



DISCIPLINARY POLICY AND PROCEDURES

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Disciplinary Policy and Procedures

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- The Memorandum, Articles and Laws
- Codes of Conduct
- Policies
- Guidelines
- Procedures
- Rules of Shooting
- Terms of Reference
- Handbooks
- Governance documents as published from time to time on Archery GB Website

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POLICY

Aims

1. Archery GB believes that many potential disciplinary or grievance issues can be resolved informally, when and where they happen. However, where an issue cannot be resolved informally, then it may be pursued formally. In dealing with these issues fairly, we believe it is important that:
 - 1.1 Issues should be dealt with **promptly** without unreasonable delay
 - 1.2 All involved should act in a **consistent** manner
 - 1.3 Decisions should be based on **facts** and, if necessary, **investigations**
 - 1.4 Members should be **informed**, be able to **put their case** before any decision is reached.
 - 1.5 Members should be allowed to be **accompanied** at any hearing
 - 1.6 An **appeal** process should be put in place.
2. Archery GB is committed to taking all complaints seriously. We wish to promote a culture where it is safe and acceptable for all to raise any complaints or concerns. No individual should be victimised for raising concerns or making a complaint.

Authority for this Policy

3. Archery GB is a company limited by guarantee with membership open to all who subscribe to its objects. The Memorandum of Association places the following requirement on Archery GB:

“To lay down and enforce rules and regulations covering all aspects of archery as prescribed in its Rules of Shooting to improve the management of Archery meetings by the establishment of uniform regulations, to define the status and prescribe the conduct of Archery, and to deal repressively with any abuses in archery”.

4. This Policy is made under the Laws (set out in the Schedule to the Articles of Association), to which each Member is subject, which authorises the Board of Directors as follows:

“If, in the opinion of the Board, any member shall be guilty of misconduct the Board may, after affording such member a reasonable opportunity of a hearing, in accordance with the procedures set out in the Disciplinary Policy as adopted by it and in force from time to time expel such person from membership or impose such other penalty as it may think fit without being called upon to state the reason to any but the members concerned and the Board’s decision shall be final”.

Misconduct

5. The essence of misconduct under this Policy is:

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- 5.1 Improper interference with the functioning or activities of Archery GB or of those legitimately pursuing archery under the auspices of Archery GB; or
- 5.2 Action which otherwise improperly damages Archery GB or its reputation.

Jurisdiction

6. In accordance with the Laws, all Members, Associated Clubs, County Associations, and Regional Societies shall accept the jurisdiction of Archery GB and shall conform to such conditions as may be determined from time to time which includes this Policy. This also applies to ex-members returning to the sport where there are previously unresolved or outstanding disciplinary issues. In the event of a conflict between the rules of any Associated Club, County Association or Regional Society and this Policy, this Policy shall prevail.
7. The jurisdiction for hearing the initial case will depend on where the issue arises and the parties involved, and may be subject to the constitution of a Club, a County Association, a Regional Society, the National Governing Body or another organisation. Archery GB will provide clear guidance in this area and also on how appeals and complaints can be escalated.
8. In providing the mechanism to deal with issues that require to be heard at a national level, Archery GB will establish procedures to receive and manage issues consistent with the Aims above.
9. Nothing in this Policy overrides, amends or waives any provision in the Archery GB Memorandum, Articles and Laws or restricts the rights of Archery GB and the Board to make or amend the Regulations of Archery GB or to manage the business of Archery GB as they think fit.
10. The laws of England shall apply in relation to this Policy and to the interpretation of the Archery GB Memorandum, Articles and Laws and the Regulations of Archery GB.

Other

11. This Policy may be amended from time to time by the Board. The definitive text of this Policy in force from time to time is the version contained in the Archery GB website. Any printed text or electronic copy held elsewhere is only a snapshot of the text at the time it is printed, copied or downloaded.
12. Some words and phrases used in this Policy have a particular, defined, meaning. For most purposes the meaning will be apparent from the context but some formal definitions are set out herein.

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PROCEDURES

Definitions

In these Procedures, definitions shall have the following meanings:

Appellant: any person bringing an appeal against a decision or sanction which has been imposed on them as a result of a finding of misconduct.

Appeal Hearing: any hearing convened by the Appeal Panel to hear an appeal.

Appeal Panel: the Appeal Panel referred to in paragraph 89 of this Policy.

CMP: the Case Management Panel. From time to time, membership of the CMP may change.

Chairman of the Board: the Chairman of the Archery GB Board of Directors who, from time to time, may change.

Chief Executive: the Archery GB Chief Executive who, from time to time, may change.

Complaint: a complaint received by Archery GB in accordance with paragraph 26 of this Policy.

