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Scottish Archery Association

Discipline Policy and Procedures

1 Introduction

- 1.1 The purpose of this Disciplinary Policy and Procedures (the "Rules") is to ensure justice and transparency in disciplinary proceedings and to provide a framework within which decisions relating to the Scottish Archery Association (the SAA) can be made in a fair, consistent, independent and expeditious manner and in accordance with the requirements of natural justice. It is the policy of the SAA to ensure that any disciplinary matters are dealt with fairly, that steps are taken to establish the facts and that there is an entitlement to a fair and reasonable hearing within a realistic time by an independent and impartial body.

This Policy aims to :-

- 1.1.a Allow complaints to be resolved without formal disciplinary action if possible,
 - 1.1.b Resolve or determine complaints within a reasonable period and
 - 1.1.c Provide a fair and rigorous process for those circumstances where formal disciplinary proceedings are necessary
- 1.2 While the SAA shall operate under the Discipline Regulations of Archery GB, any member of the SAA against whom an allegation of misconduct is alleged shall, in the first instance, be subject to the following disciplinary measures.

2 Definitions

- 2.1 For the purposes of this document the following general definitions will apply:
- 2.1.1 'Articles' means the Articles of Association of the SAA in force at the time.
 - 2.1.2 'Archery GB' means the trading name of the Grand National Archery Association a Company Limited by Guarantee, no. 1342150, registered in England
 - 2.1.3 'Club' means a constituted Club, whose members have affiliated to Archery GB and the SAA. Each Club will be administered by its own Committee.
 - 2.1.4 'Director' means a person who has been elected on to the Board of the SAA, or a person who has been co-opted on to the Board and assumed the rights and privileges of a director.
 - 2.1.5 'Disciplinary Panel' or 'Panel' means a committee of 3 members of the SAA appointed to inquire in to matters referred to them
 - 2.1.6 'Board' means the whole Board of the SAA.
 - 2.1.7 'Member' has the same meaning as defined in the Articles and Bye-laws of the SAA as current from time to time
 - 2.1.8 'Party' means the member who is under investigation.
 - 2.1.9 'SAA' means the Scottish Archery Association, a Company Limited by Guarantee, no.

2.1.10 'Sport' means the sport of Archery (as defined in the Articles) over which the SAA is the Scottish Governing Body

2.2 Misconduct

2.2.1 The essence of misconduct under this policy is :-

1. Improper interference, harassment or obstruction
 - 1.1 with the functioning or activities of the Scottish Archery Association or
 - 1.2 of any person legitimately pursuing archery under the auspices of the SAA or
 - 1.3 of any person who is engaged in any legitimate SAA administrative capacity.
2. Any dangerous conduct within an archery context which results in, or could possibly result in, harm to any person whomsoever.
3. Any action, intentional or reckless, which damages, or may damage, property belonging to the SAA or any of the affiliated archery clubs and the grounds or premises in which they shoot.
4. Any conduct constituting a criminal offence which either
 - 4.1 damages the reputation of the SAA or
 - 4.2 is itself of such a serious nature as to require exclusion from membership of SAA or
 - 4.3 is of such other nature determined by the Board as to require some form of penalty being imposed to reflect its consequences.
5. Any discreditable conduct which impinges on the activities of the SAA or any person connected to the SAA. This includes but is not limited to :-
 - 5.1 bullying, violent, indecent or intimidating behaviour or
 - 5.2 sexual and non-sexual harassment or
 - 5.3 cheating at any archery event or
 - 5.4 any conduct which interferes with the normal activities of any person associated with SAA
6. Any breach of the SAA's Articles of Association, Bye Laws and Policies including but not limited to :-
 - 6.1 Conflict of Interest or
 - 6.2 Protection of Vulnerable Groups or
 - 6.3 Equality or
 - 6.4 Disability or
 - 6.5 Data Protection or
 - 6.6 Anti-Corruption or
 - 6.7 any other such policies which are in force from time to time.
7. Any breach by a Director of the Directors Code of Conduct.

