



Marshall Milton Keynes Athletics Club



Disciplinary Procedures For Members

1. Guiding Principles

1.1. There are standards of conduct and behaviour required of all athletes and volunteers and others engaged in athletics and regrettably there will be occasions when someone will breach those standards. Although such incidents are rare it is important that Marshal Milton Keynes Athletics Club (MMKAC) is seen to deal with breaches in a fair, consistent and timely manner.

1.2. The vast majority of people engaged in athletics are committed to the sport and take part because they choose to do so. The use of formal disciplinary procedures to deal with such individuals should only be resorted to when all other avenues to resolve the matter have been pursued, or are considered inappropriate. In general wherever possible complaints should be resolved within the club and informal resolutions of complaints is preferable if appropriate.

1.3. Confidentiality, diligence, fairness, impartiality, natural justices are key features of these procedures and will be applied at all times.

1.4. This document describes the procedures to be followed in the event of a Complaint of an alleged breach, as described above.

2. What is disciplinary action?

2.1 Disciplinary or corrective action is a process of communicating with the member to improve unacceptable behaviour or performance.

- a. **Disciplinary action** may be taken when;
 - i. informal methods via the grievance procedures have been unsuccessful
 - ii. During the grievance process it has shown there to be a breach of the clubs Codes of Conduct or England Athletics policies.
 - iii. Cases of misconduct;
 - Improper or unprofessional conduct
 - iv. Cases of Serious misconduct including but not exclusively;
 - Theft
 - Fraud
 - Physical violence to another person
 - Sexual abuse to another person
 - Deliberate damage to property
 - Serious negligence resulting in damage to property, loss of injury
 - Serious acts of insubordination
 - Incapability brought about by alcohol or illegal drugs
 - Serious infringement of health and safety regulations
 - Serious bullying, harassment or discrimination

3. Procedure by MMKAC on Receipt of Complaint

3.1. This section of the Discipline Procedures describes the steps to be taken when the initial Complaint is made to MMKAC.

3.2. Making a Complaint

3.2.1. For cases of misconduct or serious misconduct, the complaint should be made in writing (or email) to the Welfare Officer(s). If the Welfare Officer(s) are a cause of the complaint, the Chairperson, will become the appropriate reporting point.

3.2.2. The party making a Complaint shall do so by giving notice in writing to the MMKAC Welfare Officer(s) as soon as practicable and in any case within 30 calendar days of the incident and shall set out full details of the Complaint and the alleged Defendant.

3.3. Responsibility of the MMKAC Welfare Officer (s)

3.3.1. The MMKAC Lead Welfare Officer(s) (or a nominated deputy) shall have responsibility for the management of complaints, disciplinary investigations and hearings in accordance with the procedures set down in these Discipline Procedures. This responsibility shall extend to making every reasonable effort to select an Investigating Officer and Disciplinary Panel, who at all times may be expected to operate these Discipline Procedures in a fair and impartial manner, solely on the basis of the evidence before them.

3.4. Action on the receipt of a Complaint

3.4.1. If a Notice is received by MMKAC outside the 30 day period, it may, in exceptional circumstances and with complete discretion, process the Complaint.

3.4.2. Where the matter (in the view of the MMKAC Welfare Officer(s) or their nominated deputy) justifies such action, he or she must refer the matter to the police for investigation and must then postpone consideration of the matter under these Procedures until the police investigation has been concluded;

3.5. Referral to the Investigating Officer

3.5.1. Where it is not appropriate to deal with the complaint or dispute under the provisions of the grievance policy, the Lead Welfare Officer, or his or her nominee, shall deal with the matter by way of Formal Resolution and shall appoint an Investigating Officer to investigate the matter and complete a report for the Disciplinary Panel. In the interests of impartiality, the Investigating Officer shall not have had any previous direct involvement in the matter which has given rise to the Complaint. The Investigating Officer and the Disciplinary Panel may, however, be the Welfare Officer(s) and/or members of the panel in the grievance process.

3.5.2. Details of all Complaints shall be given to the Investigating Officer by the Lead Welfare Officer in the form of a Notice unless they are the same person. The Notice shall be given in writing as soon as practicable and ideally within two weeks of the receipt of the Complaint and shall set out details of the Complaint etc. and the terms of reference of the investigation.

3.5.3. If a Notice is received by the Investigating Officer outside the specified period, he or she may, in exceptional circumstances and with complete discretion, process the Complaint.

