



DISCIPLINARY POLICY & PROCEDURES

CONTENTS

Introduction.....	2
1. Offences Leading to Disciplinary Action	2
2. Disciplinary Procedure.....	4
3. Disciplinary Hearing.....	4
4. Penalties	5
5. Appeals	5

INTRODUCTION

Disciplinary matters within Aikido Alliance affiliated clubs will usually be dealt with through disciplinary processes at Association or Club level in the first instance, and if necessary by the Alliance Disciplinary Panel.

For this reason all Alliance affiliated Associations/Clubs will have a Disciplinary Panel (or they may simply request the Alliance to handle any disciplinary matters on their behalf from the outset)

All members of Alliance affiliated Associations and Clubs agree to fully comply with this Policy and any specific codes of conduct for their role and be bound by the Policy's terms.

Disciplinary action against Club members, including expulsion without notice, may be taken for offences of misconduct or breach of the club's rules. However it is recognised and accepted that every member

- ✓ Has the right to expect fair and consistent treatment
- ✓ Has the right to adequate notice from the Club
- ✓ Has the right to appeal against the Club's judgement or Disciplinary Committee's decision in all disciplinary matters.
- ✓ Has the right to representation
- ✓ No member will be expelled for the first breach of Club's rules except in cases of "gross misconduct".

However all disciplinary actions taken will be duly recorded in accordance with Data Protection principles and placed on file for reference at a future date.

1. OFFENCES LEADING TO DISCIPLINARY ACTION

The following actions by members may be interpreted as falling within the scope of this Policy.

However, the lists are not to be considered as fully inclusive or covering all possible offences.

"Misconduct" is the carrying out of an offence considered to be of a minor nature (unless frequently repeated) and will normally incur a written warning from the Association or Club's Disciplinary Panel together with a demand for full and appropriate corrective action. Examples of offences that may be considered misconduct include (but may not be limited to)

- Discourteous, crude or offensive behaviour at training sessions or organised events.
- Conduct of an unsafe nature
- Offensive disregard for equipment or property
- Refusal to carry out reasonable instructions issued by officials or instructors
- Failure to attend or participate in mandatory events or meetings
- Failure to comply with or adhere to the relevant code of conduct for their position
- Any other actions of similar gravity to the above, at the discretion of the prevailing Disciplinary Panel

Repetition of the above offences or failure to comply with any demands made in writing by the club's Disciplinary Panel may result in further action being taken

Matters arising from **Misconduct** can be dealt with at Club/Association level

“Serious Misconduct” is the carrying out of an offence of such gravity which, in the opinion of the prevailing Disciplinary Panel, warrants a disciplinary hearing. Examples of offences, which may be considered as serious misconduct include: -

- Misconduct offences as per previous section if specially grave or repeated
- Deliberate or consistent breaches of rules and regulations
- Any attempt to achieve gains or advantage over others by unfair or unscrupulous means
- Theft or misappropriation
- Use of threatening or abusive behaviour
- Participating in aikido whilst under the influence of drugs or alcohol
- Malicious interference with equipment or property
- Serious or significant or repeated disregard for one’s own or other people’s safety
- Any other action, which may bring aikido, the Club/Association or the Alliance into disrepute.

Matters arising from **Serious Misconduct** can be dealt with at Club/Association level – but the Alliance’s Disciplinary Panel should be notified.

“Gross Misconduct” is action of such seriousness that it requires the immediate expulsion of the individual from the Club or Association.

The Alliance Disciplinary Panel may, by means of an executive decision, summarily expel such an offender without invoking a disciplinary hearing. The expelled member will be informed in writing and will have the right to a disciplinary hearing as soon as this can be arranged but will remain expelled until and unless such a hearing overturns the executive decision. Examples of gross misconduct are:-

- Physical violence of assault towards other persons at an event or related activity, including serious threatening, intimidating or forceful behaviour
- Reckless disregard of safety and basic safety rules
- Other acts that are considered to be of an extremely serious nature

Matters arising from **Gross Misconduct** can be dealt with at Club/Association level, but with the support of the Alliance’s Disciplinary Panel

Child Safeguarding – if the matter relates to a child safeguarding issue all affiliated Associations and Clubs will follow the Alliance’s child safeguarding procedures and will then follow any disciplinary procedures after outcome has been reached.

