

Tadcaster Harriers Discipline and Appeals Process

1. Introduction

- 1.1. Tadcaster Harriers Running Club will deem a complaint as an expression of dissatisfaction with the conduct of the organisation, its committee, volunteers or members.
- 1.2. Where possible the club will seek to resolve complaints informally at the time.
- 1.3. It is intended that complaints procedures should be easily accessible, that all complaints are fully and fairly investigated, and that the complaints process should provide an effective response and appropriate redress.
- 1.4. A Complaint may be made by:
 - 1.4.1. Any member of Tadcaster Harriers Running Club
 - 1.4.2. A person working for or on behalf of Tadcaster Harriers Running Club
 - 1.4.3. Any third party where the complaint concerns the Tadcaster Harriers Running Club
 - 1.4.4. Within this document the party making the complaint will be known as the 'respondent'
- 1.5. Grounds for a complaint shall include but shall not be limited to the following:
 - 1.5.1. if the conduct of any individual, body, or the Club brings or is likely to bring the sport into disrepute
 - 1.5.2. the violation of Tadcaster Harriers Running Club Codes of Conduct.
- 1.6. Wherever possible, the misconduct of club members will be handled by the club committee, and other bodies (such as England Athletics, the Police etc) will only be involved when this is deemed necessary as outlined in this procedure.

2. Process for complaints

- 2.1. Someone (Complainant) speaks to / or writes to a Committee Member of their choice. This might be reported third hand via another member (note that complaints of a serious nature should be in writing).
- 2.2. The Committee member reassures the complainant that the matter will be taken seriously and be followed up accordingly.
- 2.3. The Committee Member contacts the Chair/Secretary (if the complaint was about either the secretary or Chair, then they should contact one of the club welfare officers), to make them aware of the issue.
- 2.4. A joint decision will be made as to the severity of complaint, either minor or severe. (Minor = Informal procedure, severe = Formal procedure)

3. Informal Complaints Procedure

- 3.1. It is clearly desirable for any complaint to be resolved informally where possible and it is hoped that every attempt will be made to achieve this.
- 3.2. Chair/Secretary speaks to the complainant and the respondent to determine if the offence is substantiated and suggest how to avoid a similar incident re-occurring.
- 3.3. Respondent accepts comments and agrees to avoid similar incidents, (for example: they were either unaware of the effect of their behaviour or it was meant as banter).
- 3.4. The complainant will be updated by their original contact (Committee member) or in writing (if the complaint was in writing).
- 3.5. Possible outcomes:
 - 3.5.1. No case to answer. The matter is closed.
 - 3.5.2. Further action/investigation is needed, and the formal process should be followed
- 3.6. Should a similar offence be reported either the same or a new complainant, the complaint will automatically be deemed as severe, and the formal process will be initiated.

4. Formal Complaints Procedure

- 4.1. Formal complaints will generally follow the process below as recommended by England Athletics.
- 4.2. A formal complaint should be made in writing to the Club Chair / Secretary where a complaint has not been resolved informally or where the matter is of a serious nature. Complaints of a serious nature are listed in more detail below (4.4)