Complainant: any person who has raised a complaint against a Member in accordance with paragraph 24.

Disciplinary Panel: the Disciplinary Panel referred to in paragraph 60 of this Policy.

Disciplinary Hearing: any hearing convened by the Disciplinary Panel to hear a complaint of misconduct.

Member: a person who pays the appropriate fee to join Archery GB, including persons appointed as Honorary Members

Organisation of Archery GB: The Board, the Chief Executive and his reports (including National Committees or their successors) or Disciplinary/Appeal Panels

Performance: the arm of Archery GB that prepares, trains and selects all International teams to represent Great Britain and strategically oversees the performance pathway which ensures we provide future generations of talent on which to draw.

This Policy: This Disciplinary Policy and Procedures document.

The Regulations of Archery GB: All Policies, Codes of Practice, Codes of Conduct, Procedures, Terms of Reference, Guidelines, Governance Documentation, the Rules of Shooting, Handbooks and the various conditions of membership, registration and affiliation, as issued by or on behalf of the Board of Archery GB from time to time.

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Respondent: A Member against whom a Complaint has been made and/or upon whom a disciplinary decision has been imposed by an organisation of Archery GB.

Second Respondent: the organisation of Archery GB whose disciplinary decision has been referred to Archery GB for review.

Statement of Appeal: a document produced in accordance with paragraph 95.

Statement of Reply: a document produced in accordance with paragraph 94.

Scope

13. These Procedures describe in detail:
 - 13.1 The process by which breaches or alleged breaches are to be brought to the attention of Archery GB or another appropriate organisation, how they are to be investigated and how they are to be considered at a preliminary stage before formal disciplinary action is taken;
 - 13.2 The alternative routes that may be followed before or in place of formal disciplinary proceedings, which may include, amongst other things, an informal settlement meeting or a request for a written apology;
 - 13.3 Who is authorised to take disciplinary action, to initiate disciplinary proceedings and to investigate and present particulars of the alleged breaches to those responsible for determining disciplinary proceedings;
 - 13.4 Who will hear and determine formal disciplinary proceedings and the way in which those hearings and proceedings are to be conducted;
 - 13.5 The disciplinary sanctions and other actions which may be taken by Archery GB where it is determined or agreed that breaches have occurred.
14. This Policy does not apply to disciplinary action taken by Archery GB against employees of Archery GB in the course of their employment. For complaints about the way Archery GB has acted, please refer to the Customer Complaints Policy and Procedure.
15. This Policy is concerned primarily with misconduct involving serious breaches of the regulations of Archery GB and/or the review of disciplinary decisions against Members. It should be noted that this Policy does not provide for Archery GB in disputes between members.
16. If it appears to the Case Management Panel (CMP) considering a Complaint about the conduct of a Member that the primary substance of that Complaint is a complaint about Archery GB itself the matter shall be referred to the CEO. Complaints about Archery GB cannot be dealt with or heard by the Disciplinary Panel or the Appeal Panel because Archery GB cannot decide complaints against itself, it can only respond to those criticisms – see **Appendix 1**.

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Misconduct

17. In particular, the following non-exhaustive list shall constitute misconduct, whether occurring at an archery meeting under the auspices of Archery GB or elsewhere, whether involving archery affairs directly or otherwise:
 - 17.1 Breach of the Archery GB Memorandum, Articles or Laws or the Regulations of Archery GB;
 - 17.2 Violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language at any archery event shot under the auspices of Archery GB or at any premises used by the Archery GB;
 - 17.3 Sexual, religious, disability or racial harassment of any member of Archery GB or any visitor to Archery GB;
 - 17.4 Cheating at any archery event shot under the auspices of Archery GB;
 - 17.5 Misuse or unauthorised use of premises used by Archery GB;
 - 17.6 Damage to Archery GB property or property of staff employed by Archery GB or its members caused intentionally or recklessly;
 - 17.7 Action likely to cause injury or impair safety on premises including shooting grounds for the time being used by Archery GB;
 - 17.8 Failure to comply with a reasonable instruction relating to archery matters including shooting, issued by a person authorised by the Board or by the Rules of Shooting;
 - 17.9 Fraud, deceit, deception or dishonesty in relation to Archery GB or its members or visitors;
 - 17.10 Theft, misappropriation or misuse of Archery GB property or the property of its members.

