

Hereford Squash Tennis & Racketball Centre (HSTRC)

DISCIPLINARY & APPEALS POLICY

General

The procedures described in these Discipline & Appeals 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 In the absence of such co-operation, or if it is withdrawn at any stage, the Club reserves the right to proceed with a Hearing or an Appeal based on such evidence and information as it can obtain.

When dealing with a formal complaint, the Club Secretary or nominated Club representative 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.

It may be necessary to suspend internal investigations should the events involve criminality or safeguarding. At this point the Police or lead agency will have primacy. An internal investigation will be completed once other agencies have completed their investigations.

Disciplinary matters, applying to all matters of HSTRC (further referred to as the Club), will be dealt with by the Club Secretary in the first instance and if necessary will appoint a Disciplinary Committee. As a condition of membership all members must agree to fully comply with this procedure and specific codes of conduct pertinent to their role and be bound by its terms. Examples of misconduct and gross misconduct are provided in Appendix A. (These lists do not cover all possible offences).

Disciplinary action against club members, staff and coaches, including expulsion without notice, may be taken for offences of breach of the Club's Code of Conduct, misconduct and gross misconduct. It is recognised and accepted that every member: -

- Has the right to expect fair and consistent treatment which includes the right to present an explanation in the company of a member in support before any judgement is reached.
- Has the right to adequate notice from the Club.
- Has the right to appeal against the Club Secretary's judgement or Disciplinary Committee's decision in all disciplinary matters.
- 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 HSTRC will be duly recorded and placed on file for reference at a future date.
- No member who has had any involvement in the incident(s) leading to the disciplinary procedure being invoked will be involved in the disciplinary process relating to the issue(s) in question.

Procedure

Informal

Step 1 If you have a complaint, it is often best to start by having a conversation with someone at the place to play. They may be able to help to resolve your problem.

If your complaint needs to be looked into further you will normally be asked to put your complaint in writing. We accept anonymous complaints but it is often very difficult to investigate these properly. It is easier for us to handle your complaint if you provide as much detail as possible.

Formal

- Step 1:** All formal complaints regarding the misconduct of club members should be submitted in writing to the Club Secretary. Where the matter relates to the Club Secretary or the Club Secretary is not available, the complaint should be submitted to either the Club Chairman or Treasurer, whoever is available at the time. The content of a complaint will include specific details and evidence in relation to the infringement of Club Constitution and/or Code of Conduct or any other offence or misconduct carried out during or in association with activities which might reasonably be considered as bringing or having the potential to bring the Club into disrepute or to the detriment of the club or the relevant sports body.
- Step 2:** Upon receipt of a formal complaint, the Club Secretary shall, having taken, and subject to, such advice 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 calendar days upon the relevant allegations.
- Step 3:** On completion of step 2 and within a further seven calendar days, the Club Secretary will determine if the complaint has sufficient grounds and is capable of being pursued based on the evidence/statements provided. If the matter is sufficiently evidenced the disciplinary process will be pursued. The Club Secretary will notify the Club's Executive Committee and appoint 3 club members to sit on the Disciplinary Panel, none of whom have had any direct interest or involvement in the matter.
- Step 4:** The Club Disciplinary Panel will consider the matter on receipt of the initial complaint and formal responses from the member(s) involved or witnesses. The Club 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 within a period of fourteen calendar days will offer a reasonable opportunity to any Member concerned, who may be accompanied by a member in support, if so desired, to meet with it and answer the allegation. 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.
- Step 5:** If the Disciplinary Panel is satisfied that a member has committed an offence of misconduct, then it may impose one or more of the following actions:
- Note the offence or misconduct but take no further action.
 - Formally warn the Member concerned as to future conduct.

- Suspend or disqualify the Member from club competition, club coaching and/or administration and/or use of the Club's premises for some definite or indefinite period.
- Recommend to the relevant governing body that the Member be disqualified from any involvement in activities for some definite or indefinite period and/or.
- Terminate the membership or 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 email or by hand or by recorded delivery within seven calendar days of the hearing.

Appeals Procedure

The letter notifying the decision of the Disciplinary Panel shall also set out the right to Appeal. 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.

Where reference is made above to the Club Secretary and either the Club Secretary is not available, or the matter involves the Club Secretary, the Executive Management Committee reserve the right to nominate a member to act in the Clubs Secretary's place.

The Club Secretary shall acknowledge a Notice of Appeal within seven calendar days of its receipt and make a judgement in regard 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, if there are insufficient grounds, the appeal will be dismissed.

- Step 1:** The Club Secretary shall appoint an Appeals Panel of three members consisting of a Trustee, an Executive Committee Member and an Ordinary Member who have not been involved directly, either in the events giving rise to the Hearing, or in the initial Disciplinary Hearing itself.
- Step 2:** The Club Secretary shall inform all parties concerned of the composition of the Appeal Panel.
- Step 3:** Within fourteen calendar days from the date the Club Secretary shall give such directions to all parties that include.
- the date and place at which the Appeals Panel will meet to determine the Appeal.
 - whether the appeal 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 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. Any such hearings shall be in private unless all parties agree otherwise, or unless the Appeal Panel directs.

The Appeals Panel will make such further enquiries as it thinks fit and will offer a reasonable opportunity to any Member concerned, who may be accompanied by a member in support (who must be named) if so desired, may accompany the Complainant/Accused throughout the appeal process.

The Appeal Panel shall have power to decide on the facts as it thinks fit and may:

- Quash the original decision.
- Confirm the original findings.
- Request that the case be reheard.
- Increase the original sanction.
- Abate the original sanction.

Step 5: The Appeal Panel shall inform all parties of its decision within fourteen calendar days together with written reasons for its decision. The Appeal Panel shall decide on any issue by majority. The decision of the Appeal Panel shall be final.

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.

Notification to Lawn tennis Association (LTA) and England Squash (ES)

Where appropriate the Panel Chair, once the Appeal notice has expired, will inform LTA or ES if deemed appropriate.

- **Disciplinary Hearing** – details of a decision, including sanctions imposed, will be communicated to ES or LTA if it is considered necessary to ensure compliance with a sanction, or for the safety and well-being of those engaged in Tennis/Squash activity. LTA or ES may determine to publish details on their websites.
- **Appeal Panel** – details of a decision, including sanctions imposed, will be communicated to LTA or ES if it is considered necessary to ensure compliance with a sanction, or for the safety and well-being of those engaged in Tennis/Squash activity. LTA or ES may determine to publish details on their websites.

Appendix A

Offences Leading to Disciplinary Action

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 and will normally incur a written warning from the Disciplinary Panel together with a demand for full and appropriate corrective action. Examples of offences considered “misconduct” include: –

- Discourteous, crude or offensive behaviour at games, training session or organised Club event.
- Conduct of an unsafe nature.
- Offensive disregard for equipment or property.
- Any behaviour that brings the club into disrepute.
- Repetition of the above offences or failure to comply with any demands made in writing by the Disciplinary Panel may result in further action.

“Gross Misconduct” is the carrying out of an offence of such gravity it warrants a HSTRC disciplinary hearing. Examples of offences, which may be considered as “gross misconduct” include: –

- Deliberate or consistent breaches of Club rules.
- Theft or misappropriation.
- Use of threatening or abusive behaviour.
- Participating in the sport whilst under the influence of drugs or alcohol.
- Malicious interference with equipment or property.