3.5.4. The Investigating Officer will have complete discretion on seeking an informal resolution prior to embarking on a formalised process where possible.

4.0 Resolution procedure

4.1.1. As soon as practicable (and without prejudicing any investigation into the matter the Lead Welfare Officer shall give the Respondent written notice

- Of the nature of the complaint;
- Specify who the appointed Investigating Officer is
- That there is to be an investigation into the case;
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4.1.2. The Investigating Officer shall:

4.1.2.1. Carry out such investigations and gather such evidence as he or she in their sole discretion considers appropriate;

4.1.2.2. Take such steps as he or she thinks appropriate to ensure that the Respondent concerned is informed of the evidence against him or her and has the opportunity to respond to the allegations and evidence before any report of the investigation is completed. Any response must (unless the Investigating Officer decides otherwise) be in writing;

4.1.2.3. Complete a report for the Disciplinary Panel in relation to the breach of the relevant rule, policy, procedure or code of conduct, which may include a recommendation as to the outcome of the case if appropriate.

4.2. Suspension

The Investigating Officer will cast the final decision to decide whether or not the seriousness of the matter requires the Respondent to be suspended from Competition or official participation in athletics pending determination of the matter. A Respondent so suspended may apply to the Disciplinary Panel or Arbitral Panel considering the matter for the suspension to be lifted. Any Respondent so suspended shall be entitled to a full expedited hearing. For the avoidance of doubt, the Investigating Officer may communicate the fact of the suspension to relevant third parties.

4.3 Costs

4.3.1 Each party shall bear its own costs (including but not limited to legal costs, scientific or other experts' fees, witness costs) in connection with Complaints made or Disputes or Appeals brought under these Procedures.

4.3.2 The costs of any mediator shall be shared by the parties equally and the costs of any arbitration body appointed shall be borne by the parties in such proportions as the arbitration body shall rule at the conclusion of the matter.

5. Hearing by the Disciplinary Panel

5.1. The Lead Welfare Officer shall appoint a Disciplinary Panel of three members. These members shall be from people active in the club and ideally current committee members, save that the Investigating Officer shall not be eligible for this Panel.

5.2. In the interests of fairness and impartiality none of the members of The Panel, including a co-opted member, if any, shall have been directly involved in the matter being heard. The Lead Welfare Officer and/or Investigating Officer are authorised to appoint co opted members, where it has been identified that there is a requirement for a specialist opinion on the Panel.

5.3. The Lead Welfare Officer shall inform the Respondent of the composition of The Panel.

5.4. The Respondent may object to the composition of The Panel by notifying the Lead Welfare Officer 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.

5.5. The Lead Welfare Officer shall, within seven calendar from the date of receipt of an Objection, notify in writing the parties that either:

5.5.1. the composition of The Panel has changed (in which case the Lead Welfare Officer shall provide details of the new Disciplinary Panel); or

5.5.2. the composition of The Panel has not changed (in which case the Lead Welfare Officer shall give reasons why it has not accepted the Respondent's Objection).

5.6. The decision by the Investigating Officer on the composition of The Panel shall be final.

6. Pre-hearing procedures

6.1. Where the Disciplinary Panel has been convened the Investigating Officer shall forthwith:

6.1.1. Send a copy of the Complaint together with the charge and evidence gathered against the Respondent by Special Delivery post to the Respondent's last known address and/or by electronic email. In all cases the Investigating Officer shall ensure that the Respondent is given full disclosure of the matter in dispute in writing.

6.1.2. Ask each party to submit written evidence in support of their case.

6.1.3. Inform all parties that they must provide in writing to the Investigating Officer within fourteen calendar days or such alternative time limit as the Investigating Officer shall decide any information and copies of all documents relating to the Complaint that either party wishes the Disciplinary Panel to consider in relation to the matter;

6.1.4. Upon receipt of such documents under the clause above supply copies of such information to the Disciplinary Panel and the other parties within a further seven calendar days.

6.1.5. Inform the Respondent that if no reply is received within the period of fourteen calendar days (or such alternative time limit imposed by the Investigating Officer under (Clause 6.1.3 above) the Panel will consider the Complaint on the basis of the facts and statements in its possession.

