

Dunblane Bowling Club

Appendix D

(Updated: August 2020)



Disciplinary Policy, Code of Conduct, Rules & Procedures

1. Policy Statement:

1.1 Dunblane Bowling Club endorses the principle of sports equality and actively supports, promotes and takes a committed approach to the following ethical behaviour core values in sport:

- Fairness: Justice: Integrity: Respect: Equity:

Everyone who wishes to be involved with bowls within the club, whether as a player, volunteer, umpire, coach, visitor, committee official or office bearer, will have a genuine and equal opportunity to participate to the full extent of their own abilities and ambitions without regard to their age, sex, gender identity, disability, marital or civil partnership status, pregnancy or maternity, religion, race, ethnic origin, nationality, colour, socio-economic status or sexual orientation.

1.2 Further, everyone is assured of an environment within the club in which their rights, dignity and individual worth are respected and that they are able to enjoy the sport of bowls without the threat of intimidation, victimisation, harassment or verbal and physical abuse. All children, young persons and those adults, whose circumstances may render them vulnerable, shall be in the particular care and protection of the club Management Committee.

2 Code of Conduct:

2.1 Acceptance of an offer of membership and continuation of membership of the club will be understood to be an acceptance of the Constitution, Codes of Conduct and Rules of the club and the Laws of the Sport of Bowls. The Management Committee of the club expects high standards of courtesy and sportsmanship from its members and visitors and that an atmosphere of social tolerance will exist between all members, volunteers, visitors, bowling officials and members of Committee. It is the responsibility of individual Members to ensure that they demonstrate courteous and sportsmanlike behaviour and adhere to the etiquette of bowls whilst playing on the green, within the precincts of the Club and whilst representing the Club at other venues.

2.2 Unacceptable conduct and inappropriate behaviour includes:

- **Harassment** – any unwanted conduct affecting and violating the dignity of an individual or which creates an intimidating or hostile, degrading, humiliating or offensive environment for that person
- **Unwanted physical contact** – unnecessary touching, patting, pinching, insulting or abusive behaviour or gestures, physical threats and assault
- **Unwanted verbal conduct** – unwelcome advances, propositions or remarks, bad comments, jokes, banter or offensive/abusive language and aggressive verbal threats
- **Unwanted non-verbal conduct** – racially or sexually based graffiti referring to an individual's characteristics or private life, abusive or offensive gestures, leering, whistling, display of pornographic or suggestive literature, pictures, films, videos or inappropriate use of visual display units, e-mail and/or other social media
- **Bullying** – personal harassment involving the misuse of power, influence or position to persistently criticise, humiliate, demean or undermine an individual and personal abuse either in public or private
- **Unlawful Victimisation** – treating an individual less favourably than others are, or would be, treated in the same or similar circumstances because they have made a complaint or allegation of discrimination, or have acted as a witness or informant in connection with proceedings under discrimination legislation
- **Direct Discrimination** – less favourable treatment on the grounds of a particular persuasion or characteristic
- **Indirect Discrimination** – occurs when a provision, criterion or practice is applied to an individual or group that would put persons of a particular persuasion or characteristic at a particular disadvantage compared with others
- **Other conduct** - that ridicules, intimidates or is physically or psychologically abusive towards an individual or group
- **Interference** with the Club or another member's belongings or property without permission
- **Theft or embezzlement** of the club or an individual's monetary or material property

3 Misconduct:

- 3.1 For the avoidance of doubt, any breach of the Laws of the Sport, Code of Conduct, Rules and Ethics of the club and any conduct, act or omission, which, in the view of the Management Committee, is or was detrimental or injurious to the reputation and interests of the club thus bringing the club into disrepute, may give rise to disciplinary action.

4 Disciplinary procedures:

- 4.1** When a written complaint or allegation is made or where it is brought to the attention of the Management Committee that the conduct of a member is or was contrary to the Code of Conduct or in breach of the Constitution and Rules of the club then the Committee shall make such enquiries as it considers appropriate. Anonymous complaints will not be accepted or considered. In the event that the complaint or allegation involves a member of the Management Committee then the matter will be considered outwith the presence of that member. Where the circumstances of the complaint or breach of rules are not considered serious then the matter may be dealt with informally by the Management Committee without recourse to formal disciplinary procedures. This will allow guidance, explanations and re-evaluation of conduct which might be causing problems through lack of awareness or ignorance of the rules
- 4.2** When informal process is not practical and where the complaint or allegation is of a serious nature and formal disciplinary action is necessary then the following procedures will apply:

5. General Principles:

- 5.1** In accordance with Article 6 of the European Convention on Human Rights and best practice for sporting groups and organisations, the disciplinary procedures must satisfy the requirements of the well-established common law concept of natural justice. This means “fairness in all aspects” of the process and the disciplinary procedure must be fair, clear, transparent and consistent in its application.
- 5.2** The aim of the disciplinary procedure is to provide a fair and proper opportunity for a case to be heard before an impartial tribunal or panel as quickly as possible.

