

Guidance in Dealing with Serious Misconduct and Subsequent Hearings

The Forest of Dean Athletic Club encourages open and honest discussion and feedback to promote a positive and safe environment for all of its members.

This guidance is designed to assist Chairs and members of Disciplinary Hearing Panels to conduct hearings in respect of serious misconduct and to provide guidance as to possible outcomes and panel decisions. The guidance is underpinned by the England Athletics Disciplinary Procedures, the Club's constitution, rules and code of conduct.

Examples of serious misconduct may include, but are not restricted to;

Theft, Fraud, Physical violence, Sexual abuse, Damage to property, Serious negligence of property or people, Insubordination, Alcohol or drug misuse, Serious breach of health and safety, Serious bullying, harassment, discrimination.

Conduct of the Hearing

1. The panel will consist of 3 committee members lead by the Chair Person or Vice Chair Person. Panel members will be introduced and confirm their status. 14 days' notice in writing or email will be given to the respondent of the hearing.
2. Chair reminds all parties of the confidentiality of the Hearing and that Hearing will be held in private.
3. Chair informs all that the Hearing will apply the rules of Natural Justice, to give a fair hearing to everyone with a concern in the case, to explain the reasoning behind any decision and the obligation for any decision-makers to be impartial.
4. Chair informs the parties that the Panel will make its decisions on whether the Respondent is guilty of misconduct on the basis of a balance of probabilities. This means that it must be demonstrated that it is "more probable than not" that the Respondent is guilty of misconduct.
5. Chair confirms that the Respondent and Panel members have previously received copies of all relevant documentation.
6. The Panel must consider any written and or oral submission made by the Respondent and any written and or oral evidence provided by witnesses called on his or her behalf.
7. The Panel will then consider their decision in private. The Panel shall decide any matter on the basis of a simple majority and may reject the complaint or may partially or fully uphold the complaint.

8. If the Panel upholds the complaint they must then consider the most appropriate manner to resolve the case and in so doing may take account of all relevant information disclosed during the Hearing, including any submission made by or on behalf of the Respondent.

9. In consideration of what sanction to impose the panel should consider the following criteria:

a. the nature and seriousness of the misconduct including whether the misconduct involved dishonesty or neglect;

b. the Respondent's conduct record and, in particular, whether any misconduct of a similar kind has occurred before and the period of time which has elapsed since any previous misconduct.

c. where relevant, the length of time over which the misconduct occurred;

d. the number of breaches;

e. any steps taken by the Respondent to avoid a recurrence of the misconduct;

f. whether any admission, and regret is expressed by the Respondent;

g. the extent to which the Respondent has derived benefit, or stood to derive benefit, from the misconduct;

h. any steps taken by the Respondent to compensate or provide restitution to the Complainant;

i. the degree of co-operation with the Investigation;

j. any penalties previously imposed by the club in similar cases;

k. the need to deter the Respondent and other Members from future misconduct; and

l. the need to demonstrate to the athletics community and society in general, that the club takes firm action intended to promote the standards of conduct and behaviour required of all athletes and volunteers and others engaged in athletics.

10. The powers of the Panel are to issue:

- i. a written warning in respect of the misconduct committed;
- ii. a termination of his or her membership or remove him or her from any official position within the club;
- iii. a requirement to complete education or training;
- iv. in the case of a Respondent who is an athlete, suspension from training and competition for a specified period;
- v. In the case of a Respondent who is a coach or technical official a recommendation to UKA that the Respondent's license to coach or officiate be suspended for a period of time;
- vi. a combination of the above.

11. 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.

12. The decision of The Panel shall be issued in writing to the Respondent and other parties concerned not more than 7 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. The letter to the Respondent should also set out the right to appeal if applicable. Any suspension shall normally run with immediate effect from the date of the Panel Hearing.

13. Where appropriate and in the absolute discretion of the Chair of a Disciplinary 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.

14. A record of the proceedings and decisions of the Panel, including any sanctions imposed, shall be held by the club for 5 years. In the interests of transparency the misconduct and outcome should be published to club members.

15. The respondent has right to appeal, any appeal must be made within 7 days in writing or email of their receipt of the outcome and must state on what grounds they challenge the outcome or sanction. The appeal will follow the same process as above; the panel should consist of 3 alternative committee members with no previous involvement who will review the appeal and any additional information. The panel may;

Quash the original decision.
Confirm the original findings.
Amend the sanction.

Any interested party or witness must be kept informed of any appeal and outcome.

Richard Pegler (Vice Chair Person) July 2015

