Disciplinary Matter.

13.1.8 Any combination of the above.

14. RECORDS AND CONFIDENTIALITY

14.1. A decision made by the disciplinary panel on whether or not a case is found proved and the sanction imposed shall not be regarded as confidential except where the Respondent is under 18 or is an Adult at Risk.

14.2. The disciplinary panel chairperson shall within 30 days of the decision notify it in writing to the Respondent, the Applicant and any other Participant involved.

14.3. In a case of suspension, the disciplinary panel chairperson shall notify a suspension to those likely to be affected and to **scottish**athletics.

14.4. The chair of the disciplinary panel shall collate the minutes of each hearing which shall contain a record of the proceedings. The Minute shall include reasons for any findings made by the disciplinary panel including the sanction, if any, and the factors that were taken into consideration when imposing such sanction.

14.5. Records relating to a disciplinary matter shall be confidential and kept securely and in line with the club data protection policy for two years after any investigation, proceedings, and sanction imposed are all completed.

15. APPEALS

15.1. If the disciplinary panel finds an allegation proved, the Respondent may appeal against the finding or the sanction imposed or both.

15.2. Any appeal must be made within 10 working days in writing to the panel chairperson.

15.3. The notification of appeal must contain the grounds for the appeal. The only grounds for an appeal are:-

15.3.1. That there was a material error, either factual or procedural in the original proceedings;

15.3.2. That there is material new evidence that, had it been known at the time of the original proceedings would have affected the decision of the panel.

15.4. Any Appeal that does not meet one of the criteria in 15.3 above may be refused.

15.5. The Appeal shall be heard by an appeal panel that shall usually consist of two club members who were not involved in the original proceedings along with the club president.

15.6. The president shall act as the appeal chairperson. An appeal is not a re-hearing of the original proceedings and whilst it will be necessary for the appeal panel to review the evidence by reading the statements and any reports, it will not involve the calling of new witnesses unless the appeal is based upon the ground specified in 15.3.2 above only.

15.7. The appeal Chair shall determine the manner in which the appeal is dealt with, including inviting representations either in writing or in person from the Applicant and/or the Respondent. Once the appeal chair is satisfied that the panel has sufficient information on which to decide the appeal, they will consider whether the appeal is upheld or dismissed.

15.8. The appeal panel shall have the following powers:-

15.8.1. To dismiss the appeal;

15.8.2. To alter or vary the original decision;

15.8.3. To quash any sanction and/or substitute it for any other penalty; or

15.8.4. To make any such other order or determination as it may think right or just.

15.9. The decision of the appeal panel will be communicated to the Respondent, the Applicant by the appeal chair in writing within seven days of the appeal decision.

15.10. The decision of the appeal panel will be final and binding.

16. PEOPLE UNDER 18 YEARS

16.1. If an Applicant or Respondent is under 18 at the date of the alleged disciplinary matter:-

16.1.1. The disciplinary panel shall consult the Club welfare officer to ensure their interests are protected and that UKA safeguarding protocols are correctly followed;

16.1.2. Any right or obligation under these procedures may be exercised on their behalf by their parent or carer;

16.1.3. Any written communication with them under these procedures shall be copied to their parent or carer.

16.2. If an Applicant, Respondent or witness is under 18 at the date of the alleged disciplinary matter they may be accompanied by a parent or carer at any meeting or proceedings.

16.3. When considering any sanction, the disciplinary panel shall take into account the age of a Respondent who is under 18 at the date the disciplinary matter is alleged to have occurred.

17. ADULTS AT RISK

17.1. If an Applicant or Respondent is An Adult at Risk:-

17.1.1. The disciplinary panel shall consult the Club welfare officer to ensure their interests are protected protected and that UKA safeguarding protocols are correctly followed;

17.1.2. Any right or obligation under these regulations may be exercised on their behalf by their carer or a nominated appropriate adult;

17.1.3. Any written communication with them under these procedures may be copied to their carer or nominated appropriate adult.

17.2. If an Applicant, Respondent or witness is an Adult at Risk they may be accompanied by a carer or nominated appropriate adult at any meeting or proceedings.

17.3. When considering any sanction, the disciplinary panel shall take into account the fact that a Respondent is an Adult at Risk.

18. GLOSSARY

'Adult at risk' means anyone over 16 years who is unable to safeguard their own interests and are at risk of harm because they are affected by: disability, mental disorder, illness, or physical or mental infirmity, as defined under the Adult Support and Protection (Scotland) Act 2007.

'Appeal' means an appeal in accordance with paragraph 17 of the Policy.

'Appeal Chair' means the person so appointed in accordance with paragraph 17.5 of the Policy.

'Appeal Panel' means the panel so appointed in accordance with paragraph 17.7 of the Policy.

'Child' means any person under 18 years of age.

'Code of Conduct' means the club code of conduct from time to time in force.

'Days' means calendar days except where it is explicitly stated as working days.

'Disciplinary Matter' means a breach of the clubs Constitution, Regulations, codes of conduct, or Policy or any act, or omission, which is, in any way, contrary to Club rules in place at the time.

'Disciplinary Panel' means the panel appointed in accordance with paragraph 7 of the Policy.

'Disciplinary Panel Chair' means the person so appointed in accordance with paragraph 7.1 of the Policy.

'Investigator' means the person so appointed to investigate a reported disciplinary matter.

‘the Policy’ means this Disciplinary Policy.

‘SAL Anti-Doping Regulations’ means the anti-doping regulations of Scottish Athletics in force from time to time.

‘Written undertaking’ means a written agreement to comply with the decision of a disciplinary panel and undertake any action they decide necessary.