6. Investigation:

- 6.1** It is important that the complaint or allegation be investigated promptly and thoroughly to establish the facts and circumstances surrounding the matter and gather all verbal and written documentary evidence. The Management Committee will appoint a member to fully investigate, as expeditiously as possible, the subject matter of the complaint.
- 6.2** Once the investigation has been completed the investigator will collate all relevant evidence, report and recommend to the Management Committee for a decision to be made as to whether or not the matter should formally proceed and a charge brought. Any member of the Management Committee who has been appointed as the investigator or who is involved in the disciplinary process shall be excluded from any discussion, debate or decision to formally proceed.
- 6.3** At this stage it may be considered prudent that the case could be more effectively resolved outside the formal disciplinary procedure.

6.4 If it is evident that a crime at common law has been committed then the procedure should be halted and deferred to establish whether the complainant wishes to report the matter to the Police for a criminal investigation to proceed. If a criminal investigation is undertaken then the internal investigation and disciplinary action will not be pursued unless and until all judicial proceedings and avenues of appeal have been exhausted. When circumstances are considered serious the individual(s) concerned may be suspended immediately and lose all privileges of the club.

7. Disciplinary Panel:

7.1 A Disciplinary Panel consisting of a Chair and two members will be elected from the Management Committee. Ideally, the Panel should consist of members who are educated and trained in dealing with such matters and be familiar with the standard procedures in dealing with common problems of discipline and understand the importance of dealing with confidentiality.

7.2 When a decision to formally proceed has been reached then the Management Committee will convene a meeting of the Disciplinary Panel.

7.3 This Panel must be and must be seen to be independent and impartial and have no involvement with the case or the individual(s) involved. If this is not the case or there is any doubt about the impartiality or independence of any member of the Panel regarding the particular case in question then someone else should be appointed to sit on the Panel by the Management Committee.

7.4 The names of the members of the Panel will be notified to all interested parties well in advance of any subsequent hearing so that there is opportunity to challenge the members for any perceived conflict of interest or risk of bias. It is too late to receive a challenge to the members of the Panel after everyone has arrived for the hearing.

7.5 All parties are reminded that nobody should contact, approach or otherwise attempt to influence or intimidate any Panel member or witness. Any breach of this will be reported to the Chair of the Panel and may itself be considered a matter for disciplinary action.

8. The Allegation or Charge:

8.1 In order to enable the individual(s) concerned to prepare his/her/their response, the allegation or charge must be clearly defined with specific reference to the relevant rule or code of conduct of the club that has been breached.

8.2 The allegation or charge must be notified in a clear and transparent manner to the individual(s) involved and well in advance of any subsequent Disciplinary Hearing so that there is reasonable time to respond and those involved are not taken by surprise. All evidence in support of the allegation or charge must also be provided in full without modification to the person(s) involved. Failure to do the foregoing may mean that the ultimate hearing is considered unfair.

9. Disciplinary Hearing

- 9.1** The Disciplinary Panel shall make such procedural provisions as is necessary for the just and efficient disposal of a Disciplinary Hearing according to the rules of natural justice.
- 9.2** Within fourteen days of the determination to proceed with disciplinary action, the Disciplinary Panel will make arrangements to convene a Disciplinary Hearing at a reasonably convenient venue.
- 9.3** Within a further twenty-one days, the Chair of the Panel shall invite the members or persons involved to attend the Hearing by sending recorded delivery letters to their last known addresses and to arrive at least seven clear days before the date fixed for the Hearing.
- 9.4** The accused party shall be informed of the right to bring and be accompanied by an adviser or friend, not connected with the decision making process, to the Hearing. Entitlement to legal representation (at own expense) is permitted.
- 9.5** At the start of the Hearing the Panel members should introduce themselves and the Chair should clarify exactly how and in what order the evidence is to be heard.
- 9.6** The Hearing shall have an accurate written minute recorded by a member of the Panel.
- 9.7** If new and relevant evidence is presented on the day of the Hearing then time should be allowed for it to be seen and considered by all parties.
- 9.8** The Chair should also confirm the burden and “standard of proof” to be applied. The standard of proof is the legal term for the degree to which the Panel have to be satisfied in order for the allegation or charge to be proved. Usually this will be proved on the balance of probabilities but in more serious cases a higher degree of satisfaction is required with something close to the criminal standard of “beyond reasonable doubt” being the upper limit.
- 9.9** The Disciplinary Panel must consider the facts presented after listening to the case for both sides. The Panel may clarify any issues arising and recall witnesses. Before reaching a decision the Panel must weigh up the accepted facts against the relevant disciplinary rules and code of conduct. Each Panel member has one vote and a majority decision is acceptable.
- 9.10** The Panel shall make its decision in private and, within seven days of the conclusion of the Hearing, disclose and communicate simultaneously, by registered post, its decision in writing to all parties. Best practice demands that the Panel provides a reasoned written decision outlining why and how they arrived at the outcome and signed by the Chair.
- 9.11** Any formal action, sanction or penalty the Panel decides to implement must be intimated to all parties reminding them that any party aggrieved by the decision or ruling of the Panel has the right of appeal, within the set time limit from receipt of the decision, if they so wish.

