

DISCIPLINARY RULES

Edition: 6 April 2024

1. Purpose	1
2. Misconduct	1
3. Investigation and Board decision	1
4. Appeal of Board decision	2
5. Disciplinary Hearing	2
6. Appeal to Extra Ordinary Meeting	3
Appendix A : Penalties	3
Appendix B: Types of Misconduct	4

1. Purpose

- 1.1. In response to allegations of misconduct of its members, Palmerston Indoor Bowls Club (the "Club") reserves the right to take disciplinary measures through its Board of Directors.
- 1.2. These rules provide a framework for dealing with complaints about the behaviour of members. If possible, the complainant should attempt to resolve the issue by discussion with the accused member and/or with a member of the Board so that no further measures may need to be taken. Should that not be possible, a complaint must be made in writing to the Company Secretary, who will set in motion the procedures below.

2. Misconduct

- 2.1. Club members, against whom an allegation of misconduct is made, must submit to the procedures set out below. This may result in disciplinary measures being taken where a member is shown to be guilty of:
 - 2.1.1. improper interference with the functioning or activities of the Club or of any members of the Club.
 - 2.1.2. action which damages the Club or any member or their reputation.
- 2.2. For a description of various types of misconduct which may be considered see Appendix B
- 2.3. Disciplinary action could also be taken against a complainant who makes a mischievous complaint.

3. Investigation and Board decision

- 3.1. Following the receipt of a written complaint, the Board Chairperson will appoint a Director as an Investigating Officer to investigate the allegation and gather the facts. Details of any witnesses for or against the allegation will be listed and a note made of the evidence they can give. The alleged offender should also be made aware of the allegation and may wish to give their version of events.
- 3.2. Once investigations are complete, a Board Meeting will be convened and the Investigating Officer will report the results of his/her enquiries. The Board will discuss the issue and decide what action is

required and a written summary will be made by the Company Secretary. The action may result in the following:

- 3.2.1. If there is no case to answer, the complainant and the accused member should be informed in writing within 2 days of the decision being made.
- 3.2.2. If the Board consider the matter is relatively minor in nature, the Board may suggest it can be dealt with by a resolution between the two parties (e.g. the accused member making a full apology in person to the complainant etc.) provided both parties agree. The Investigating Officer will ensure that resolution takes place and will inform the Board when this has been completed.
- 3.2.3. If there is a case to answer, and the above does not apply, a Disciplinary Hearing will be necessary.

4. Appeal of Board decision

- 4.1. If the accused or the complainant are not satisfied with the Board decision they may appeal within 7 days of being informed. If the Board agree to an appeal, the complainant and accused member should be informed immediately and a Disciplinary Hearing must take place. If the Board do not agree with the appeal, they should set out their reasons in writing and inform both parties within 7 days. No further appeal can be made, unless the Board considers that the circumstances are exceptional, in which case an appeal to an Extra Ordinary Meeting can be made (See section 6 below).
- 4.2. The only grounds a complainant has to make an appeal are
 - 4.2.1. new evidence has come to light to support the allegations, or
 - 4.2.2. the decision made by the Board was unreasonable.

5. Disciplinary Hearing

- 5.1. If a Disciplinary Hearing is necessary, the Company Secretary should write to the accused member, informing her/him of the allegations and inviting them to attend a Disciplinary Hearing on a specified date and time. This may be subject to negotiation between the club and the parties, but should take place within 14 days of the decision being made by the Board. The accused should be informed she/he has the right to be represented at the Hearing.
- 5.2. A Disciplinary Panel will be appointed by the Board and should consist of three members of the Club who have had no involvement in the matter in question, one of whom should be the Chairperson of the Board (or nominee) who will Chair the proceedings and one should be the Company Secretary (or nominee) who will take the minutes of the hearing. In serious cases the number of panel members may be increased to five in total.
- 5.3. In the event of the accused member failing to appear before the Disciplinary Hearing without good cause, the matter will be dealt with in their absence.
- 5.4. The Investigating Officer will present the allegations to the Hearing and call any witnesses to support the allegations. After each witness has given evidence, the accused member (or representative) may question the witness on the evidence given. Members of the Panel are also entitled to ask questions of the witness.
- 5.5. Once the Investigating Officer has presented the case in support of the allegations, the accused member can then give evidence in their defence and call any witnesses to support them. The Investigating Officer and the Panel may also ask questions.