Positions of Authority and Composition - The Case Management Panel

18. The Board of Directors has established a CMP to deal with complaints under this Policy. Periodically, the CMP's Terms of Reference will be reviewed by the Board. The Appointments will be reviewed under succession planning and the rolling retirement process, as outlined in the CMP's Terms of Reference.
19. In accordance with the CMP Terms of Reference, the Chairman of CMP is responsible to the Chief Executive in respect of this Policy.
20. CMP members consist of:
 - 20.1 Chairman of the Panel who is independent;
 - 20.2 Independent Person;

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- 20.3 Archer;
 - 20.4 Archer;
 - 20.5 Representative from Performance (Non-voting member);
 - 20.6 Administration support from Ethics and Integrity (Non-voting member)
- 21. The CMP is only considered as quorate when 3 or more voting members are in attendance;
 - 22. CMP members must declare any conflict of interest in respect of the Complainant, the Respondent, any witnesses or any member of the Disciplinary Panel or Appeal Panel.

Jurisdiction

- 23. Direct Members shall be subject to the rules and regulations of any Associated Clubs, County Associations, Regional Societies and Archery GB with which it shoots or holds a position of authority and any County Association or Regional Society when shooting in that County or Region.

Complaints

- 24. This Policy and Procedures applies to complaints:
 - 24.1 Complaints that the conduct of a Member is in breach of the Regulations of Archery GB.
 - 24.2 Complaints as to the disciplinary decision of an Associated Club, County Association, Regional Society or the Organisation of Archery GB.
- 25. Save for in Child Protection and Anti-Doping matters, the Complainant is required to first exhaust the complaints or disciplinary procedures of the Associated Club, County Association, Regional Society or Performance prior to referring a matter to Archery GB. In the absence of such Associated Club, County Association, Regional Society or Performance having its own complaints and disciplinary procedures, the procedures at **Appendix 2** should be followed.
- 26. When, after exhausting other procedures, a person wishing to make a Complaint must do so by completing a Complaint Form (see **Appendix 3**) and sending the Complaint Form to Archery GB together with the prescribed fee. For complaints relating to the Archery GB Policy for Safeguarding Children, Young People and Adults at Risk and matters relating to Archery GB's Anti-Doping Policy, the prescribed fee will not be payable and the requirement for a Complaint Form may be waived.
- 27. In circumstances of inappropriate behaviour directed towards the volunteer workforce, the Chief Executive may lodge a complaint without being charged the associated fee.

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28. In this Policy the Member against whom a Complaint is made and/or against whom a disciplinary decision has been made is referred to as the 'Respondent'. Where the complaint is regarding the disciplinary decision of an Associated Club, County Association, Regional Society, Performance or the Organisation of Archery GB, the Chair or equivalent officer of that organisation shall be referred to as the 'Second Respondent'.

Treatment of a Complaint

29. Upon receipt of a completed Archery GB Complaint Form and the appropriate fee in accordance with paragraph 26 such complaints will be referred to and considered by the CMP. The CMP shall conduct initial enquiries into the matters complained of and may request further information if required.

29.1 The CMP may:

- 29.1.1 Refer the matter to another part of Archery GB as specified in paragraph 25
- 29.1.2 Refer the matter to the designated authority for the area of the alleged misconduct for advice and/or guidance;
- 29.1.3 Refer the matter to the Statutory Agencies; (See paragraph 32);
- 29.1.4 Dismiss the complaint if the CMP, in its sole discretion determines that it is:
 - 29.1.4.1 One which is insufficiently serious to require any further action by Archery GB;
 - 29.1.4.2 Not in the interests of the Sport of Archery to pursue;
- 29.1.5 Determine that the substance of the complaint relates to the acts of Archery GB or to the behaviour of an Archery GB employee and refer the matter to the CEO;
- 29.1.6 Take action to seek to resolve the matter informally;
- 29.1.7 Where the Respondent has admitted the complaint against him or her, determine that the matter is suitable to be dealt with under the Summary Procedure set out in Part 2 of this Policy;
- 29.1.8 Determine that formal disciplinary proceedings are appropriate and that a disciplinary hearing should be convened.
- 29.1.9 Where the complaint relates to the disciplinary decision of an Associated Club, County Association, Regional Society or the Organisation of Archery GB, the CMP shall direct whether the Complaint should be dealt with under the Disciplinary or Appeal procedure contained in this Policy. Where the Complaint includes an allegation that the procedure adopted by an Associated Club, County

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Association, Regional Society, the Organisation of Archery GB, or Performance has not followed the correct procedure in reaching its disciplinary decision; and/or the CMP in its sole discretion consider that a Disciplinary Hearing should be held; the Complaint shall proceed under the disciplinary procedure.

30. The CMP may take more than one of the actions listed above and may do so either simultaneously or following one another.

