

## Devizes Canoe Club

### Disciplinary, Dispute and Appeal Policy

<b>Document record</b>		
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#### 1. Aim

- 1.1. To provide a framework for fair, consistent and effective disciplinary, dispute and appeal matters with the club.

#### 2. Background

- 2.1. Unfortunately, disputes, complaints and unacceptable behaviour can occur within any sport. We are committed to ensuring that transparent procedures are in place to ensure that where such issues do arise, action is fair expedient and consistent.
- 2.2. The club's Disciplinary, Dispute and Appeal Policy provides a framework to enable disciplinary, dispute and appeal matters to be managed effectively within our club and are consistent with British Canoeing's regulations and the club's constitution.

#### 3. Policy

- 3.1. Policies relating to member conduct include (but are not limited to):
  - 3.1.1. The Club's Code of Conduct;
  - 3.1.2. The Junior Code of Conduct;
  - 3.1.3. Guidelines for Racing Etiquette;
  - 3.1.4. Child Protection Policies;
  - 3.1.5. Our Club Safety and Operating Policy;
- 3.2. Club policies, including this disciplinary, dispute and appeal policy are binding on all members, volunteers, coaches and participants, including supporters of paddling members.
- 3.3. These policies do not apply to matters relating to anti-doping rules and/or safeguarding matters which are governed by specific frameworks.
- 3.4. The scope of this policy includes complaints about behaviour, conduct or alleged breaches of club policy, codes of conduct or values of a member, former member (if the alleged event took place whilst a club member) or a supporter.
- 3.5. This policy includes any conduct which is incorrect, inappropriate, offensive, unsporting or would potentially bring the club, British Canoeing, and paddlesport into disrepute. This does not include "on the water" disputes arising at events which will be dealt with by the competition organiser unless so serious that disciplinary action is appropriate.

#### 4. Notification

- 4.1. Complaints may be made by any person to any member of the club committee.
- 4.2. Any complaint must be in writing as soon as practicable and set out the details of the complaint, the impact of the alleged event and the action required by the person making the complaint.

#### 5. Management

- 5.1 As a rule we aim to deal with all complaints at club level.
- 5.2 The club chair/deputy chair will appoint a committee member to investigate the complaint. The nominated committee member will:
  - 5.1.1. Source information and evidence as soon as possible;
  - 5.1.2. Speak to the complainant to advise them how the complaint will be taken forward.
  - 5.1.3. Interview anyone relevant to the complaint
  - 5.1.4. Inform the person being complained about in writing of the details of the complaint and invite a written response within a specified period.
  - 5.1.5. Complete the investigation and report to the chair/deputy chair.

## 6. Disciplinary action

- 6.1. On receipt of the investigation the chair/deputy chair may take any of the following steps:
  - 6.1.1. Uphold the complaint
  - 6.1.2. Dismiss the complaint
  - 6.1.3. Reject the complaint
- 6.2. Uphold the complaint. A complaint may be upheld when it falls within the scope of these regulations and sufficient evidence exists to uphold it. The Chair/Deputy Chair may then:
  - 6.2.1. Decide that no further action is required and inform all parties in writing
  - 6.2.2. Deal with the complaint informally by way of advice or information because it is not serious enough to warrant full disciplinary proceedings
  - 6.2.3. With the agreement of complainant and respondent deal with the complaint by arranging mediation between the parties
  - 6.2.4. Recommend an appropriate disciplinary sanction including:
    - Additional training
    - Formal warning about future conduct
    - Suspension
    - Termination of club membership
    - Any other action deemed reasonable and proportionate
  - 6.2.5. Mediation will be conducted by the Chair/Deputy Chair or another senior committee member. If this fails to resolve the matter an alternative action may be pursued at the Chair's discretion.
  - 6.2.6. Disciplinary sanctions will be approved by a disciplinary sub-committee of at least two committee members or trustees, one of which shall have had no prior involvement with the complaint. Where a disciplinary sanction is deemed appropriate the respondent is to be informed that the complaint is upheld and provide not less than 10 working days for the respondent to either:
    - Accept the disciplinary sub-committee's determination without a hearing or
    - Exercise the right to appear in person at a hearing
- 6.3. Reject the complaint. A complaint may be rejected because it doesn't fall in scope of these regulations. In this instance the complaint is to be referred under British Canoeing's

safeguarding and/or anti-doping regulations or to a third party deemed more appropriate including other agencies or the police for criminal matters.