6.1.6. Give all parties a minimum of fourteen calendar days notice of the date, place and time of the hearing when the Disciplinary Panel is to consider the matter;

6.2. The Chair of the Disciplinary Panel, in consultation with the Investigating Officer, shall be entitled to make directions as to any further exchange of evidence. The Chair may rule:

6.2.1. that the hearing takes place on paper; evidence provided via telephone; video link or all parties attend and give oral evidence.

6.2.2. that the Disciplinary Panel is convened by telephone or video conference (provided that all information has been supplied to both parties and each has had the opportunity to respond to information supplied by the other).

6.3. The Investigating Officer shall also seek clarification of any matter that has previously been raised by either party or at the request of the Disciplinary Panel members;

After the hearing, the Disciplinary Committee shall provide its full Decision in writing to the Lead Welfare Officer for onward transmission to the respondent within 7. The Disciplinary Committee may decide any issue by majority. The Decision shall include:

(a) a summary of the Complaint;

(b) the Disciplinary Committee's decision in relation to the Complaint and its reasons;

(c) the appropriate sanction (if any) to be imposed on the Respondent .

The Lead Welfare Officer or Investigating Officer shall present the case but he or she shall not be a member of The Panel.

7 The Hearing

A hearing conducted under these procedures is not a judicial hearing and so evidence given will not be delivered under oath. The Panel adjudicating a hearing will, however, endeavour to apply the rules of Natural Justice and the hearing will be held in private.

Where the facts in the case are not contested by the Respondent the Panel may resolve the matter by considering the written facts as provided by the Complainant and other witnesses, without calling oral evidence.

7.1. The Lead Welfare Officer shall decide the arrangements for and conduct of the Hearing.

7.2 The Panel must also consider any written submission made by the Respondent.

7.2.1 They may also rely upon a written and or oral submission by the Investigating Officer, which may include a recommendation as to disposal of the case.

7.3 Facts Contested:

7.3.1.1 Where the facts in the case are contested by the Respondent the Panel may resolve the matter by considering all the evidence made available to it including oral and written evidence from the Complainant and other witnesses. It may question the Complainant and any witnesses present in relation to the matter. It may call upon the Complainant to supply additional evidence and may adjourn the hearing for that or any other purpose.

7.3.1.2 The Panel must also consider any written submission made by the Respondent and any written evidence provided by witnesses called on his or her behalf.

7.3.1.3 In the event that The Panel finds the Respondent guilty of misconduct they may rely upon a written and or oral submission by the Investigating Officer, which may include a recommendation as to disposal of the case.

7.3.2 The Chair of The Panel may vary this procedure in his or her absolute discretion if, after discussion with the other parties, he or she is of the opinion that such change would assist the Hearing process in a fair and impartial way.

7.3.3 The Panel shall decide any matter on the basis of a simple majority.

7.4 Powers of the Disciplinary Panel

7.4.1 The Panel may reject the Complaint or, where the Complaint is upheld, impose such sanctions upon the Respondent as it thinks fit including without limitation:

7.4.1.1 a warning in respect of the misconduct committed;

7.4.1.2 a recommendation to the committee to terminate his or her membership or remove him or her from any official position within the club;

7.4.1.3 a requirement to complete education or training;

7.4.1.4 in the case of a Respondent who is an athlete suspension from competition (or official participation within athletics) or from taking part in any event organized or run under the UKA Rules for Competition for a specified period;

7.4.1.5 In the case of a Respondent who is a coach or technical official a recommendation to UKA that the Respondent's licence to coach or officiate be suspended for a period of time;

7.4.1.7 exclusion from holding an official position for a specified period of time;

7.4.1.8 any combination of the above

7.4.2 In the event that a Respondent fails or refuses to comply in whole or in part with the sanctions imposed by The Panel, The Panel may reconvene at its own discretion and treat the failure or refusal as a fresh Complaint and deal with the matter and impose any sanction in accordance with these procedures.

7.5 The decision of The Panel shall be issued in writing to the parties concerned not more than fourteen calendar days from the date of the Hearing. The decision shall be accompanied by details of any disciplinary action that has been agreed by The Panel.

7.6 Any suspension, disqualification or expulsion shall normally run with immediate effect from the date of the Disciplinary Hearing. The panel may take into account any period of suspension served prior to the hearing date

7.7 Any other interested parties affected by the decision of The Panel shall be notified of the decision in addition to those referred to at 7.5, above.

