

# **ESSEX COUNTY ARCHERY ASSOCIATION INCORPORATING THE COUNTY OF SUFFOLK Disciplinary Policy**

## **1. Introduction**

Section 3, of the Essex County Association including the County of Suffolk, Constitution and Rules provides for disciplinary action by County Council against members of the association.

The provisions in the Constitution and Rules require that a member subject to disciplinary action be provided with an opportunity for a fair hearing and appeal.

The present document accordingly sets out the procedure for acting on complaints prior to Council decision under Section 3 of the Essex County Association including the County of Suffolk Constitution and Rules.

## **2. Scope**

This procedure applies to complaints and allegations made about

- The conduct of ECAA Officers and Officials acting as representative of the County
- Members of the County, including Individual and Associate members and Affiliated Clubs.

This procedure does not apply to:-

- Matters which have already been the subject of an Appeal to a County organisation except where the complaint is against the conduct of such an appeal (see Note below).
- Matters raised under the GNAS/AGB Child and Vulnerable Adult policy, which must be referred through the appropriate Safeguarding Officers to GNAS/AGB.
- Complaints against Judges, which fall within the scope of the Disciplinary Code operated by the Regional Shooting Committee and which must be referred in writing to the Judges Liaison Officer or the Chairman of the Regional Shooting Committee
- Complaints of misconduct that arise outside the auspices of the County except where they involve an Officer or Official of the County.
- Complaints of criminal or other behaviour that requires notification to the police or to relevant regulatory authorities, in which case the matter must be referred to the relevant authorities and any County action will depend on the outcome of that referral.

Note: Complaints against the conduct of a Club investigation or appeal will be considered as complaints against the Club organisation. The original complaint and named respondent will not normally be considered except where relevant to the investigation of the Club procedure.

## **3. Definitions**

The County - Essex County Association including the County of Suffolk.

Complainant - The person or organisation making a complaint of misconduct or violation of the Rules of the County.

Respondent - The member of the County about whom the complaint is made.

## **4. Procedure**

### **4.1 Notification**

Complaints should be made in writing to the County Secretary. Complaints received by other officers and officials should be referred to the Secretary for action.

The Secretary will acknowledge receipt of the complaint and will notify the individual or organisation against whom the complaint is made ("the respondent") of the nature of the complaint and of any immediate action taken. Acknowledgement and notification of the complaint should normally be sent within seven days of receipt of the complaint by the Secretary.

Action on a complaint, including any investigation, should normally be completed within thirty days of receipt of the complaint. If this proves impractical all parties named in connection with the complaint will be notified within that time of any delay and of an expected date for completion.

### **4.2 Preliminary assessment**

On receipt of a complaint the Chairman of Council in consultation with the Secretary and, if appropriate, the Child Protection Officer, will determine whether the complaint falls within the scope at section 2 of the present procedure. If so, the Chairman of Council will further decide whether the complaint:-

- a) is such as to permit summary action by the Executive;
- b) requires investigation potentially leading to a recommendation for disciplinary action by Council;
- c) merits immediate referral to SCAS/AGB.

In assessing complaints the Chair shall have regard to:

- i) the AGB Disciplinary Policy and in particular to the provisions of the AGB Disciplinary Policy relating to Misconduct and to Serious Offences
- ii) The examples set out in the Annex to this Procedure.

Matters that fall outside the scope of the present procedure shall either be directed to appropriate authorities (including the Regional Shooting or Coaching Committees) or, where no such action is deemed necessary, shall be addressed by summary action (section 4.3).

### **4.3 Summary action**

Where the complaint permits summary action by the Executive, the action taken is at the discretion of the Executive subject to notification of the nature of the complaint and the action taken at the following Council meeting. Summary action should normally be completed within 21 days of receipt of the complaint.

### **4.4 Referral to SCAS**

Where the complaint is such as to merit immediate referral to SCAS the Secretary will do so and inform the complainant of the referral.

