

Club Discipline Grievance and Appeals Process

Members are reminded that most grievances can and should be resolved informally without resorting to this formal process.

Step 1:

All complaints regarding the misconduct of club members should be submitted in writing to the Club Secretary within three months of the most recent alleged misconduct. Where the matter relates to the Club Secretary, the complaint should be submitted to a Club Welfare Officer and vice versa. References in this document to the Club Secretary shall include the Welfare Officer as the case may be. 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 and consultation 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 dismissed that shall be explained to the Complainant, who shall be entitled to ask the Welfare Officer to review the decision.

If the matter is sufficiently evidenced a process will be pursued. Any associated hearings shall be in private. Any person or persons involved in a disciplinary situation has the right to be accompanied by an independent observer ('Supporter') to any meetings or discussions on the matter, if so desired. A Supporter is not a legal representative. The Supporter must be named, and may accompany the Member throughout any hearing process.

Step 3.1.

The Club Secretary will appoint three club members to sit on the Disciplinary Panel, none of whom have had any direct interest or involvement in the matter. This may include any combination of committee members, welfare officers, and non-committee members as the Club Secretary shall in his or her discretion decide.

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

The Club Secretary, within fourteen 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 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 Panel will meet to determine the hearing.
- whether the hearing 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.

Step 4:

The Disciplinary Panel shall meet on the date fixed by the Club Secretary to consider the initial complaint and any formal responses from the member(s) involved. Any hearing shall be confidential and held in private.

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.

The Disciplinary Panel will make such further enquiries as it thinks fit and will offer a reasonable opportunity to any Member concerned to meet with it and answer the allegations. The Disciplinary Panel will hear such witnesses as are reasonably produced. The Disciplinary Panel will make such procedural provisions as necessary for the just and efficient disposal of the case.

If the Disciplinary Panel is satisfied by majority on the balance of probabilities 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. A requirement to complete education or training;
- iv. 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;
- v. recommend to the relevant governing body that the Member be disqualified from any involvement in athletics for some definite or indefinite period;
- vi. terminate his or her membership or remove him or her from any official position within the club; and/or
- vii. such other penalty as the Disciplinary Panel considers appropriate.

All parties concerned will be provided with the Disciplinary Panel's formal written outcome notification by hand or by recorded delivery within seven days of the decision. The letter notifying the decision of the Disciplinary Panel shall also set out the right to Appeal.

Step 5 – Appeal Process:

The accused and/or the Complainant, may appeal against the decision of the Disciplinary Panel, 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 regards 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 Original Complaint, or in the initial Disciplinary Hearing itself. The Procedures and Powers defined at Step 3.1 above shall be used to establish the Appeal Panel, and to provide directions for the Appeal hearing.

Step 6 - 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.

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; or
- 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 and on the balance of probabilities.

Records of Hearings and Appeals

The decision of a Disciplinary Panel, including Appeal Panel, 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.

Discretionary Power to Notify UKA, EA, and other bodies

Where appropriate and in the absolute discretion of the Panel Chair, once the Appeal notice has expired, details of a decision, including sanctions imposed, may be communicated to UKA, EA, a National Association, county association, club or other body where it is considered necessary to ensure compliance with a sanction, or for the safety and well-being of those engaged in athletics activity.

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 Disciplinary Hearing or an Appeal based on such evidence and information as it is able to obtain.

Authority to Seek Advice

In the interests of dealing with matters expediently and fairly, when dealing with a complaint, the Club Secretary 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.