

Braintree Canoeing Club

DISCIPLINARY PROCEDURE

1.0 General

Disciplinary issues and processes - applying to all matters of **Braintree Canoeing Club** ("the Club") - will be dealt with by the officers appointed to the Disciplinary Committee (Appointed Officers) of the Club in the first instance, and if a decision is appealed then by the Full Executive Committee

All members of the Club agree to fully comply with the Club's Codes of Conduct, specific Codes of Conduct for their role(s) and other Operating Policies as presented on the Club website and be bound by the terms as under noted.

Disciplinary action against Club members, including expulsion without notice, may be taken for offences of misconduct or breach of Club's rules. However it is recognised and accepted that every member:

- Has the right to expect fair and consistent treatment
- Has the right to be notified by the club formally of any decision.
- Has the right to appeal against the classification of the incident or Disciplinary Committee's decision in all disciplinary matters
- Has a right for the evidence to be considered in an unbiased manner

No member will be expelled for the first breach of Club's rules except in cases of "gross misconduct".

However all disciplinary actions taken by the club will be duly recorded and placed on file for reference at a future date.

2.0 Offences Leading to Disciplinary Action

The under noted actions by members may be interpreted by the Appointed Officers to lead to Disciplinary Action, however the lists are not to be considered as fully inclusive or covering all possible offences.

"Misconduct" is the carrying out of an offence considered to be of a minor nature (unless frequently repeated) and will normally incur a written warning from the Appointed Officers together with a demand for full and appropriate corrective action. Examples of offences that may be considered misconduct include:

- Discourteous, crude or offensive behaviour at games, training sessions, organised Club events or at any other time relating to club business.
- Conduct of an unsafe nature
- Disregard for equipment or property

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- Refusal to carry out reasonable instructions issued by event officials or organisers
- Failure to attend or participate in events or meetings that have been previously committed to in the name of the Club by either an individual or team, where this is likely to have an effect on other club members.
- Failure to comply with or adhere to the relevant code of conduct for their position within the club
- Any other actions of similar gravity to the above, at the discretion of the Appointed Officers.

Repetition of the above offences or failure to comply with any demands made in writing by the Appointed Officers may result in further action by the Club.

"Serious Misconduct" is the carrying out of an offence of such gravity that in the opinion of the Appointed Officers it warrants a Club Disciplinary Hearing.

Examples of offences, which may be considered as serious misconduct include:

- Misconduct offences above if specially grave or repeated, or if the offence breaches equality or discrimination guidelines
- Deliberate or consistent breaches of club rules
- Any attempt to achieve gains or advantage over others by unfair or unscrupulous means
- Use of threatening or abusive behaviour
- Participating in the sport whilst under the influence of drugs or alcohol
- Malicious interference with equipment or property
- Disregard for one's own or other people's safety
- Any other action, which in the opinion of the Appointed Officers may bring the sport or the Club into disrepute, or which left unpunished, may result in the detriment of the Club or its members.

"Gross Misconduct" is action of such seriousness that the Appointed Officers will require the immediate exclusion of the member from the club. The Appointed Officers may summarily exclude such a member prior to a full disciplinary Hearing. The excluded member will have the right to a disciplinary hearing as soon as this can be arranged but will remain excluded until and unless such a hearing overturns the decision.

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Examples of gross misconduct are:-

- Physical violence or assault towards other persons at a Club event or related activity, including serious threatening, intimidating or forceful behaviour
- Theft or misappropriation
- Reckless disregard for one's own or other peoples safety
- Being convicted of criminal offences involving physical violence or abuse
- Other acts that are considered to be of an extremely serious nature perpetrated against the Club, its members or any other party.

Child Protection - if the matter relates to a child protection issue then this should follow the guidance from the BCU and be immediately reported to them for handling.

3.0 Disciplinary Procedure

The Disciplinary Procedure can be triggered by any of the following:

- a written complaint from a member, another team or club within the sport, the governing body, the league/match organisers or any other party, including parties external to the club or sport.
- or the Club Welfare Officer may also decide to trigger the disciplinary procedure if they believe an incident has taken place that has not been officially reported but that it is in the interest of the club and the welfare of its members for it to be investigated

The Disciplinary Committee will be made up of the following

- Club Welfare Officer (Permanent Member of Disciplinary Committee)
- Two additional members selected by the Club Welfare Officer when the Disciplinary Committee is required.
 - These two additional members should in general be members of the Club but not sit on the Executive Committee. In circumstances where the Welfare Officer believes it appropriate, these two members can be drawn from people external to the Club

On receipt of the complaint, the Disciplinary Committee will be formed within 14 days and - with advice from a Legal Advisor should they so wish - will decide whether the complaint falls within the scope of this disciplinary code. If in their opinion it does, then the Appointed Officers will decide as to the type of offence as per (section 2) above.

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If the accused is a current member of the Clubs Executive or Disciplinary Committee they will be immediately suspended from that role for the period of the investigation and appeal process. In the case of the Chairman being involved the remaining Executive members should appoint a temporary Chairman.