### **4.5 Complaint Panel**

On receipt of an allegation which is deemed to require further investigation within the County (b above), the Chairman of Council will convene a Complaint Panel of three individuals who will normally include at least one member of the Executive.

The Complaint Panel may not include the President (see Appeals, below).

No member of the Complaint panel may have a material interest in the case. If a material interest prevents the Chair from acting, the Vice-Chair or another member of the Executive will act as convenor for the complaint panel.

It is further recommended that members of the Complaint panel have no significant prior knowledge of the case beyond the complaint itself; in particular, officers who have been

included in prior correspondence or discussion of the particular case should not normally participate as members of the Complaint panel.

The respondent and complainant shall be notified in writing of the composition of the complaints panel and shall have up to seven calendar days to object to the composition of the panel, giving reasons for the objection. Where a reasonable objection is received the panel shall be reconstituted with no further right of objection at the discretion of the convenor or, if the objection concerns the convenor, as directed by the President.

The Complaint Panel may convene by correspondence or in person.

#### **4.6 Suspension from office pending review**

The Executive may suspend a respondent from their county post pending investigation when, in the opinion of the Executive, the nature of the complaint makes it inappropriate for the respondent to continue in post during the review. Such suspension is without prejudice to the Respondent and shall not be a matter of permanent record unless upheld by subsequent Panel consideration.

#### **4.7 Collection of evidence**

Where the Executive consider that there is a case that cannot be addressed by summary action:

- The Complainant will be asked to put their case in full in writing, and may name supporting witnesses who will also be asked to provide a statement in writing. The Complainant may include any additional evidence they consider relevant.
- The respondent will be provided with a copy of the complaint.

#### **4.8 Formal Hearing**

The Panel shall offer the Respondent the opportunity to attend a hearing in person at which the complainant may be present. The panel shall provide the respondent with at least fourteen days' notice of such a hearing and shall permit the respondent to be accompanied or represented by one other person.

Where the respondent declines the opportunity to attend a hearing in person, the respondent may provide a written response for the consideration of the panel. The panel may then convene by correspondence.

The respondent may provide any additional evidence they consider relevant and may also name supporting witnesses who shall either be requested to provide a written statement and may be invited to attend a hearing in person.

The panel may seek additional evidence as required, and may at its sole discretion request verbal or written evidence from any individual named in connection with the case or with knowledge that the Panel may consider pertinent to the case.

The conduct of a hearing in person will normally be in accordance with the panel hearing procedure recommended in the Disciplinary Policy of Archery GB.

#### **4.9 Panel consideration**

The panel will, by correspondence or meeting in person as appropriate, consider the evidence presented.

The Panel will prepare a summary of their deliberations, together with conclusions.

Conclusions must be agreed unanimously within the Panel. Where the Panel cannot agree, the Panel will normally conclude that there is insufficient evidence to support the complaint.

Where the panel find that a member has been guilty of misconduct or of any violation of the Rules of the Association, the panel shall additionally consider and recommend the sanction(s) to be imposed.

The decision of the Panel will be notified to the complainant and to the respondent in writing.

#### **4.10 Disciplinary Action**

The Panel shall, where necessary, recommend disciplinary action to Council for ratification, including but not limited to

- removal of an officer or official from office;
- withdrawal of County Membership for a specified time (suspension), or indefinitely;
- withdrawal of any other privilege of membership for a specified time, or indefinitely.

The panel may additionally recommend summary action by the Executive where disciplinary action is not deemed necessary by the panel.

Sanctions recommended by the panel shall be effective immediately upon notification by the panel.

#### **4.11 Records**

On completion of a panel consideration, a copy of the complaint and of the panel's report shall be provided to the Secretary in either hard copy or electronic form and this shall be the sole record of the panel.