10. Sanctions and Penalties

10.1 After due consideration the Panel may impose any of the following sanctions or penalties having regard to the relevant facts of the case and whether it can be reasonably imposed and is proportionate to the circumstances according to the rules of natural justice:

- Dismiss the complaint with no action to follow
- Admonish the member/person and advise on future conduct
- Issue a verbal or written warning regarding conduct
- Suspend the member for a defined period of time
- Expel and terminate membership of the club
- Any such other sanction or penalty which is considered fit to be reasonably imposed

11. Appeals

11.1 In disciplinary matters there shall always be the right of appeal by any aggrieved party against any decision of the Disciplinary Panel. Appeals are a very important part of any decision-making process as they give an opportunity for decisions to be challenged and give an organisation the chance to correct or modify any administrative failures that may have occurred in the first consideration of the matter.

11.2 In order to reduce the risk of unmeritorious appeals, carefully drafted grounds of appeal should be clearly specified and the mere fact that the decision and outcome are not liked should not, in itself, be grounds for appeal. Appeals should reflect objections such as the disciplinary process was not followed correctly, relevant or new evidence was not taken into account by the Panel or that the Panel got the law wrong or reached a decision that no reasonable Panel of peers could have reached when faced with the evidence before it.

11.3 In order to be valid, an appeal against the decision or ruling of the Disciplinary Panel must be lodged with the secretary of the club within fourteen days of the outcome of the Disciplinary Hearing having been made known to the appellant. The appellant must provide and submit written grounds for appeal together with any accompanying documentary evidence as considered appropriate.

11.4 The Management Committee will convene a meeting of an Appeals Committee that will consist of two members elected at the Annual General Meeting of the club together with an independent Convener appointed by the club. Any member or person who was involved in the case or the decision against which the appeal has been lodged shall be excluded from the appeal committee.

11.5 The Convener of the Appeals Committee will notify all concerned of the date, time and venue for the hearing of appeal. This should be decided having due regard to the urgency of the matter and to the availability of all concerned but should be within 28 days of the date the notice of appeal was lodged with the club.

- 11.6** The Convener should also notify the appellant of the composition of the Appeal Committee. The appellant is entitled to lodge an objection, within forty-eight hours of being notified, against any member of the Appeal Committee who can be shown to have a direct personal involvement or interest in the matter. The appellant shall provide appropriate evidence in support of this and any objection will be considered by the Convener of the Appeal Committee whose decision shall be final.
- 11.7** The Chair of the Disciplinary Panel shall provide a written statement to the appeal committee together with relevant supporting documentation detailing:
- The circumstances surrounding the allegation or alleged offence
 - The decision taken
 - Any appropriate justification or explanation
 - The information that was considered in reaching the original decision such as the rules, regulations, reports or correspondence
- 11.8** The Convener must ensure that all relevant information is provided to the appellant, the Chair of the Disciplinary Panel and all members of the Appeal Committee in good time prior to the appeal meeting and at least seven days before. If this is not possible, by virtue of short notification, then it should be as soon as practicable and certainly prior to the start of the appeal meeting.
- 11.9** The appellant may submit to the Appeal Committee whatever written submission is considered appropriate in good time so that the Appeal Committee has the opportunity to study the submission.
- 11.10** The Appeal Committee will convene and review the case looking at whether the original Panel decision was fair, reasonable and proportionate in all the circumstances without re-hearing all the evidence. The Appeal Committee will not interfere with a decision unless it was clearly wrong and shall have the power to review, set aside and amend any penalty or sanction imposed by the Disciplinary Panel.
- 11.11** A majority decision of the Appeal Committee shall uphold or dismiss the appeal. In the event of the Appeal Committee being unable to arrive at a decision then the appeal will be upheld.
- 11.12** The decision of the Appeal Committee is final and there is no further right of appeal. All parties will be bound by the decision of the Appeal Committee and any sanction or penalty shall be implemented with immediate effect.
- 11.13** Any member who is suspended or expelled shall automatically lose all the privileges of the club, until re-instated, and shall not
- be eligible as a visitor
 - be eligible to compete in any competitions or friendly fixtures played against other clubs
 - Be entitled to use the bowling facilities of the club except as a representative of another club in Scottish or other National competitions.