3.1 If the offence is considered to be one of simple misconduct:

- Then the Disciplinary Committee will write to the member with a formal written warning
- The Appointed Officers will also attempt to communicate their planned action regarding the incident to the complainant and or affected individual(s). This is only to understand if there is likely to be further escalation prior to informing the defending party of the accused incident(s).
- A disciplinary file will be opened by the Appointed Officers in which will be placed copies and records of the original complaint, together with the written warning and any other correspondence.
- The action outlined above will normally finalise the process unless any of the parties involved object strongly to the Appointed Officers decision in which case they may appeal directly to the full Executive Committee for a final decision.

3.2 Should the complaint be considered by the Appointed Officers as one of serious misconduct, then the following procedure will be implemented: -

- The Appointed Officers will research the evidence presented and, if required, will obtain further written evidence, witness statements, etc. However the Disciplinary Committee has the right to make a decision without further representation if they feel enough evidence is already available.
- If necessary the Investigating Officer will consult all relevant witnesses for supportive evidence
- Advise complainant that if a disciplinary hearing is called, then the complainant and all relevant witnesses may be obliged to attend and give evidence either in person or by voice or video conferencing. (Non attendance at a hearing will only be allowed in extenuating circumstances, i.e. Ill-health, threat of violence or intimidation etc). In such circumstances/instances a written declaration must be submitted to the Disciplinary Committee. The Disciplinary Committee where appropriate may make a decision without requesting any attendance at a hearing, if suitable evidence is available already.
- Contact the member subject of the complaint to advise of the official complaint and request the member to submit a written statement of events in response, if felt appropriate.
- In cases of disputes of a personal nature, the Appointed Officers will attempt to resolve the situation amicably and to the mutual satisfaction of the parties concerned

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- If settlement cannot be agreed between the parties, or if the offence merits it, then a disciplinary hearing will be arranged as soon as possible
- If required, contact will be made with the Club's Legal Advisor and/or the BCU to assist in resolution of the issue

4.0 Disciplinary Hearing

The Disciplinary Committee will appoint a chairperson (normally the Club Welfare Officer) who shall normally take charge of the hearing and all questions will be addressed through this chairperson.

Under no circumstances should the accused, the complainant or any other directly affected party be a member of the Disciplinary Committee.

In the event that the Welfare Officer is involved directly in the disciplinary issue, then the Club Chairman or temporary Chairman should replace the Welfare Officer on the Disciplinary Committee.

The Investigating Officer will normally undertake the following actions and present them to the Disciplinary Hearing.

- Where appropriate/required, witnesses to be interviewed and all written evidence to be reviewed and presented to the hearing.
- No witnesses or statements can be introduced at the hearing without prior notice and copies of all written evidence produced for consideration prior to the hearing, are to be made available in advance to the Disciplinary Committee
- The Disciplinary Committee may adjourn the hearing to allow further evidence to be referred to if the Disciplinary Committee considers it fair to do so
- After the Disciplinary Committee has reached a decision, the member subject of the complaint is to be notified in writing of such decision and informed of any penalties within 7 days of the decision being reached. Penalties will be effective from the date of the decision.
- If new evidence becomes available or feedback is received from an external body then this can be reconsidered by the original Disciplinary Committee

5.0 Penalties

Following the hearing, the Disciplinary Committee will apply such penalties as the Disciplinary Committee consider fair and appropriate, including temporary or permanent expulsion of the member from the club, such penalties will have immediate effect, notwithstanding the possibility of an appeal in accordance with

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(Section 6) under noted. The Club will in all cases comply with the requirements of the Governing body and its Child and Vulnerable Adult Protection Policies including immediate notification of the police where required.

6.0 Appeals

If an appeal of the decision or penalty is to be made then written notice of appeal by way of 1st class recorded delivery or email to the Club Secretary must be given by the member, within 28 days of being notified of the decision. No appeal will be valid or considered after that period has elapsed. It will not be sufficient to state "I wish to appeal", the member must give full written grounds for the appeal, stating exactly what is being appealed against and the reasons for this.

An appeal together with full and recorded argument may be considered relative to:

- the decision
- the penalty
- other

An appeal hearing will be convened as soon as practicable and the Appeal Committee will consist of the clubs full Executive Committee including the Welfare Officer. (Except in the case where a member is the accused and has been suspended from their role for the period of the process)

If a member of the Executive Committee is not the accused, but is directly involved in the issue being investigated, then they may still participate in the appeal process at the discretion of the remaining Executive Members.

If the Club is unable to raise sufficient members to fulfil the roles of the Appeal Committee, then the Local BCU officers will be asked to support the club with this matter.

- New evidence cannot be presented at the appeal hearing.
- The Appeal Committee shall have power to amend or revoke any decision made at the previous disciplinary hearing.

7.0 Amendment of process

The Executive committee reserves the right to amend the membership of the Disciplinary Committee or make changes to any of the other roles outlined in this procedure, prior to the start of a disciplinary process, if they feel it would be in the best interests of the Club to do so.