In order to provide for appeal panel review, on completion of the panel's consideration of a case the panel chair will retain in confidence a sealed copy of any documentary evidence received, any correspondence received by or sent from the panel, the original complaint, and the panel report. A "sealed copy" is a closed file that can not be opened without showing evidence of opening, for example a sealed envelope with signature across closures. The sealed copy should be identified solely as records pertinent to case against the respondent. Where evidence or other material is held in electronic form on a computer for the duration of the panel, that material shall, immediately on completion of the panel's consideration, be transferred to removable storage media and included in the sealed copy. All copies remaining on any other electronic device within the control of the panel, including email accounts, electronic documents, shall be deleted permanently. 'Permanently' means that any copies remaining in 'deleted' folders or other file recovery systems (for example the Windows 'recycle bin') must also be deleted.

In the event of an appeal, the sealed copy shall be conveyed unopened to the appeal panel chair.

The sealed copy shall not be retained beyond the time set for appeal.

### **5. Appeal**

#### **5.1 Notification**

Where the complaints panel recommends disciplinary action under Section 3 of the Essex County Archery Association inc the County of Suffolk Constitution and Rules, the Respondent may appeal against a complaint panel decision. Such an appeal must be made in writing within thirty days of the date of notification of the panel's decision, stating the grounds for appeal. Appeals should be made to the Secretary in the first instance.

#### **5.2 Grounds for appeal**

Appeals are permitted on the following grounds:

- The Complaints Panel failed to consider evidence presented which was material to the case.
- One or more members of the Complaints Panel had an undeclared interest in the case.
- Additional evidence has become available that was unknown to the Complaints panel.

Appeals on other grounds may be considered at the sole discretion of the President.

Appeals based solely on an objection to the conclusions of the Complaints panel or on disagreement with evidence submitted in defence will not be considered.

### **5.3 Appeal procedure**

On receipt of an appeal, the President shall convene an Appeal Panel which shall not include any member of the Complaint Panel responsible for the initial judgement. The Appeal Panel will consider the grounds for appeal.

Where the grounds for appeal are not, in the opinion of the Appeal panel, sufficient to render the Complaint panel decision unsafe, the Appeal Panel shall so inform the Respondent.

Where the Appeal Panel considers that there are grounds for appeal, the Appeal Panel may

- Review the findings of the Complaint Panel in the light of the evidence available to the Appeal Panel (which may include evidence not available to the Complaints panel)
- Following such review, uphold, amend or reverse the findings of the Complaint Panel
- Direct that the Complaint Panel be reconvened to consider additional evidence not known to them at the time of their decision. The decision of the Appeal Panel shall be notified to Council together with the recommendation of the Complaint Panel.

### **6. Council decision**

The Council will consider recommendations of a Complaint Panel together with the conclusions of any appeal at the next available Council meeting. If the complaint is against a County, a representative of that County may be present and may address Council, but that County may not vote on the recommendation.

The Council may at its discretion amend the sanction recommended by the Complaint or Appeal panel.

A two thirds majority of those present and entitled to vote is required for ratification of any disciplinary sanction.

The Secretary will notify the Respondent of Council's decision within seven days of the date of the Council meeting.

Council's decision on a disciplinary matter is final.

### **7. Confidentiality**

Complaints will be treated as confidential unless they result in disciplinary action.

Evidence provided is held to be submitted in confidence, except that the complaint shall be provided in full to the Respondent in order that they may provide a complete defence.

Council may, at its sole discretion, notify members of the County or other relevant bodies of any sanction imposed upon a member.

### **8. Relationship to SCAS Case Management Referral procedure**

This procedure is not intended to replace the Southern Counties Archery Society or Grand National Archery Society's Disciplinary Policy, Regulations and Procedures. Although both bodies are free to take the conclusions of the County body into account in forming their own conclusions, they are not obliged to do so and may come to different conclusions on individual cases.

Matters which have already been heard by Archery GB under the Archery GB disciplinary policy will not be subject to this procedure. The County will consider the conclusions of an Archery GB/SCAS disciplinary or complaints procedure binding and will not consider the case further except as indicated below.

The County may nonetheless consider additional action following notification of the outcome of a Archery GB disciplinary procedure; in particular, the County will normally consider withdrawal of membership of the County from individuals or organisations whose conduct is found by GNAS/SCAS to be inconsistent with continued membership of GNAS.

