

Annex Two – Disciplinary Matters

Under section 5.15 of the Club Constitution 'The Committee will be responsible for disciplinary hearings of members who infringe the club rules/regulations/constitution'. It is proposed this is managed as set out below.

Discipline and appeals

1. All complaints regarding the behaviour of members should be submitted in writing to the Secretary.

2. A Disciplinary Sub-Committee including the president, vice president and one other committee member (either Secretary, Treasurer; Membership Secretary or Welfare Officer) may meet in person to hear complaints within 28 days of a complaint being lodged, or they may communicate electronically or by telephone regarding the complaint. The committee has the power to take appropriate disciplinary action including the termination of membership. The President may ask for an independent person to sit on the Disciplinary Sub-Committee, such as the Welfare Officer or President of another Triathlon Club. Likewise, the President or Welfare Officer for Edinburgh Triathletes may assist other clubs with their disciplinary procedures.

3. 'Misconduct' means any conduct that is a breach of the Edinburgh Triathletes Code of Conduct, or any other unsporting conduct that has the potential to bring Edinburgh Triathletes into disrepute.

4. While it is not possible to set out a definitive list of types of conduct that may constitute misconduct, each of the following types of behaviour, without limitation, is an example of misconduct:

- A breach, or multiple breaches of the Triathlon Scotland and British Triathlon Technical Rules which the Disciplinary Officer, in his absolute discretion and for whatever reason, considers sufficiently serious to constitute an act of misconduct;
- Serious or repeated disobedience of the reasonable directions of a Race Official or Club Coach;
- Dangerous conduct, whilst racing or competing;
- Verbal or physical abuse of any kind;
- Fixing or contriving in any way or otherwise improperly influencing the result, progress or conduct of any event;
- Carrying out any acts and/or making any statements that are discriminatory by reason of sex, sexual orientation, marital status, race, nationality, ethnic origin, colour, religion, belief or disability and/or acting in contravention of the Equality Policy;

5. If the Complaint is upheld, the Disciplinary Sub-Committee will be entitled to impose any one or more of the following sanctions, as it deems appropriate, having regard to all of the circumstances of the case (all of which may be suspended):

- Words of advice and/or other appropriate management action (informal warning);
- A caution, reprimand and/or warning as to future conduct (formal warning);

- A written warning, to be held on the members record for a specified period (formal warning);
- Suspension of the Respondent's Membership for a specified period;
- Expulsion from Edinburgh Triathletes.

6. Any verbal or written warning issued by the Disciplinary Sub-Committee will be recorded and retained against the members record for a specified period of time. Where a culmination of disciplinary action occurs, e.g. an informal warning is superseded by a formal written or verbal warning in place for six months, during which time there further disciplinary action is taken even for an unrelated matter, the Disciplinary Sub-Committee reserves the right to take existing warnings into account when determining the outcome of the complaint.

7. In order to determine the appropriate sanction that is to be imposed in each case, the Disciplinary Sub-Committee should first determine the seriousness of the conduct, and then consider what factors:

- Aggravate the conduct, namely:
 - The Respondent's lack of remorse;
 - The Respondent having previously been found guilty of similar conduct
 - The need for a deterrent; and/or
 - Any other aggravating factors that the Disciplinary Committee considers relevant and appropriate.
- Mitigate the conduct, namely:
 - Any admission of guilt (the mitigating value of which may depend upon its timing);
 - A previously good disciplinary record;
 - Young age and / or lack of experience;
 - Good conduct before and at the hearing;
 - Demonstrable remorse for actions and any victim; and/or
 - Any other mitigating factors that the Disciplinary Sub-Committee considers relevant and appropriate.

8. Sanctions will be effective immediately, subject to the Disciplinary Sub-Committee's discretion to start the sanction on another date.

9. The outcome of a disciplinary hearing should be notified in writing to the person who lodged the complaint and the member against whom the complaint was made within four days of the completed hearing.

10. The decision of the Disciplinary Sub-Committee can be appealed. On receipt of a Notice of Appeal (which should be made in writing to the Secretary), the President will appoint three members of the Committee to sit as an Appeal Sub-Committee to hear the appeal.

11. No member of the Disciplinary Sub-Committee that issued the decision on appeal may sit on the Appeal Sub-Committee.

12. No person on the Appeal Sub-Committee may have a close interest in the appeal under consideration.

13. Following the appointment of an Appeal Sub-Committee, the President will send written notice to the parties involved in the proceedings before the Disciplinary Sub-Committee informing them:

- Of the identity of the appointed members of the Appeal Committee; and
- Of the date, time and place the Appeal Committee will hear the appeal.

The Appeal Committee hearing should ordinarily be held (but does not need to be so held) within 28 days of receipt of the notice of appeal.

14. If the Appellant appeals against the sanction alone, they may request that the Appeal Sub-Committee review the sanction without the need for a personal hearing. If the Chair of the Appeal Sub-Committee agrees that a personal hearing is not necessary, then the Appellant and any other party to proceedings below shall be entitled to make representations in writing to the Appeal Sub-Committee.

15. All hearings will be held in private.

16. At the hearing, the Appellant may not, without the express consent of the Appeal Sub-Committee, advance any ground of challenge that was not specified in the Notice of Appeal.

17. The Appeal Sub-Committee will deliberate in private. A decision will be made by a simple majority of the members of the Appeal Sub-Committee. No member of an Appeal Sub-Committee may abstain from any decision. The Appeal Sub-Committee may:

- Affirm the decision appealed against;
- Set aside the decision appealed against and quash any sanction imposed;
- Set aside only part of the decision appealed against; and/or
- Take any other steps that it considers necessary to deal justly with the appeal.

18. The Appeal Sub-Committee will confirm its decision to the parties in a written judgment that sets out the reason for the decision. The decision of the Appeal Sub-Committee will be final and binding.