- 5.6. When all the evidence has been heard, the Panel members should retire to consider their verdict and any penalties if applicable. An adjournment may be necessary. A majority verdict is acceptable. If the vote is evenly split the allegation is not proved.
- 5.7. The Panel can only reach a verdict on the evidence that has been placed before them. They can only find against the accused member if they are satisfied on the balance of probabilities that an allegation of misconduct has been proved.
- 5.8. Once the Panel have reached a decision, the Disciplinary Hearing will reconvene and the Chairperson will announce their verdict. If they find the case has not been proved, they will acquit the accused member forthwith. If they find the case proved, they will announce the penalties and inform the member of their right of appeal at an Extra Ordinary Meeting of the Club.
- 5.9. The Company Secretary will inform the accused member in writing within 3 days of the outcome of the meeting, any penalties involved and give details of the right of appeal.

6. Appeal to Extra Ordinary Meeting

- 6.1. The accused member may lodge an appeal within 14 days of the Disciplinary Hearing, by writing to the Company Secretary.
- 6.2. The request for an Appeal Hearing should give the basis of the appeal, either
 - 6.2.1. new evidence or information has come to light that was not heard at the original hearing, and/
or
 - 6.2.2. the decision made by the Panel was unreasonable.
- 6.3. A complainant may lodge an appeal where they feel that insufficient disciplinary action has been taken at the Disciplinary Hearing. She/he also needs to advise what they feel the appropriate penalties should be.
- 6.4. If the Board are satisfied that a request for an Appeal Hearing is correctly made out, they should call an Extra Ordinary Meeting of the Club members, to be held within 21 days of receipt of the written application for appeal. The accused member should be informed in writing of the date and time of the hearing and that she/he may be represented.
- 6.5. At the Extra Ordinary Meeting, the Chairperson should give a brief outline of the allegations made and the penalties that were awarded.
- 6.6. The accused member (or representative) or complainant, should be asked to put a case forward, explaining why they believe the decision of the Disciplinary Panel to be unacceptable. New witnesses for the accused member who may have other information of the alleged misconduct are permitted to give evidence and character witnesses for the accused member may also be heard.
- 6.7. Once all the evidence has been heard, the members at the meeting should consider the case and a vote taken. The members have a choice of either
 - 6.7.1. confirming the original decision of the Panel, or
 - 6.7.2. changing it in the light of information provided to the meeting.
- 6.8. Minutes must be taken of the meeting and communicated to the accused member within 3 days.
- 6.9. The decision of the Extra Ordinary Meeting is FINAL AND BINDING.

Appendix A : Penalties

The penalties available for an accused member found to have an allegation of misconduct proved against them include, but are not restricted to:

1. Conditional Discharge. No penalty is imposed, subject to the member being of good behaviour, or other specified conditions, over a specified period of time. (This penalty may be taken into account at any future disciplinary hearing within that time scale).
2. Absolute Discharge. (The misconduct is technically proved, but no blame should be attached for their actions).
3. Excluded from certain activities of the Club for a defined period of time. (e.g. not participating in competitive bowls)
4. Suspended from the Club for a defined period of time.
5. Expelled from the Club for an indefinite period of time.
6. Required to pay
 - 6.1. a reasonable sum by way of compensation and restitution for an identified and quantified loss, and/or
 - 6.2. costs in relation to the investigation and proceedings.

Where costs have been required, until the monies are paid the member will be deemed to be suspended and will forfeit all member rights and entitlements.

Appendix B: Types of Misconduct

For the purposes of these rules, "misconduct" includes, but is not restricted to:

1. Any breach of Club Rules.
2. Disregarding or refusing compliance with or acting in contravention of any decision of the Club, its Directors or J.M.C. Officers.
3. Obstructing, disrupting or interfering improperly with the functions, duties, activities of any member, official or visitor of the Club.
4. Any conduct which is prejudicial to the interest of the Club or any member thereof, or to the sport of bowls in general.
5. Failure or refusal for a period of one calendar month, to pay any fine lawfully imposed by any competent authority under the jurisdiction of the Club.
6. Deliberately losing or attempting to lose any match, or otherwise being guilty of unfair play.
7. Use of profane, indecent or improper language at any function of the Club, or whilst on the property of any EIBA club.
8. Any violent, indecent, disorderly, threatening, intimidating or offensive behaviour at any time or place towards all employees, members or officials of the Club or of the EIBA.
9. Sexual, religious, disability or racial harassment of any member of the Club or members of EIBA.
10. Breach of EIBA Safeguarding Policy and/or Safeguarding Adults Policy.
11. Any drug abuse, otherwise known as "Anti-Doping", in breach of the Anti-Doping Rules of EIBA.
12. Any conduct which constitutes a criminal offence.
13. Any fraud, deceit, deception or dishonesty in relation to the Club or its members or visitors or associated organisations.
14. Behaving fraudulently or cheating at any event held by or connected with the Club.
15. Theft, misappropriation or misuse of property of the Club or its members.

Any allegations in respect of 10. and 11 above may require temporary suspension from the Club until the matter is resolved.