Referral to another organisation

31. Except in matters relating to the protection of children, young people and adults at risk, complaints should be referred to an Associated Club, County Association, Regional Society, the Organisation of Archery GB, or Performance where the matters complained of relate to events within their jurisdiction and/or where it is reasonably considered that if the matter continued to be handled by Archery GB, it would be dealt with in some way other than formal disciplinary proceedings.

Referral to Statutory Authorities

32. Where it is determined that a complaint should be referred to the Police or Children's Social Care Services Statutory Authorities;
 - 32.1 The CMP will inform the appropriate Statutory Authority;
 - 32.2 The CMP will consider whether the membership of any Respondent should be suspended in accordance with Part 1 of this Policy while the matter is being investigated. Archery GB will co-operate fully with the Statutory Authorities and may delay or suspend any investigation of its own pending the outcome of any investigation by the Statutory Authorities;
 - 32.3 Once the outcome of any investigation by the Statutory Authorities is known, if it has not already done so, the CMP must determine whether disciplinary procedures are to be implemented or further enquiries made. The Respondent will be notified of that decision within 21 days of the decision.

PART 1. SUSPENSION BEFORE DETERMINATION OF A COMPLAINT

33. The CMP may, at any time prior to the determination of a complaint, suspend the membership of a Member or any part or parts of the rights or benefits of a Member if it reasonably believes that:
 - 33.1 Children, young people or adults may be at risk;
 - 33.2 It is necessary for the protection of other Members, including the Respondent;
 - 33.3 Allegations against the Respondent would, if established and upheld, in the sole discretion of the CMP amount to gross misconduct;

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- 33.4 In the sole discretion of the CMP, the reputation of Archery GB, a Club, County, or Region could be harmed if the Respondent continued to act as a Member.
- 33.5 The continued involvement of the Member might impede enquiries/investigation;
34. Only the CMP, Disciplinary Panel and Appeal Panel can suspend a member from Archery GB Membership. The power of suspension from membership of Archery GB shall not be exercised by any Associated Club, County Association, Regional Society or Performance.
35. Suspension in these circumstances, while a serious matter, is not a disciplinary sanction and should not therefore be viewed as a sign of guilt. Disclosure of suspension under Part 1 of this Policy will be made only by the CMP as it deems appropriate. The CMP will maintain a record of those informed of the suspension.
36. A suspension may be for a defined period or for an indefinite period. A Member who is suspended for any period is deemed not to be a Member during that period for all purposes except
- 36.1 for the purposes of any disciplinary action or any appeals process in respect of the Member concerned and
- 36.2 in respect of their liability to pay subscriptions, fines or any other indebtedness to Archery GB.
37. If a Member is suspended for a period that extends beyond their annual membership renewal date their membership shall lapse. Any application which he/she may make for renewal of membership will only be effective, if granted, from the end of the period of suspension. Notwithstanding any such lapse of membership or any suspension; any disciplinary action may be taken against, and any disciplinary or appeals process may be commenced or continued in respect of, the Member in question. In addition, any disciplinary decision or action made or taken in respect of that Member, or suspension commenced, will continue to apply unless overturned on appeal, subject to paragraph 82.
38. Where a suspension has been imposed pending a disciplinary hearing, the hearing shall take place as soon as reasonably practicable, following notice of the suspension having been given to the member concerned.
39. A member who is suspended from Archery GB is prohibited from entering Archery GB premises and from partaking in any activity organised under the auspices of Archery GB.

PART 2. SUMMARY PROCEDURE

40. When the CMP receives a complaint which it considers in its sole discretion can be dealt with under the summary procedure, the CMP is empowered to impose one or

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more of the penalties in paragraph 43 below, subject to the provisions of this summary procedure.