- 6.4. Dismiss the complaint. A complaint may be dismissed if there is insufficient evidence to warrant further action or on the grounds it is malicious or vexatious. All parties are to be informed of dismissal of a complaint in writing with specific reasons.

## **7. Disciplinary matters involving young people or adults at risk of harm**

- 7.1. Where a disciplinary matter involves a young person or adult at risk of harm but does not fall within the scope of a safeguarding issue, the needs of the person must be considered, and the disciplinary sub-committee must include at least one person suitably trained and experienced in welfare issues.
- 7.2. Written permission from a parent or legal guardian of a young person must be obtained before such a person is required to provide evidence. The person in question must be given the opportunity to be accompanied by a parent, legal guardian or carer and may submit evidence in writing or by video link rather than in person. A refusal to co-operate fully in disciplinary proceedings shall not preclude disciplinary action from taking place.

## **8. Suspension before determination of the complaint**

- 8.1. In the most serious cases the Chair/Deputy Chair may decide to impose an interim suspension of club membership whilst the case is investigated. This is a neutral act without prejudice to the complaint and will only be applied to protect the individuals, the club and British Canoeing from further risk and allegations.
- 8.2. An interim suspension is not a disciplinary sanction and may be considered in respect of the imposition of any further sanctions. An interim suspension will be communicated in confidence to the party/parties concerned and will cease when the matter has been resolved in one of the three ways described above.

## **9. Hearing a complaint**

- 9.1. The conduct of disciplinary proceedings will follow similar principles to British Canoeing's Disciplinary dispute and appeal regulations.

## **10. Termination of membership**

- 10.1. Termination of club and CIO membership is the most serious sanction available to a club disciplinary panel and will only be used in the most serious circumstances and with careful consideration. If a disciplinary sub-committee or appeal panel considers termination of membership to be an appropriate sanction the procedures set out in the club constitution paragraph 9. Membership of the CIO Sub para (4) (a) and (b) are to be followed.

## **11. Right of Appeal**

- 11.1. A Club internal appeal must be made to the Club Chair in writing within 10 working days of a decision. An appeal will be considered by a panel of two or more trustees or committee members appointed by the chair (which may include the chair/deputy chair to advise on club policy).
- 11.2. An appeal panel may admit any evidence they like and conduct the appeal as they think appropriate but, unless new evidence is available, the appeal panel will generally restrict their consideration to determining whether the disciplinary process was fairly conducted in accordance with these regulations, review any mitigating factors provided by the respondent and review the reasonableness and appropriateness of any decision made and/or sanction applied.
- 11.3. The appeal panel has the power to:

- Dismiss the appeal.
  - Uphold the appeal and overturn any finding or sanctions imposed.
  - Substitute an alternative finding.
  - Reduce or increase the original sanction.
  - Make any other determination or recommendation.
- 10.4. A decision on appeal is final so far as the Club is concerned.
- 10.5. After the club's appeal process a further (and final) right of appeal exists to British Canoeing.

## **12. Procedural Fairness and Confidentiality**

- 12.1. During all proceedings conducted under these regulations it is essential to ensure the procedures are clearly understood by all parties and are fair. The club will follow British Canoeing guidance on disclosure and confidentiality of witnesses so far as appropriate.
- 12.2. Any party involved in a complaint must remember that the club is not a court of law, nor do any volunteers have legal expertise.
- 12.3. Club officials will determine the facts based on 'the balance of probabilities' and will make best efforts at all times to be fair. Complainants and respondents are asked to respect the best intentions and efforts of volunteer club officials.

## **13. Record keeping and data protection**

- 13.1. Personal data held in connection with a dispute or disciplinary matter will be held in accordance with British Canoeing's data protection policy, GDPR and any other data protection policy in force at the time of the disciplinary matter or dispute.
- 13.2. A summary of the decision may be published in the members section of the website and notified to British Canoeing if appropriate to do so.