## Annex: Examples

The following examples of possible complaints and the typical action are for the guidance of the Chairman of Council in considering action relevant to a complaint, for individuals considering a complaint and for members of a panel convened to investigate a complaint. The Examples are informative and the decision taken in any particular case remains with the Executive in the first instance.

Nature of complaint	Typical County action
Complaint about an officer or official of the County falling short of normal expectations of the duties of the office.	Complaints of this kind should normally be made to the County General Member in the first instance, who can raise the matter at Council in the normal course of business. Where a complaint is made directly to the executive, the officer/official should be notified of the complaint and the complaint brought to the attention of Council in the normal course of reporting. This is not normally a disciplinary matter.
Persistent criticism of club or county officials.	This is not normally a County issue and should be dealt with locally. Note that criticism is not of itself misconduct and should normally be treated by responding accurately to the criticism. However, criticism communicated to third parties without the knowledge of the target of the criticism certainly is a form of misconduct, and if persistent and or if unfounded is usually considered sufficient to justify exclusion from a Club**. For example, inaccurate complaints about a club committee's management to other club members or about a coach to the archer being coached without first informing the target of those allegations can seriously and unfairly impact on those individuals' contribution to the sport as well as their personal well-being.
Offensive language used by an individual at a shooting event.	No County action is normally taken. This matter should be dealt with immediately by the event organiser or by club officials but is not normally sufficiently serious to merit disciplinary action unless so persistent as to compromise the reputation of the Club.
Offensive language used at a shooting event at which juniors are present.	As above
Allegation of financial irregularity on the part of a club or county official.	This matter should have been taken up directly with the club or county committee. The County should therefore normally refer this to the relevant Committee to consider or, if the club secretary is involved, to the Club Chairman. If fraud against the complainant is alleged, the complainant should be advised that they should obtain legal advice immediately and, if material financial loss is involved, refer the matter to the police.

Abusive language directed by an adult at juniors.	This matter should be dealt with immediately by the event organiser or by club officials and should be referred to the club for consideration as a disciplinary matter. A written caution is advised on first offence and expulsion may be appropriate on subsequent repetition.
Moderate violence (not causing appreciable injury) directed at a fellow archer or member of the public whilst identifiable as a member of the association.	A County matter only if at a County event or occurring in the course of a County official's duties; otherwise the matter should be referred to the closest responsible body (usually the club). The County should not normally re-examine an incident already considered locally. Violence of any kind compromises safety even if no injury occurs as a direct result. Disciplinary action is therefore merited against the initiator. Temporary suspension of access to facilities or of membership are recommended on first occurrence; permanent exclusion should be considered on subsequent repetition.
Allegation of malicious instigation of a complaint using formal disciplinary procedures.	This will normally be considered as misconduct meriting investigation. Note, however, that 'malicious' behaviour depends on intent and evidence of intent - usually in the form of clear personal interest coupled with a complaint regarding an otherwise trivial incident- would be required to sustain a case.
Violent or abusive behaviour directed at a County official (including a judge or tournament organiser) in the course of their duties	This will normally be considered grounds for immediate disqualification from competition at the event concerned, and the County will normally consider this a serious offence meriting immediate and possibly extended suspension.
An allegation of drug use for performance enhancement, or of supply of drugs for that purpose	These are serious violations subject to action under IOC rules and will normally be referred immediately to Archery GB/SCAS for consideration. Proof of such conduct would normally lead to extended or permanent exclusion from the County.
An allegation of cheating at a County tournament.	Disqualification from the event is normal if the offence is proven at the time. In addition, the matter should be treated as a case of misconduct. Depending on the severity of the offence the County would normally reprimand on first offence and exclude from County events or membership on severe or repeated offences. If at a national record status event the matter should additionally be notified to Archery GB.

Notes:

1. Temporary or permanent exclusion from a Club or County on safety or other grounds should always be notified to the Region as associate membership of the Region is conditional upon Club and County membership.