2.3 Dangerous Conduct

2.3.1 The essence of dangerous conduct under this policy is :-

1. Conduct involving the safety of any member or other person, during or whilst in the vicinity of any archery activity conducted by SAA or an affiliated club, whether or not actual injury was caused. It should be dealt with immediately using this policy.
2. Allegations of dangerous conduct may also be referred by the Board to Archery GB for its consideration.

3 Proceedings under this policy

3.1 All cases of a disciplinary infringement should be reported to the Director of Member Services who shall decide, in conjunction with the Chairperson of the Board whether such an infringement requires remedy, whether informal or formal proceedings, under this policy.

3.2 If it is deemed that the matter should be dealt with under this policy, then the matter will be dealt with by :-

3.2.a Means of advice, guidance or counselling on accepted conduct and/or training in any aspect of archery.

3.2.b Referral to further SAA Disciplinary Procedures.

3.2.c Referral to Archery GB Case Management Referral Panel if the matter is of such a serious nature that termination of Membership of Archery GB may be an option.

3.3 Any such counselling under 3.2.a will bring the infringement to a close and the matter will not be recorded.

4 Immediate Suspension

4.1 Where the infringement is of:

1. dangerous conduct during or whilst in the vicinity of any archery activity conducted by SAA or an affiliated club, likely to bring the safety of any person into question, or
2. improper conduct likely to affect the well-being of any person

4.2 The Director of Member Services has the right to suspend the membership of that member for a period of two weeks to allow full investigation to be made. Such suspension shall exclude the member from participating in any SAA function and/or activity.

4.3 Such suspension shall commence from the verbal instruction by the Director of Member Services, although it should be confirmed in writing as soon as possible thereafter.

5 Serious or Unresolved Infringement

- 5.1 Where the infringement is of a serious nature or one described in 2.2 & 2.3 and cannot be resolved, the Chairperson of the Board will return the complaint to the Director of Member Services for full investigation.
- 5.2 Within 7 days of receipt of such notification, the Director of Member Services or a substitute from the Board will then delegate two Investigating Members, being SAA members from a club or clubs to which the Party does not belong, to investigate the infringement and, if necessary, take written statements from witnesses.
- 5.2 If a statement is taken from the party under investigation, he/she should be warned that it may be used in any disciplinary proceedings and that he/she is not obliged to give any such statement.

6 Continued Suspension

- 6.1 In the event of an allegation of dangerous or improper conduct, which has been referred to the Disciplinary Panel (as defined in para 11), the Director of Member Services has the right to continue any suspension of membership until the matter has been resolved.
- 6.2 However, the Party shall be given the opportunity to make representation to the Chairperson of the Board against continued suspension. The Chairperson has the final decision in the event of a disagreement.

7 Written Report

- 7.1 A written report stating time, place and nature of the infringement will be prepared by the Investigating Members, using the witness statements to substantiate or counter any allegations made. This report must be concluded within 21 days of the alleged infringement being reported to the Director of Member Services or their substitute.

8 No Further Proceedings

- 8.1 If, after examination of the incident, the Investigating Members decide that no further proceeding should be instigated, a recommendation on that basis should be made to the Board where the allegation will be formally dismissed and any suspension lifted immediately.
- 8.2 However, even though a case has been established and both Investigating Members agree, they may feel that the matter could be resolved informally by action suggested by them. Any recommended guidance or counselling following such a decision should be reported to the Board for its approval. If agreed, any suspension imposed will be lifted at this time.
- 8.3 Where a decision under 8.1 or 8.2 is reached and confirmed by the Board this fact will be notified to all relevant persons and the allegation(s) brought to a conclusion.

9 Further Proceedings

- 9.1 If it is decided by the Director of Member Services there is a case to answer, he will make the final decision on future proceedings.
- 9.2 In the event of criminal investigations (at any time), a decision on proceedings under this policy may be deferred until their conclusion. Irrespective of the outcome of such investigations, the SAA shall always retain the right to initiate proceedings under this policy.
- 9.3 The Director of Member Services has the option of dealing with the infringement within the
- a) Recommendation of the investigating members or
 - b) Disciplinary Procedures and penalties of the SAA and/or
 - c) Referring the misconduct to Archery GB with approval of the Board.
- 9.4 If the decision is reached to deal with the matter within the Discipline Policy of the SAA, the following procedures require to be followed.

