

The Brentham Club Disciplinary Procedures

Addressing conduct that is not up to standard
within the Club Environment

Disciplinary Procedures

1. Introduction

Disciplinary matters, applying to all matters of The Brentham Club (hereinafter referred to as "the Club"), will be dealt with by the elected members of the Management Committee of the Club in the first instance and if necessary subsequently by a Disciplinary Committee. The Club shall not tolerate the physical or mental abuse, harassment, discrimination or defamation of any of its members during, or subsequent to, club events. Any member may be disciplined or excluded from membership of the Club if his or her conduct has been, or is likely to be, prejudicial to the interests of the Club.

2. Grievance procedure

All members of the Club agree to fully comply with the Club's codes of conduct and be bound by its terms. All members of the Club should feel welcomed, equally treated and comfortable in all activities of the Club. However, if any member does not feel this way they may approach any member of the Management Committee in confidence. The committee member will then discuss the issue with at least two other committee members. This grievance sub-committee will then discuss possible solutions with the member raising the grievance and it is hoped that most issues will be resolved in this way. If this is not possible, it may be necessary to take further action.

3. Disciplinary action

Disciplinary action against Club members, including suspension without notice if required, may be taken for offences of misconduct or breach of the Club's rules. However, it is recognised and accepted that every member:

- Has the right to expect fair and consistent treatment
- Has the right to adequate notice from the Club
- Has the right to appeal against the Management Committee judgement or Disciplinary Committee's decision in all disciplinary matters
- Has the right to representation

No member will be expelled for the first breach of the Club's rules except in cases of "gross misconduct". However, all disciplinary actions taken by the Club will be duly recorded and placed on file for reference at a future date.

Offences Leading to Disciplinary Action

The under noted actions by members may be interpreted by the Management Committee to fall within this code. However, the lists are not to be considered as fully inclusive or covering all possible offences.

Misconduct

"Misconduct" is the carrying out of an offence considered to be of a minor nature (unless frequently repeated) and will normally result in a written warning from the Management Committee together with a demand for full and appropriate corrective action. Examples of offences that may be considered misconduct include:

- Discourteous, crude or offensive behaviour at a training session or organised Club event or via social media

- Conduct of an unsafe nature
- Offensive disregard for equipment or property
- Refusal to carry out reasonable instructions issued by event officials or organisers
- Failure to comply with or adhere to the relevant code of conduct for their position within the Club
- Any other actions of similar gravity to the above, considered prejudicial to the interests of the Club

Repetition of the above offences or failure to comply with any demands made in writing by the Club may result in further action by the Elected Officers involving a disciplinary hearing.

Serious Misconduct

"Serious Misconduct" is the carrying out of an offence of such gravity that in the opinion of the Management Committee it warrants a Club disciplinary hearing. Examples of offences that may be considered as serious misconduct include:

- Misconduct offences above if especially grave or repeated
- Deliberate or consistent breaches of club rules
- Any attempt to achieve gains or advantage over others by unfair or unscrupulous means
- Theft or misappropriation
- Use of threatening or abusive behaviour at a sports session or organised club event or via social media
- Participating in the sport whilst under the influence of drugs or alcohol
- Malicious interference with equipment or property
- Disregard for one's own or other people's safety

Gross Misconduct

"Gross Misconduct" is action of such seriousness that the Management Committee will require the immediate expulsion of the offender from the Club.

The Management Committee may by means of an executive decision summarily suspend such an offender and invoke a disciplinary hearing as soon as this can be arranged but will remain suspended until the disciplinary hearing. Examples of gross misconduct are:

- Physical violence of assault towards other persons at a Club event or related activity including serious threatening, intimidating or forceful behaviour
- Reckless disregard of safety and basic safety rules
- Being convicted of criminal offences involving physical violence or abuse
- Any action, including via social media, which in the opinion of the Management Committee may bring the Club and/or sport into disrepute, or which left unchecked may result in the detriment of the Club or its members
- Other acts that are considered to be of an extremely serious nature perpetrated against the Club, its members or any other party

4. Disciplinary Procedure

On receipt of a written complaint from a member, employee, other sports club or member of the general public, the Management Committee, with advice from a Legal Advisor should they so wish, will decide whether the complaint falls within the scope of this disciplinary code. If, in their opinion, it does, then the Management Committee will decide as to the type of offence as per section 1 above.

