

Cheshire Archery Association Disciplinary Procedure

1. AUTHORITY.

- 1.1. Cheshire Archery Association (CAA) will act as the disciplinary authority in the following circumstances:
- i.) when a complaint is received alleging a breach of Archery GB's and/or CAA's own rules;
 - ii.) when a complaint is received regarding the behaviour or actions of a Member or Members;
 - iii.) when a complaint is received by or regarding an Associated Club.

(NOTE: The formal Archery GB procedure will be used for any child protection/safeguarding or anti-doping cases.)

2. TERMINOLOGY.

APPELLANT:	the person making an appeal against a disciplinary decision.
AGB:	Archery GB
CAA:	Cheshire Archery Association
CHAIR:	a Member taking the chair at meetings of a Disciplinary Panel.
CHAIRMAN:	the Chairman of CAA
COMPLAINT:	a statement setting out allegations of misconduct.
COMPLAINANT:	the person making a Complaint.
EVENT:	any archery related activity including but not limited to: tournaments, meetings, coaching, social activities and circulation of newsletters.
NCAS:	Northern Counties Archery Society.
RESPONDENT:	the person against whom a Complaint is lodged.
RULES:	statements governing the conduct of Members and Associated Clubs including but not limited to: AGB's Rules of Shooting, AGB & CAA's Codes of Conduct, CAA & Club Constitutions and Articles of Association etc.

3. PROCEDURE.

- 3.1. At all times, any complaint and ensuing proceedings must be treated as confidential except as required below until proceedings are complete. If the complaint is referred on to NCAS or Archery GB, whether on appeal or for other reasons, confidentiality should continue to be maintained.
- 3.2. i. Complaints are to be submitted to the Chairman. Should this appear to give rise to a conflict of interest, or in the event of the Chairman's unavailability, an appropriate alternate from among the membership of the CAA Committee will receive the complaint. In the following paragraphs the term "Chairman" should be taken as including any appropriate alternate.
- ii. Complaints must be submitted in writing with supporting documentation as appropriate.
- 3.3. **Initial Assessment of Complaint**
The Chairman will review the Complaint and evidence and will decide whether the Complaint falls within the Association's competence.
- i. If he/she decides it does not, he/she will notify the Complainant and may advise them of an alternative procedure for the Complaint.
 - ii. If he/she decides it does, the Disciplinary Procedure will be initiated.
- 3.4. **In the Case of Serious Allegations**
- i. Where the alleged behaviour is serious (see AGB Disciplinary Policy for guidance) the Chairman may with immediate effect suspend the Respondent from any or all archery activities in Cheshire. Such suspension will be notified to the Respondent, the CAA Committee, the Chief Executive of Archery GB, the Secretaries of counties, the Secretary of the Respondent's club and, where appropriate, the Archery GB Protection Officer.
 - ii. Suspension under these circumstances is to be regarded as precautionary and not as a declaration of guilt. Such suspension may be lifted before the resolution of the complaint.

3.5. If upon receipt of a complaint it is necessary to take disciplinary action:

- i. The Chairman will write to the Respondent notifying them of the Complaint that has been received, sending copies of any relevant documents to them which supports the Complaint.
- ii. The Respondent will be informed that disciplinary proceedings are to commence and of the procedure being adopted.
- iii. The Respondent will be asked for full details of their position and any other documents or evidence they wish to refer to in support of their position.

- 3.6.**
- i. Within 14 days of deemed receipt of the Chairman's notification the Respondent must inform the Chairman whether or not he/she wishes to dispute the Complaint or, if more than one, Complaints.
 - ii. Where the Respondent does not contest the Complaint(s), he/she may at this stage provide a statement of mitigation.

4. DISCIPLINARY PANEL.

Three people will be appointed to form a Disciplinary Panel to hear the Complaint and the Response. These people should be independent from the Complainant and the Respondent. The Respondent will be notified of the Members chosen for the panel and will be allowed to make a reasoned objection to any Member, in which case a replacement will be sought. The Chairman will appoint one member of the Panel to act as its Chair.

The Disciplinary Panel will be provided with all information regarding the Complaint and the Respondent's Response in advance of the Disciplinary Hearing. All information sent to the Disciplinary Panel will also be made available to the Respondent against whom the Complaint has been made.