10 Notification to Party under Investigation

- 10.1 The Director of Member Services will write to the party under investigation within 7 days of the report being made to him A copy of this report including details of what misconduct is alleged, when and where it is alleged to have occurred will be provided to the party. The names of witnesses likely to be used to present evidence to support or rebut the complaint shall form part of this notification.

11 Appointing Disciplinary Panel

- 11.1 When a decision to take further action is realised, the Director of Member Services shall appoint a Disciplinary Panel consisting of one member of the Board plus two ordinary members of any SAA affiliated club or clubs to which the Party under investigation does not belong or shoot, to act as arbiters. The Board member shall act as Chair.
- 11.2 The names of the appointees shall be given to the Party and he/she has the right to challenge the inclusion of any 2 such appointees. He/she has the right to suggest alternative appointees which, if acceptable to the Director of Member Services, may be replacements. Similarly, the Director of Member Services has the right to suggest alternatives to any names which have been opposed.
- 11.3 However, the Party should be permitted the right to object to 2 persons only unless good cause is shown and thereafter the Director of Member Services appointees shall stand.

12 Sitting of Disciplinary Panel

- 12.1 The Disciplinary Panel shall sit within 14 days of their appointment, or as soon as practically possible. In any event, the Panel shall sit within 28 days unless good cause is shown by either party for the sitting of the Panel to be set down for a date outwith

these times. In the event of a dispute, the majority decision of the Panel shall be final.

- 12.2 The Disciplinary Panel shall have before them the written report of the investigating members and written statements from witnesses. They may call such witnesses to give evidence required to substantiate the allegation. However, witnesses cannot be compelled to attend a Disciplinary Panel
- 12.3 Likewise, the Panel **must** call any witnesses who rebut the allegation. Similarly such witnesses cannot be compelled to attend a Disciplinary Panel
- 12.4 However, if the Party admits the allegation(s) the Panel, after hearing any mitigating circumstances, may consider and impose an appropriate penalty as at Paragraph 13.1.
- 12.5 The Disciplinary Panel may seek advice from a member, or other person, who has specialist knowledge of the matter under investigation. Such specialist advice should be given specifically if it has a material effect on the allegation.
- 12.6 The Party may be assisted at the Panel by an advisor or friend who may give advice/assistance on an informal basis. If necessary, the Party may propose that the advisor or friend act on his/her behalf. In which case the advisor or friend has the authority to question witnesses and make statements in a manner similar to that afforded to the Party.
- 12.7 In the case of a Junior member being the Party, he/she **must** be accompanied by a parent/guardian. Another designated adult advisor or friend may also be present who, if necessary, may have the authority to act on his/her behalf if required.
- 12.8 Evidence will be taken on an informal basis using the witness statements. Questions may be put to the witnesses by the Panel with a similar opportunity being afforded to the Party who must be granted the final questioning of any witness. However, witnesses cannot be compelled to attend or give evidence to the Panel.
- 12.9 At the end of evidence, the Party must have the opportunity to explain his/her actions and rebut the allegations made against him/her.
- 12.10 The majority decision of the Disciplinary Panel shall be final although open to Appeal to the Board.

13 Fails or Refuses to attend Hearing

If the Party fails or refuses to attend the Hearing without substantive reason, the Disciplinary Panel will continue in his/her absence and, after due consideration of the evidence presented (irrespective of it being verbal or solely written), may arrive at a decision concerning the matter in hand.

14 Conclusion of Proceedings and Penalties

- 14.1 If, at the conclusion of disciplinary proceedings, the misconduct has been established, the Disciplinary Panel may recommend to the Board one of the following penalties :-

- a) An admonition; or
- b) A written censure;
- c) Suspension of membership of the Scottish Archery Association for a period not exceeding three months provided the total period of suspension, including suspension prior to the Disciplinary Panel, shall not exceed six months - such suspension shall exclude the party from participating in any SAA function and/or activity for that period; or
- d) Cancellation of membership of the Scottish Archery Association - such expulsion shall exclude the party from participating in any SAA. function and/or activity.