After the hearing, the Disciplinary Committee shall provide its full Decision in writing to the Lead Welfare Officer. The Disciplinary Committee may decide any issue by majority. The Decision shall include:

- (a) a summary of the Complaint;
- (b) the Disciplinary Committee's decision in relation to the Complaint and its reasons;
- (c) the appropriate sanction (if any) to be imposed on the Respondent

The Lead Welfare Officer or Investigating Officer shall present the case but he or she shall not be a member of The Panel.

8. Appeals

8.2 The letter (7.5) notifying the decision of The Panel shall also set out the right to Appeal.

8.3 The Respondent (but not the individual(s) or organization(s) that originally made the Complaint), may appeal against the decision of The Panel, by serving a Notice of Appeal to the Chairperson within fourteen calendar days of receiving the written decision. The Notice of Appeal must state the grounds on which the verdict of The Panel is challenged.

8.4 The Chairperson shall acknowledge a Notice of Appeal within seven calendar days of its receipt and may establish an Appeal Panel within a further fourteen calendar days if there are strong enough grounds for appeal. It is at the Chairperson's sole discretion if an appeal can be heard.

8.5 If an appeal is agreed, the Chairperson 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 Hearing itself.

8.6 The Chairperson shall inform the Appellant and other Party of the composition of the Appeal Panel.

8.7 Either party may object to the composition of the Appeal Panel by notifying the Chairperson 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.

8.8 The Chairperson shall, within fourteen calendar days (or such shorter time limit as the Chairperson deems reasonable) from the date of receipt of an Objection, notify in writing the parties that either:

8.8.1 the composition of the Panel has changed (in which case the Chairperson shall provide details of the new Appeal Panel); or

8.8.2 the composition of the Panel has not changed (in which case the Chairperson shall give reasons why it has not accepted the Respondent's Objection).

8.9 The decision by the Chairperson on the composition of the Panel shall be final.

8.10 Within fourteen calendar days (or such shorter time limit imposed by the Chairperson) from the date of receipt of the Notice of Appeal or within fourteen calendar days (or such shorter time limit imposed by Chairperson) from the date the Chair responds to the Objection under Clause 8.7 above (as appropriate), the Chair of the Appeal Panel, in consultation with the Investigating Officer, shall give such directions to the Complainant and Respondent and any Interested Parties as are appropriate for consideration of the matter, and in particular:

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

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

8.10.3 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.

9.1 The Appeal Panel shall meet on the date fixed by the Lead Welfare Officer.

9.2 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.

9.3 Prior to and at the hearing, the Chair, after consulting with the Investigating Officer, may give such directions whether or not made at the request of the parties, for the proper conduct of the hearing as he or she deems may be reasonably necessary for the fair conduct of the hearing, including changes to the procedure as set out in these Procedures.

9.4 Any such hearings shall be in private unless the Appellant and other Party 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:

9.4.1 quash the original decision;

9.4.2 Confirm the original findings

9.4.3 the case be reheard (re-trial)

9.4.4 increase the original sanction;

9.4.5 abate the original sanction;

9.5 The Appeal Panel shall inform the Appellant and other Party and Interested Parties (if any) of its decision within fourteen calendar days together with written reasons for its decision. The decision of the Appeal Panel shall be final and binding on the Appellant and other Party and Interested Parties. The Appeal Panel shall decide on any issue by majority.

9.6 A supporter, who must be named, may accompany the Respondent throughout the appeal process.

10 Records of Hearings

10.1 The decisions of Disciplinary Panels shall be recorded and retained in confidential records for a period of time specified by The Panel, which shall not be less than six years. Supporting documentation shall also be retained in the same fashion.

10.3 Notification to England Athletics

10.3.1 A record of the proceedings and decisions of Club Disciplinary Panels, including any sanctions imposed, shall be sent to the Lead Welfare Officer of England Athletics within fourteen calendar days of the Hearing.

10.4 Notification to UKA, National Association and others

10.4.1 Where appropriate and in the absolute discretion of the Chair of a Hearing Panel, details of a decision, including sanctions imposed, may be communicated to UKA, a National Association, county association, club or other body where it is considered necessary to ensure compliance with a sanction, or for the safety and well-being of those engaged in athletics activity. UKA/EA may determine to publish details on their websites.

11 Co-operation of Respondents/Appellants and Other Parties

11.1 The procedures described in these Discipline Procedures assume that the Respondent/Appellant and other 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 based on such evidence and information as it is able to obtain.