- 4.3. 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.
- 4.4. A complaint must normally reach the Club Chair no later than thirty days after the alleged incident that gave rise to it.
- 4.5. Actions warranting disciplinary action. NB: These lists are not exhaustive, and the Club's committee will take decisions regarding the classification of an action.
- 4.5.1. Misconduct Behaviour that is generally deemed unreasonable or inappropriate such as:
- 4.5.1.1. Abusive or aggressive language or behaviour
 - 4.5.1.2. Disobedience to those in authority or with responsibility
 - 4.5.1.3. Infringement of Club or governing body rules or Codes of Conduct
 - 4.5.1.4. Minor damage to property or equipment
 - 4.5.1.5. Misuse of equipment
 - 4.5.1.6. Negligence
- 4.5.2. Gross Misconduct: This can be defined as more serious behaviour (and may require reporting to the Police) such as:
- 4.5.2.1. Theft, fraud etc.
 - 4.5.2.2. Physical violence
 - 4.5.2.3. Bullying harassment or discrimination
 - 4.5.2.4. Serious damage to equipment or property
 - 4.5.2.5. Use of illegal substances
 - 4.5.2.6. Serious negligence that may put others at risk
 - 4.5.2.7. Infringement of H&S rules or policies, which may put others at risk
- 4.6. Upon receipt of a formal complaint, the Club Chair / 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 days upon the relevant allegations.
- 4.7. On completion of 4.6, the Club Chair / 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 sufficiently evidenced a process will be pursued. The Club Chair / Secretary will appoint 3 club members to sit on the Disciplinary Panel, none of whom have had any direct interest or involvement in the matter.
- 4.8. The Club Disciplinary Panel or Hearing will consider the matter on receipt of the initial complaint and formal responses from the member(s) involved. 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.
- 4.9. The Disciplinary Panel/Hearing 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 supporter, if so desired, to meet with it and answer the allegations and the Disciplinary Panel/Hearing will hear such witnesses as are reasonably produced. The Disciplinary Panel/Hearing will make such procedural provisions as necessary for the just and efficient disposal of the case. If the Disciplinary Panel/Hearing is satisfied that an offence of misconduct has been committed by a Member, then it may impose one or more of the following actions:
- 4.9.1. note the offence or misconduct but take no further action;
 - 4.9.2. formally warn the Member concerned as to future conduct;
 - 4.9.3. 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;
 - 4.9.4. recommend to the relevant governing body that the Member be disqualified from any involvement in athletics for some definite or indefinite period and/or;
 - 4.9.5. terminate the membership or such other penalty as the Disciplinary Panel considers appropriate. All parties concerned will be provided with the Disciplinary Panel's/Hearing formal written outcome notification by hand or by recorded delivery within seven days of the decision.

5. Appeal Process

5.1. The letter notifying the decision of the Disciplinary Panel shall also set out the right to Appeal. The respondent and/or the complainant, may appeal against the decision of the Disciplinary Panel/Hearing, 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 5.2.), if there are insufficient grounds, the appeal will be dismissed.

5.2. 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 Hearing, or in the initial Disciplinary Hearing itself. The Club Secretary shall inform all parties concerned of the composition of the Appeal Panel. Either party may object to the composition of the Appeal Panel by notifying the Club Secretary of the Objection and setting out the reasons for such an Objection no later than seven calendar days from the date of being informed of the composition of the Panel. The Club Secretary, within fourteen calendar days from the date of receipt of an Objection, will notify in writing the parties that either:

5.2.1. the composition of the Panel has changed, in which case the Club Secretary shall provide details of the new Appeal Panel; or

5.2.2. 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;

5.2.2.1. the date and place at which the Appeal Panel will meet to determine the Appeal.

5.2.2.2. whether the appeal will proceed by way of written submissions or an oral hearing; and

5.2.2.3. 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.

6. Powers of the Appeal Panel

6.1. 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 Appeal Panel shall have power to make a decision on the facts as it thinks fit and may:

6.1.1. Quash the original decision;

6.1.2. Confirm the original findings

6.1.3. Request that the case be re-examined (re-trial)

6.1.4. Increase the original sanction; 6.1.5. 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. A supporter can be a legal representative, who must be named, and may accompany the Complainant/Accused throughout the appeal process.

7. Records of Hearings and Appeals

7.1. The decision of a Disciplinary Panel/Hearing, including Appeal Panel/Hearing, 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.

8. Notification to UK Athletics (UKA) and England Athletics (EA)

8.1. Where appropriate the Panel Chair, once the Appeal notice has expired, will inform EA/UKA;

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

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

9. Co-operation of all parties.

9.1. The procedures described above 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 is able to obtain. When dealing with a 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 and/or EA's legal

representative service for affiliated members (contact EA Membership Services for further details on 0121 347 6543).