14.2 The Party shall neither be present at nor take part in this decision making. Intimation of the penalty imposed shall either be at the meeting or in writing as soon as possible thereafter.

14.3 Under penalties (c) and (d) no refund of membership fees will be considered.

14.4 The majority decision of the Disciplinary Panel shall be final although open to Appeal as noted below in section 15.

15 Report from Disciplinary Panel

15.1 After the conclusion of proceedings, the Chair of the Disciplinary Panel shall prepare and submit a written report to the Board, detailing the evidence heard, the determination and the penalty recommended. The Board will consider the recommendation and, if agreed, impose accordingly. The Board does not have the power to increase any penalty recommended by the Disciplinary Panel although it may reduce any such penalty.

15.2 Notwithstanding the foregoing, in circumstances detailed in paragraph 19.1, a penalty increase may be necessary.

15.3 This report shall be retained by the Director of Member Services and, if necessary due to the serious nature of the misconduct, a copy of it may be forwarded to Archery GB.

16 Appeal against Proven Misconduct to Board Meeting

16.1 Where misconduct has been found proved by the Disciplinary Panel, the Party has the right of Appeal to the whole Board. The composition of such Board Meeting will however exclude any member who has had a previous involvement in that case.

16.2 Intimation of an Appeal must be made in writing to the Board of the SAA within 14 days of the decision of the Disciplinary Panel and must include the grounds on which the Appeal is being based.

16.3 The Appeal Meeting shall follow such procedures as laid down in Paragraph 12, but will only examine the area covered by the written grounds of appeal.

16.4 During such an Appeal Meeting, the whole proceedings will be under the control of the

Chairperson of the Board, or in the case of the Chairperson being excluded from proceedings, a Board member appointed by the Chairperson, who will determine the order of witnesses being called and their questioning. Questions of a witness may be asked by any Board Member.

- 16.5 The Party or his/her advisor or friend must have the opportunity to be the last person to question any witness.
- 16.6 The evidence will still be taken on an informal basis with witnesses not being compelled to attend or give evidence.
- 16.7 The Party may be assisted at the Board Meeting by an adult advisor or friend, who will have the same rights as under Disciplinary Panel proceedings. Similarly, a Junior member being the Party **will** be accompanied by a parent/guardian. However, another designated adult advisor or friend may additionally be present who may have the authority to act on his/her behalf.
- 16.8 At the end of evidence, the Party, or their advisor, must be offered the opportunity to explain his/her actions and rebut the allegations made against him/her.
- 16.9 The majority decision of the Board Meeting shall be final.

17 Appeal against Penalty

- 17.1 Where a Party is aggrieved with the penalty imposed by the Disciplinary Panel, he/she has the right of Appeal to the Board. The composition of such a Board meeting shall exclude any member who has had an investigative or disciplinary role in that case.
- 1.72 Intimation of an Appeal must be made in writing to the Board within 14 days of the decision of the Disciplinary Panel and must include the grounds on which the Appeal is based.
- 17.3 If considered appropriate by the Board, the meeting shall conduct an examination of the grounds of Appeal. This may be from the investigating members report and witness statements or such other evidence presented by the Party.
- 17.4 The Board meeting, after considering the Appeal, may confirm the original penalty or replace it with any one of its own choosing from those detailed in Paragraph 13 .1
- 17.5 The majority decision of the Board meeting shall be final. The Chairperson of the Board will have a casting vote in the event of an equality decision.

18 Concomitant Appeals

- 18.1 Where Appeals are made against proven misconduct and penalty, the Appeal procedures shall be heard simultaneously at the same Board Meeting with the majority decision of the Board on both grounds being final.

19 Failure to Comply with Penalty Decision

- 19.1 Where a penalty has been properly applied, either on initial hearing or on subsequent appeal, failure to cooperate with that decision shall render the party open to further proceedings under this policy.
- 19.2 If necessary, a review of the penalty may be undertaken and that penalty increased as detailed in paragraph 15.2

20 Duration and Review

- 20.1 This policy will remain in force for a period of 3 years from its implementation on 11 September 2014.
- 20.2 Prior to the end of the 3 year period, or earlier if required by any enactment of law, this policy will be reviewed by the Director of Governance.