41. This rule shall only apply to complaints of misconduct which have been admitted by the Respondent and which the CMP, in its sole discretion, considers to be appropriate to be dealt with under the Summary Procedure. Regardless of any admission made by the Respondent, the Summary Procedure shall not be a suitable procedure for complaints relating to a breach of the Archery GB Policy for Safeguarding Children, Young People and Adults at Risk or breach of the Archery GB Anti-Doping Policy.
42. The CMP shall notify the Respondent, in writing, if a matter is to be dealt with under the Summary Procedure for a sanction to be imposed by the CMP. The Respondent will be given the opportunity to either:
 - 42.1 Within 21 days of deemed receipt of the notice referred to in paragraph 40 above, request that the Complaint be referred to the Disciplinary Panel, in which event the CMP shall refer the Complaint to the Disciplinary Panel.
 - 42.2 Agree that the Complaint should be dealt with under this Summary Procedure, in which event the Respondent should respond to the complaint in writing to the CMP within 21 days of written notification to the Respondent of the Complaint. The response should state and set out in detail any matters which the Respondent wishes to be taken into account and supply a copy of any such relevant documents.
 - 42.3 In the event that no response is received the CMP may proceed to consider the Complaint under the Summary Procedure.
 - 42.4 If the Complaint is to be dealt with under the Summary Procedure the CMP will consider the Complaint and any response and make a decision as to sanction. The CMP will notify the Respondent of its decision within 21 days of the deadline for filing the response.
 - 42.5 If the Respondent disagrees with the sanction imposed by the CMP the Respondent must within 14 days of the decision, request the CMP to refer the Complaint to the Disciplinary Panel. In such circumstances the CMP must refer the Complaint to the Disciplinary Panel. The Disciplinary Panel may for the avoidance of doubt, impose any one or more of the sanctions set out in Part 4 of this Policy.
43. In considering the Complaint under the Summary Procedure, the CMP is empowered to impose any one or more of the following sanctions:
 - 43.1 the Respondent receive a written warning as to his/her conduct which shall remain on the Respondent's record for a period of 3 years;
 - 43.2 the Respondent pay a fine not exceeding £500;

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- 43.3 the Respondent be suspended from all or any rights and privileges of membership for a period not exceeding three months;
 - 43.4 the Respondent undertake specified activity, such as attending a training course and/or passing any associated examination by a specified date.
44. Upon completion of Summary Procedures, the CMP will produce a report within 21 days setting out the following:
- 44.1 a summary of the misconduct;
 - 44.2 a copy of the Respondent's written admission of guilt
 - 44.3 the sanction imposed and the factors and reasons taken into account in deciding the sanction.
45. A copy of the report will be sent to the Respondent and to any other relevant party who the CMP determines has a material interest in the outcome. The Board will be advised of the outcome of the Summary Procedure.

PART 3. FORMAL DISCIPLINARY PROCEEDINGS

The Disciplinary Procedure

46. Where it is determined that formal disciplinary proceedings are appropriate:
- 46.1 The CMP shall notify the Respondent (and where appropriate the Second Respondent) that formal disciplinary proceedings are being brought and who has determined that this should be done;
 - 46.2 The CMP shall appoint a Case Presenter;
 - 46.3 The CMP shall convene a Disciplinary Panel. Ethics and Integrity shall advise the Respondent (and where appropriate the Second Respondent) of the names and any relevant qualifications of those appointed as Disciplinary Panel members. If the Respondent objects to any of the Disciplinary Panel Members, for good cause, these objections are to be advised in writing to the Chairman of the CMP within 7 days of the Respondent being advised of the Disciplinary Panel Members. The CMP shall consider these objections and, if it considers there are reasonable grounds for the objection, shall appoint an alternative Disciplinary Panel member;
 - 46.4 The Case Presenter shall determine the wording of the allegation(s) and put the allegation(s) to the Respondent in writing. The Respondent shall within 14 days of deemed receipt of the allegations advise the Case Presenter and Ethics and Integrity whether (each of) the allegation(s) is admitted or denied.
 - 46.5 Subject to paragraph 67, Ethics and Integrity shall set a date for the hearing of the complaint ("the Disciplinary Hearing) and advise the date in writing to the Respondent (and where appropriate the Second Respondent) at least 35 days before the date of the Disciplinary Hearing. Ethics and Integrity shall

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seek to consult with the Respondent (or his/her nominated representative), the Case Presenter, the Disciplinary Panel and potential witnesses (and where appropriate the Second Respondent) before setting a date. Once fixed, a hearing date shall be changed only by a direction of the Disciplinary Panel Chair, which shall be given only in exceptional circumstances.

47. In carrying out its investigation, the CMP may require any Member to provide a statement or any evidence believed to be in the Member's possession. If their evidence is required as part of a disciplinary or appeals hearing, Archery GB may require any Member to attend the disciplinary or appeal hearing to answer questions regarding the statement that the Member has provided. A Member who fails to comply with this requirement, may him/herself be subject to disciplinary action.
48. A Respondent is entitled to be legally represented or supported by any other representative he/she may wish. Archery GB will not meet any fees or expenses of, or associated with, the use of a representative or their attendance at any hearing.
49. If two or more Members are involved in related misconduct, at its sole discretion, the CMP may deal with their cases together.
50. Within 14 days after a date has been advised for the Disciplinary Hearing the Case Presenter shall send to the Respondent (and where appropriate the Second Respondent) and Ethics and Integrity:
 - 50.1 A statement of the facts or alleged facts which the Case Presenter intends to present to the Disciplinary Panel demonstrating the breaches described in the allegation(s);
 - 50.2 Copies of any documents which the Case Presenter intends to present to the Disciplinary Panel which have not been either provided by the Respondent or previously sent to the Respondent;
51. Within 14 days after delivery of the statement under sub paragraph 50.1 the Respondent shall send to the Case Presenter and Ethics and Integrity;
 - 51.1 Details of the name and any legal or other relevant qualifications of any person who will represent the Respondent (and where applicable, subsequent respondents) at the Disciplinary Hearing or of any person who will accompany them to provide support.
 - 51.2 A statement setting out the following:
 - 51.2.1 whether the allegation(s) or any of them are admitted by the Respondent;
 - 51.2.2 identifying which facts are admitted and which facts are not admitted;