If an individual is the subject of allegations relating to child safeguarding matters then the individual will be immediately issued with a **Temporary Suspension Order - Without Prejudice** [TSO WP] pending the outcome of further internal or external investigations. The issuing of a TSO WP is not subject to appeal

2. DISCIPLINARY PROCEDURE

On receipt of a written complaint from a member or any other party the prevailing Disciplinary Panel, with advice from a Legal Advisor should they so wish, will decide whether the complaint falls within the scope of this disciplinary code. If in their opinion it does, then the panel will decide as to the type of offence as per Section 1.

If the offence is considered to be one of **Misconduct**, an appropriate person from the club will write to the individual with a formal written warning including the demand for an apology or other corrective action the Disciplinary Panel may deem appropriate. The Disciplinary Panel will also attempt to obtain approval for their action from the complainant.

A disciplinary file will be opened by the Disciplinary Panel in which will be placed copies and records of the original complaint, together with the written warning and any other correspondence.

The action outlined above will normally finalise the process unless any of the parties involved object strongly to the Disciplinary Panel decision in which case they may appeal directly to the Management Committee for a final decision.

Should the complaint be considered as one of **Serious Misconduct**, then the following procedure will be implemented: -

- The Alliance Disciplinary Panel will support the affiliated Association or Club by appointing an Investigating Officer who will research evidence presented and, if possible, will obtain further written evidence, witness statements, etc.
- If necessary the Investigating Officer will consult all relevant witnesses for supportive evidence
- Advise complainant that if a disciplinary hearing is called, then the complainant and all relevant witnesses will be requested to attend and give evidence.
- Contact the member subject of the complaint to advise of the official complaint and request the member to submit a written statement of events
- In cases of disputes of a personal nature, the Disciplinary Panel will attempt to resolve the situation amicably and to the mutual satisfaction of the parties concerned
- If settlement cannot be agreed between the parties, or if the offence merits it, then a disciplinary hearing will be arranged as soon as possible
- Notify all parties as to the hearing date and ensure the parties have all relevant copies of paperwork in good time prior to the hearing, copies to be sent by 1st class recorded delivery or email with a read-receipt request.

3. DISCIPLINARY HEARING

1. The Club's secretary (or other appointed person) will take charge of the hearing and all questions will be addressed through the Secretary or appointed person
2. The club will appoint a case presenter, who will normally be the Investigating Officer
3. All witnesses to be interviewed will be asked to attend and all written evidence to be reviewed at the hearing should be provided to the Secretary (see 4)
4. No witnesses or statements can be introduced at the hearing without prior notice and copies of all written evidence produced for consideration prior to the hearing, to be available in advance to the parties
5. The Disciplinary Committee may adjourn the hearing to allow further evidence to be referred to if the disciplinary committee considers it fair to do so.

6. After the Disciplinary Committee has reached a decision, the subject of the complaint to be notified in writing of such decision and informed of any penalties within 7 days of the decision being reached, penalties will be effective from the date of the decision.

4. PENALTIES

Following the hearing, the Disciplinary Panel will apply such penalties as they consider appropriate, including temporary suspension or permanent expulsion of the individual. These penalties will have immediate effect, notwithstanding the possibility of an appeal in accordance with (Section 5) .

The club will, in all cases, comply with the requirements or advice of the statutory agencies regarding suspension or removal from membership or removal from certain roles within the Association or its clubs

5. APPEALS

If an appeal of the decision or penalty is to be made then written notice of appeal by way of 1st class recorded delivery to the Club Secretary must be given by the individual, within 28 days of being notified of the decision. No appeal will be valid or considered after that period has elapsed. It will not be sufficient to state “I wish to appeal”, the offender must give full written grounds for the appeal, stating exactly what is being appealed against and the reasons for this. An appeal together with a full and reasoned argument may be considered concerning:

- the decision (e.g. the proper processes were not followed)
- the penalty (e.g. the penalty is not in line with this document)

An appeal hearing will be convened as soon as practicable and will consist of an Appeal Committee of 3 members of the Alliance Management Committee who did not take part in the first hearing and who will elect their own Chairperson (who will have the casting vote).

New evidence cannot be presented at the appeal hearing – unless exceptional circumstances can be argued. The Appeal Committee shall have power to amend or revoke any decision made at the previous disciplinary hearing.

The decision of the Appeal Committee is final and binding on the parties and not subject to further appeal

CHANGE LOG