Should the complaint be considered by the Management Committee as one of simple misconduct the Club Secretary will write to the offender with a formal written warning including the demand for an apology or other corrective action the Management Committee may deem appropriate. The Management Committee will also attempt to obtain approval for their action from the complainant.

A disciplinary file will be opened by the Management Committee in which will be placed copies and records of the original complaint, together with the written warning and any other correspondence. The action outlined above will normally finalise the process unless any of the parties involved object strongly to the Management Committee's decision in which case they may appeal directly to the Management Committee against the decision.

Should the complaint be considered by the Management Committee as one of serious misconduct, then the following procedure will be implemented:

- The Management Committee will appoint an Investigating Officer who will research evidence presented and, if possible, will obtain further written evidence, witness statements, supporting information etc.
- Advise complainant that if a disciplinary hearing is called, then the complainant will be obliged to attend and give evidence
- Contact the member subject of the complaint to advise of the official complaint and request the member to submit a written statement of events
- If settlement cannot be agreed between the parties, or if the offence merits it, then a disciplinary hearing will be arranged as soon as possible
- Contact the Club's legal advisor if required and supply copies of all evidence
- Notify all parties of the hearing date and provide the member subject of the complaint with a written record of the complaint(s) made against them

5. Disciplinary Hearing

The Club Secretary shall take charge of the hearing and all questions will be addressed through the Secretary. A Disciplinary Committee will be appointed which will consist of:

- The Club Chair unless the Club Chair is either the complainant or the subject of the complaint, in which case a suitable deputy shall be selected
- Other members of the Management Committee so that at least 66.67% of the Management Committee is present
 - The Club will appoint a case presenter, who will normally be the Investigating Officer
 - All witnesses are to be interviewed and all written evidence to be reviewed at the hearing
 - No witnesses or statements can be introduced at the hearing without prior notice and copies of all written evidence produced for consideration prior to the hearing, to be available in advance to all parties

- The Disciplinary Committee may adjourn the hearing to allow further evidence to be referred to if the Disciplinary Committee considers it fair to do so
- After the Disciplinary Committee has reached a decision, the subject of the complaint to be notified in writing of such decision and informed of any penalties within 7 days of the decision being reached. Penalties will be effective from the date of the decision

6. Penalties

Following the hearing, the Disciplinary Committee will apply such penalties as the Disciplinary Committee consider appropriate, including temporary or permanent expulsion of the offender from the Club. Such penalties will have immediate effect, notwithstanding the possibility of an appeal in accordance with Section 7 under noted. Offences of cheating or being under the influence of alcohol or drugs during a club session or event or those involving threats of physical violence will carry automatic expulsion from the Club and will preclude the offender from taking part in any Brentham Club organised activity in an official capacity

The Club will in all cases comply with the requirements of sports Governing bodies and Club child protection policies including immediate notification of the police where required

7. Appeals

If an appeal of the decision or penalty is to be made then written notice of appeal by way of 1st class recorded delivery or e-mail with electronic receipt to the Club Secretary must be given by the offender within 28 days of being notified of the decision. No appeal will be valid or considered after that period has elapsed. It will not be sufficient to state "I wish to appeal"; the appellant must give full written grounds for the appeal, stating exactly what is being appealed against and the reasons for this. An appeal together with full and recorded argument may be considered relative to:

- The decision
- The penalty
- Other

An Appeal Hearing will be convened as soon as practicable by the Secretary who shall convene an Appeal Committee of members of the Management Committee who did not take part in the first hearing and who will elect their own Chairperson (who will have the casting vote). New evidence cannot be presented at the appeal hearing. The Appeal Committee shall have power to access all documentation on the case and to amend or revoke any decision made at the previous disciplinary hearing.

The decision of the appeal panel will be final.