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- 51.2.3 details of any defence which the Respondent wishes to raise which may include an argument that there is no case to answer;
- 51.3 Names of any witnesses and any relevant qualifications of any person who the Respondent intends to call as a witness, together with their evidence in the form of a witness statement. This should include confirmation of whether they wish to give evidence in person or by telephone conference (for which consent of the Chair of the Disciplinary Panel is required);
- 51.4 A list and copies of all supporting documentation which the Respondent intends to present to the Disciplinary Panel;
52. Ethics and Integrity shall prepare copies of all relevant documents for the Respondent (and where appropriate the Second Respondent), the Case Presenter and the Disciplinary Panel. If, after delivering the documents, the Case Presenter or the Respondent subsequently identifies any additional material which they wish to present to the Disciplinary Panel, they shall send that material to Ethics and Integrity who will then send it to the relevant parties as applicable. All such materials must be delivered to Ethics and Integrity no later than 5 working days (1700hrs) prior to the date of the Disciplinary Hearing.
53. Unless the Chair of the Disciplinary Panel permits, the Disciplinary Panel may refuse to permit evidence which is not received within the time limits set out above or which in its opinion is irrelevant to the issues raised.
54. The evidence of witnesses who have not previously submitted a witness statement may only be heard with the consent of the Chairman of the Disciplinary Panel.
55. It will be the responsibility of the Respondent (and where applicable, subsequent respondents) to ensure the attendance of their witnesses.
56. Any time limits imposed by these Procedures may only be varied with either the consent of the CMP or the consent of the Disciplinary Panel, once appointed, and only where the particular circumstances of the matter require it.

The Case Presenter

57. The Case Presenter for the Disciplinary Hearing is the person who will prepare and conduct the presentation of the allegations before a Disciplinary Panel and on any appeal. The CMP shall appoint a Case Presenter who may be a member of the CMP or other person, as appointed by the CMP. Administrative assistance shall be provided by Ethics and Integrity.
58. At the request of the CMP, a legal representative may be appointed as the Case Presenter by the CEO. The Respondent shall be advised if a legal representative is appointed.
59. The CMP/CEO may change the appointed Case Presenter at any time.

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The Disciplinary Panel

60. The Chairman of the CMP will appoint the Disciplinary Panel.
61. The Disciplinary Panel shall consist of three Panel Members, appointed by the CMP. The Disciplinary Panel shall appoint one of its Members to be the Panel Chair.
62. The Disciplinary Panel shall hear and determine all issues arising from any matter that is referred to it pursuant to this Policy and may impose sanctions in respect of any breach.
63. Any person selected as a Disciplinary Panel Member shall before the Disciplinary Hearing disclose to the CMP, the other Panel Members and the Respondent any conflict of interest. Panel Members and Panel Chairs may be employees, directors, officers or members of Archery GB or suitably qualified people from another sport or from outside sport and may be remunerated by Archery GB for their work as a Panel Member or Panel Chair or otherwise.
64. The Disciplinary Panel shall be supported by Ethics and Integrity and may be supported by a legal advisor to the Disciplinary Panel appointed by the CEO, if requested by the Panel Chair. Any advisor appointed to support the Disciplinary Panel shall not be the Case Presenter.
65. Any person representing Ethics and Integrity shall be a member of Archery GB staff and shall not be disqualified from that role by reason of any prior involvement in the handling of a complaint.
66. The role of Archery GB in the handling of complaints and the operation of this Policy is to exercise a supervisory and disciplinary function in relation to Members. In performing their functions the Disciplinary Panel is acting as a committee of Archery GB and is not a third party seeking to adjudicate a dispute between Archery GB and the Respondent.

