

ASTLEY & TYLDESLEY CYCLING CLUB

DISCIPLINARY POLICY

1. Introduction

This policy and procedure is designed to help Officials deal with disciplinary situations at the Club that occur through misconduct and/or breaches of the Club's Codes of Conduct..

Wherever possible, minor discipline issues should be resolved informally. Officials should have a quiet word about the improvement in conduct that is required. In some cases, additional training, coaching and advice may be what is needed.

There will be situations where matters are more serious or where an informal approach has been taken and not achieved the required results. In such cases, if informal action has not brought about an improvement, or the misconduct or unsatisfactory performance is considered too serious to be classed as minor, then Officials should take formal action.

If the incident is considered to be of a criminal nature, then it should be referred to the appropriate police force. If the incident occurs outside of the jurisdiction of the UK and it is not dealt with under the jurisdiction of the relevant country, then it is to be dealt with under this procedure.

2. Purpose and Scope

The purpose of this procedure is to ensure consistent and fair treatment of disciplinary situations and to help to encourage Members to achieve and maintain appropriate standards of conduct.

Fairness and transparency are ensured by using the rules and procedures that are set down within this policy. Officials and Members should ensure their understanding of the rules and procedures.

3. Standards

The Club has clear standards of conduct, which are listed in the Codes of Conduct, applicable to all Members and Officials. Members and parents or guardians of children are required to sign their agreement to the Codes of Conduct, on joining the Club, and to adhere to the Codes at all times.

4. Principles

The principles governing the policy and its application are:

- We will be consistent and fair, with all Members treated with respect and dignity.
- Individuals' rights and responsibilities are respected.
- We will be open and transparent.
- Minor instances of misconduct will initially be addressed by means of informal counselling, guidance and instruction. However, if problems continue or the Club Committee regards matters to be sufficiently serious, the disciplinary procedure shall apply.
- No Member will be expelled for a first breach of discipline, except in the case of gross misconduct when Members may be expelled without any notice or refund of membership fees.

In order to ensure that matters are dealt with fairly the following shall apply:

- Both Officials and Members should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.
- Officials should carry out any necessary investigations, to establish the facts of the case.
- Officials should inform Members of the basis of the problem and give them an opportunity to put their case in response before any decisions are made.
- Officials should allow Members to be accompanied at any formal disciplinary meeting.
- Members have the right to appeal against any formal action taken against them under this procedure.

It is recommended that for any serious disciplinary issues arise and/or disciplinary appeals, consideration should be given as to whether or not the investigation is conducted by an independent investigator, to prevent any potential conflict of interest.

All warning letters issued under this procedure will be approved by the Club Committee and issued by the Club Secretary, to ensure consistency and to ensure that appropriate records are maintained.

5. Sanctions and Penalties

The following sanctions and penalties can apply, depending on the number, order and severity of the incidents:

- Informal discussion, counselling, guidance and instruction.
- Verbal warning.
- Written warning.
- Suspension from Club activities.
- Expulsion from the Club.

6. Disciplinary Practice

6.1 Establishing the facts of each case

It is important to carry out an investigation without unreasonable delay to establish the facts of the case. (There is no requirement to write to or give notice to attend an investigation). In some cases, the investigation will require holding a meeting (fact finding) with the Member before proceeding to any disciplinary hearing. In others, the investigatory stage will be the collation of evidence by the Officials for use at any disciplinary hearing.

An investigation or investigatory meeting will not always result in a disciplinary hearing or disciplinary action being taken. It may be concluded following investigation that no further action is required.

Where the investigation reveals allegations of criminal conduct, the investigation will be handed over to the police and will stay until the conclusion of any such process. The Club's disciplinary case would only normally be restarted if the police declines to investigate the case.

6.2 Informing the Member of the problem

If it is decided there is a disciplinary case to answer, the Member should be notified of this in writing.

The Member must be given the details of the time and venue for the meeting. The Member has the right to be accompanied. The Club will seek to ensure that the time, place and location of any disciplinary hearing are reasonable. The meeting will take place as soon as is reasonably practicable.

Where the Member is unable or unwilling to attend a disciplinary meeting without good cause, the Club will make a decision in the Member's absence on the basis of the evidence available. Refusal to attend a disciplinary meeting without good reason will be treated as a disciplinary offence of itself.

6.3 Hold a meeting to discuss the problem

The meeting should be held without unreasonable delay whilst allowing the Member reasonable time to prepare their case. (What is judged to be reasonable will depend on the complexity of the case, but will not be less than 5 days). Where the Member and their companion have been invited to attend a disciplinary hearing or an appeal they must take all reasonable steps to attend and failure to do so may be misconduct itself.

At the meeting, the Panel Chairman will explain the role of all those attending and the allegation(s) against the Member, and then will go through the evidence that has been gathered.

The Member should be allowed to set out their case and answer any allegations that have been made. They should also be given a reasonable opportunity to:

- ask questions;
- present evidence;
- call relevant witnesses; and
- raise points about any information provided by witnesses.

The main points of the discussion will be summarised and the Member will be asked if they have anything further to say.

6.4 Decide on the appropriate action

The meeting will ordinarily be adjourned before a decision is taken.

The Club must decide whether or not disciplinary action (or any other action) is justified and proportionate, and inform the Member accordingly in writing.

Where misconduct is confirmed, the Club may issue either a **written warning** or issue a specified period of **suspension** from all Club activities.

A record of the warning or suspension will be kept by the Club Secretary.

Where the Member is unable or unwilling to attend a disciplinary meeting without good cause, the Club may decide the case in their absence based on the evidence available.

6.5 Expulsion

Some acts termed gross misconduct are so serious in themselves or have such serious consequences that they may call for expulsion without notice for a first offence. However, the disciplinary process should still be followed.

A decision to expel the Member from the Club can only be taken by a Disciplinary Panel appointed by the Club Committee. The Member should be informed in writing as soon as possible of the reasons for the expulsion and of their right of appeal.

6.6 Provide the opportunity to appeal

Where the Member feels that the disciplinary action taken against them is wrong or unjust they should appeal against the decision. Appeals should be heard without unreasonable delay. The Member should let the Club know in writing the basis for the appeal: this should be sent to the Club Secretary within seven days of receiving written confirmation of the disciplinary warning, suspension or expulsion. An appeal hearing will then be arranged as quickly as possible.

The appeal should be dealt with by a Panel who have not previously been involved in the case.

It is recommended that for appeals against serious disciplinary sanctions, consideration should be given to including an independent member on the panel, to prevent any potential conflict of interest.

The Member has the right to be accompanied at appeal hearings and should be informed in writing of the results of the appeal hearing as soon as possible.

An appeal against a warning, suspension or expulsion is final and concludes the Club's procedure.

Policy approved by the Astley & Tyldesley Cycling Club Committee on 25th April 2019.