5. DISCIPLINARY PROCEDURE.

A date and venue will be set as soon as practicable for the Disciplinary Hearing. This date should be agreed with the Respondent, the Complainant and, if possible, any witnesses. The Respondent will be given every opportunity to attend the Disciplinary Hearing.

The Respondent may be accompanied by a friend. Should the Respondent exercise this privilege, only one of the two shall speak during the meeting.

The Panel will consider the Complaint and the evidence provided and allow the Complainant, Respondent and witnesses to answer questions put by the Panel. The Respondent may question the Complainant and witnesses but such questioning shall be conducted through the Chair of the Panel.

Should Complainant, Respondent or witnesses not be present the Panel will proceed on the basis of the evidence to hand.

The Chair will direct when the presentation and questioning of evidence has ended. The Respondent will be invited to give an oral summary of his/her position.

The Panel will meet in private to reach a decision on each Complaint. The meeting will be closed and decisions will be notified as soon as practicable to the Complainant and the Respondent.

6. DISCIPLINARY PANEL DECISION.

If the Complaint is not upheld, the Respondent, Complainant and other relevant parties will, as soon as practicable, be notified.

Where a Complaint is found proven, the Chair will invite the Respondent to submit to the Panel within fourteen days a statement of mitigation. The Panel will decide what penalty or penalties should be imposed; this decision will not require a further meeting of the Panel.

The Respondent and other appropriate parties will be notified of the Panel's decision as to penalty. Such

notification to the Respondent will include information about the appropriate action should the Respondent wish to appeal against the decision to NCAS or Archery GB.

7 PENALTIES

- 7.1.** The following penalties are available to the Disciplinary Panel and may be used in combination with each other except that a CAUTION may be issued only when the Respondent does not dispute the complaint.
- 7.2.** Where the Respondent does not dispute the Complaint, and after he/she has been allowed to provide a statement of mitigation, the Panel may issue a written caution to the Respondent regarding his/her future conduct. Such a caution will be notified to the Complainant and to other appropriate parties. The Panel may direct that the issuing of the caution be notified more widely by specified parties. The Respondent will be advised that should they be the subject of a further Complaint within 3 years they will not receive another caution and the earlier Complaint may be taken into account in determining any penalty imposed should the second Complaint be proven against them.
- 7.3.** The Respondent may be instructed to write a letter or letters of apology (text to be approved by the CAA Chairman or Chair of the Panel) to appropriate parties. An instruction may be given to appropriate parties that a copy (copies) of the letter(s) should be seen more widely, for example: club notice board, county newsletter etc. Letters must be prepared and sent within a schedule set by the CAA Chairman or Chair of the Panel.
- 7.4.** The Respondent may be instructed to give the Complainant and/or other appropriate party compensation for damage, loss or injury. Where this penalty is to be imposed, the CAA Chairman or Chair of the Panel will review, and if necessary modify, the value of any claim by the Complainant or other party. Compensation must be given within a schedule set by the CAA Chairman or the Chair of the Panel.
- 7.5.** The Respondent may be suspended from all or any archery and archery related activity within the County of Cheshire. Such suspension may be conditional (i.e. until such time as the Respondent has been seen to comply with conditions imposed), or time limited, or indefinite (i.e. until the outcome of other proceedings is known). Such suspension may be notified to NCAS, Archery GB and to other county or regional societies.
- 7.6.** The respondent may be excluded from all or any archery and archery related activities within the County of Cheshire. Such exclusion will be notified to NCAS and Archery GB.
- 7.7.** The Chairman or the Panel may recommend to the Board of Archery GB that the respondent be excluded from membership of Archery GB.
- 7.8.** Failure on the Respondent's part to comply fully with any penalty imposed will in itself constitute a disciplinary offence subject to further proceedings which may include reference to the Case Management Panel of Archery GB.

8. RECORD KEEPING.

- 8.1.** The Chair of the Disciplinary Panel will prepare a summary of the proceedings and of the decisions reached. This summary, together with copies of the original Complaint, statements and notes taken by the Chair and/or Panel members, will be kept by the Secretary of CAA until such time as any penalties have run their course.
- 8.2.** All records kept under 8.1 should be regarded as confidential except under 8.4 below or where required by Archery GB and other appropriate bodies.
- 8.3.** An anonymised form of the summary will be presented to the next available meeting of the CAA Committee and appended to the minutes of the meeting.
- 8.4.** Subsequent Chairmen and Panel members may review records to facilitate the achieving of parity of outcomes.