The Disciplinary Hearing

67. Unless the Respondent has stated that all the allegation(s) are admitted, the Disciplinary Hearing will be held in accordance with the following procedures.
 - 67.1 The Respondent shall attend the Disciplinary Hearing in person;
 - 67.2 If the Respondent fails to appear at the time fixed for the Disciplinary Hearing, the Disciplinary Hearing may be conducted in his or her absence if the Disciplinary Panel are satisfied that the Respondent has been duly notified of the Hearing and that there is no reasonable excuse for the failure to attend;
 - 67.3 With the prior consent of the Disciplinary Panel Chair, evidence may be presented in writing or by telephone conference without a requirement for the witness to attend in person. Where evidence is presented only in writing, the Disciplinary Panel shall specifically consider the weight to be given to that

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evidence in view of the lack of any opportunity for the witness to be questioned.

- 67.4 The Disciplinary Panel Chair may determine, of his own volition or on application by the Respondent or the Case Presenter, that a person under the age of eighteen, or an adult at risk, should not be required to attend in person as a witness on the date of the Disciplinary Hearing but may request an individual to attend on behalf of the child, young person or adult at risk.
- 67.5 The Case Presenter shall present the allegation(s) and evidence. Evidence shall not be required of any fact which the Respondent has admitted under paragraph 47;
- 67.6 The Respondent, or their representative, shall have an opportunity to question any witnesses presented by the Case Presenter. These witnesses may then be further questioned by the Disciplinary Panel.
- 67.7 The Respondent, or their representative shall:
 - 67.7.1 Summarise the nature of their response;
 - 67.7.2 Call evidence in support of their case;
 - 67.7.3 Rebut any evidence presented by the Case Presenter;
- 67.8 Evidence of agreed facts which will not be required or permitted.
- 67.9 The Disciplinary Panel and Case Presenter shall have an opportunity to question any witnesses presented by the Respondent. These witnesses may then be further questioned by the Respondent, or their representative;
- 67.10 The Case Presenter and then the Respondent, or their representative, shall each have an opportunity to make any closing comments to the Disciplinary Panel;
- 67.11 At any point during the Hearing, the Disciplinary Panel Chair may put any questions to the Respondent, to his representative and to any witnesses;
- 67.12 The Disciplinary Panel shall consider, in private, the issues and reach a conclusion. The Disciplinary Panel may elect to adjourn the Disciplinary Hearing and to communicate its decision in writing to the Respondent and the Case Presenter at a later date;
- 67.13 The Disciplinary Panel will apply the civil standard of proof and determine any matter on the balance of probabilities. Any matter to be decided by the Disciplinary Panel may be decided by a majority of the Disciplinary Panel;
- 67.14 The Disciplinary Panel may choose to announce the decision on the day of the hearing or may adjourn to consider the case and give the decision in writing within 21 days of the hearing.

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- 67.15 If the Disciplinary Panel finds the allegation(s) not proved, it shall dismiss the case and shall within 21 days produce a final written report, setting out the reasons for the decision.
- 67.16 If the allegation(s) or any of them are found by the Disciplinary Panel to have been proved, the Disciplinary Panel shall determine what sanction(s) (if any) are appropriate. The Disciplinary Panel shall, before making its determination, consider any representations the Case Presenter may wish to make and any representations or statement in mitigation made by the Respondent or their representative. Evidence may be given of any previous finding of misconduct.
- 67.17 If the Respondent is not present at the hearing, the Disciplinary Panel shall, and where the Respondent is present may, adjourn the proceedings prior to imposing sanction and produce a written Interim Report within 21 days, informing the Respondent of the decision and reasons for it, and requesting the Respondent submit within 14 days, any (further) written mitigation or representations in respect of sanction. Once this period has lapsed, the Disciplinary Panel shall impose any sanction(s) it sees fit and shall within 14 days produce a written Final Report giving the reasons for the decision and sanction(s) imposed.
68. If the Respondent admits the allegation(s) the Disciplinary Panel shall allow the Respondent to make a statement of mitigation and the Case Presenter to make representations. The Disciplinary Panel will then determine the appropriate sanction(s), which may be determined at the Disciplinary Hearing or in writing in accordance with paragraph 69.
69. The CMP and the Respondent may agree that the matter be dealt with in writing and without an oral hearing. In such event, the Disciplinary Panel will consider the Statement of Case and Response and any evidence or documents provided by either party and will notify the parties of its decision in this regard as soon as practical. The CMP shall allow the Respondent to make a statement of mitigation and the Case Presenter to make representations. This paragraph will not apply, however, to cases involving a breach of the Archery GB Policy for Safeguarding Children, Young People and Adults at Risk or breach of the Archery GB Anti-Doping Policy.
70. The Respondent may be represented. If a representative is appointed the presentation of the Respondent's arguments and the examination of witnesses shall be performed only by their representative.
71. Control over the way in which the proceedings are conducted is to be regulated by the Disciplinary Panel Chair. The Disciplinary Panel Chair may, in the course of proceedings, make any ruling concerning the admissibility of evidence or any other matter and may regulate the conduct of the hearing as they think fit, within the framework of these procedures. The Disciplinary Panel Chair may adjourn the hearing at any time, for any purpose and for any reasonable period.

