



## GUILDFORD & GODALMING ATHLETIC CLUB LTD

### DISCIPLINARY PROCEDURE 2021

#### 1.0 General

Disciplinary matters – applying to all matters of GGAC LTD (“the Club”) – will be dealt with by the officers appointed to the Management Committee (Appointed Officers) of the Club in the first instance, and if appointed, a Disciplinary Committee, with subsequent review by the full Management Committee.

All members of the Club agree to fully comply with the Club’s Rules & 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 adequate notice from the Club
- Has the right to appeal against the classification of the incident or Disciplinary Committee’s decision in all disciplinary matters
- Has the right to representation

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 GGAC 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 training sessions or organised Club events
  - Conduct of an unsafe nature
  - Offensive 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 Management Committee leading to a Disciplinary Hearing (see below).

“Serious Misconduct” is the carrying out of an offence of such gravity that in the opinion of the Executive Officers it warrants a GGAC Disciplinary Hearing.

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

- Misconduct offences above if specially grave or repeated
- 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 GGAC 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 – by means of a full Management Committee decision – summarily exclude such a member without invoking a 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 management decision.

Examples of gross misconduct are:-

- Physical violence of assault towards other persons at a Club event or related activity, including serious threatening, intimidating or forceful behaviour
  - Theft or misappropriation
  - Reckless disregard of safety and basic safety rules
  - 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.
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Child Protection – if the matter relates to a child protection issue follow the Child Protection procedures for dealing with a complaint then follow the Disciplinary Procedure after outcome has been reached. If in doubt contact the local social services duty team for advice on how to deal with the complaint and the accused member.

### 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
- or the Management Committee 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 Management Committee may nominate an Investigating Officer, who will be responsible for gathering any required evidence and statements from witnesses.

If a disciplinary committee is required it will be appointed by the club's Management Committee who reserve the right to identify individuals either from within themselves, or to form an independent group, which will be made up most likely of committee members and welfare trained individuals. Other relevant individuals maybe requested to join if specific knowledge is required to manage the disciplinary case.

On receipt of the complaint, the Management Committee – 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 1) above.

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

- The Club Secretary will write to the member with a formal written warning including the demand for an apology or other corrective action the Appointed Officers may deem appropriate.
- 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 Management 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: –

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- The Appointed Officers will appoint an Investigating Officer who will research evidence presented and, if possible, will obtain further written evidence, witness statements, etc.
- 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. (Nonattendance 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 Management Committee
- 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
- 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
- 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
- Contact the Club's Legal Advisor if required and supply copies of all evidence
- Notify all parties as to the hearing date and ensure the parties have all relevant copies of paperwork in good time prior to the hearing, copies to be sent by email or 1st class post if no email has been supplied to the club.

#### 4.0 Disciplinary Hearing

The Management Committee will appoint a disciplinary committee which will typically consist of:

- the Club Chairperson or Club Secretary
- two members of the Management Committee

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

However, the Management Committee may feel it is not appropriate for the makeup of the disciplinary committee to be made up of the Management Committee and hence reserve the right to change the makeup of the Disciplinary Committee to best represent the interests of the club and the welfare of the membership.

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

The Investigating Officer will normally undertake the following actions and present the outcomes to the Disciplinary Hearing:



- All 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 parties
- 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 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 (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 will consist of an Appeal Committee of at least 1 member of the Executive Committee who did not take part in the first hearing as well as trained welfare officers within the club and who will elect their own chairperson (who will have the casting vote).

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If the Club is unable to raise sufficient members to fulfil the roles of the Appeal Committee, then England Athletics 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.

Furthermore as per the Club constitution:

#### V Cessation of membership

Any member who violates the Club rules or constitution or who is adjudged guilty of gross misconduct may, by resolution of the Executive Committee be suspended or expelled. Any member so suspended or expelled may appeal to a special general meeting where such an appeal is sponsored by no less than five members. Any member suspended or expelled may also appeal to the UKA to state their case.

Signed: Keith Robey Chairman

Dated: January 2021