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72. The Disciplinary Panel Chair may set time limits for the presentations of arguments and evidence and the questioning of witnesses by the Case Presenter and the Respondent and may limit the number of witnesses that may be presented and the scope of evidence.
73. If, for any reason, after the start of the Hearing a single Disciplinary Panel member is unable to continue as a member of the Disciplinary Panel, the remaining two members of the Disciplinary Panel shall continue to hear the case. If the remaining two Members of the Disciplinary Panel cannot agree on the matters to be determined, the matter shall be re-heard by a differently constituted Disciplinary Panel
74. This Policy aims to provide every person:
 - 74.1 With a fair hearing;
 - 74.2 Within a reasonable period of time;
 - 74.3 To be consistent with the principles of natural justice as they apply.
75. If any of the circumstances of the allegation(s) become the subject of a criminal investigation or charge or any civil claim or proceedings, the CMP has the authority to suspend any disciplinary proceedings pending the outcome of the civil or criminal investigation or proceedings.
76. In anti-doping cases, UK Sport, World Anti-Doping Agency, UK Anti-Doping and World Archery may send one or more representatives to attend the Disciplinary Hearing as observers.
77. Unless the Disciplinary Panel orders otherwise, the Disciplinary Hearing shall be held in private. At the discretion of the Chair of the Disciplinary Panel and with the agreement of all parties, an external independent observer may be permitted to attend a private hearing.

PART 4. DISCIPLINARY SANCTIONS

78. Where the Respondent admits misconduct and/or the Disciplinary Panel determines that any allegation has been found to be proved or a complaint has been admitted, the Disciplinary Panel, after taking into account any mitigation or representations made by the Respondent and the Case Presenter, may impose one or more of the following sanctions on the Respondent:
 - 78.1 A written warning as to his/her conduct which shall remain on the Respondent's record for a period of 3 years;
 - 78.2 A fine for such amount as the Disciplinary Panel shall in their sole discretion direct;
 - 78.3 Order the payment of compensation to a Member or other person for any loss, damage or injury (including injury to feelings) suffered by them;

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- 78.4 Order that any results of the Respondent from either past or future competitions or events shall not count;
 - 78.5 Suspend the Respondent from membership of Archery GB for such period and/or from such specified competitions and/or events as the Disciplinary Panel decides;
 - 78.6 Expel the Respondent from Archery GB;
 - 78.7 Require the Respondent to comply with a period of mentoring/supervision/training;
 - 78.8 Require the Respondent to prove competence. This may specify relevant training to be undergone and a reasonable period within which it must be undertaken. If a participant fails, without good reason, to comply with such a requirement, the Panel shall reconvene and consider alternative or additional sanctions or it may refer the case for consideration by another Disciplinary Panel;
 - 78.9 Withdrawal of *ontarget* status
- 79. Where applicable, when determining sanctions, the Disciplinary Panel will refer to the rules, regulations and codes of standards from any other relevant external bodies.
 - 80. Anti-doping sanctions will be administered in accordance with the current UK Anti-Doping Rules and Regulations.
 - 81. Members will not be entitled to the refund of any fees paid to Archery GB for the duration of the sanction.
 - 82. Any member who fails to pay a fine or compensation imposed by the CMP or the Disciplinary Panel by the date stipulated or who fails to pay for goods or services provided by Archery GB, including the processing of memberships etc. may be notified by Archery GB of his/her indebtedness. If such indebtedness is not fully settled by the date stipulated or within 30 days of the dispatch of such notification, the members shall automatically be suspended from all rights and privileges of membership of Archery GB and no further transactions will be processed on their behalf until such payment has been received.
 - 83. Archery GB retains the right to refuse membership or renewal of membership in respect of any member.
 - 84. Where a disciplinary sanction imposes a suspension or expulsion on a Member and the Member submits an Appeal Form regarding that decision, such suspension or expulsion shall continue until the Appeal is heard unless, in the sole discretion of the CMP, there are exceptional circumstances which indicate that such suspension or expulsion should be lifted pending the outcome of the Appeal. The Appellant should notify the CMP of any exceptional circumstances that they consider to apply.

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85. It should be noted that, if the Memorandum, Articles and Laws of Archery GB and/or the Regulations and Codes of Conduct of Archery GB are not complied with, insurance cover may be invalidated. This then may leave the Club (or Member) liable for events giving rise to a claim.

Report of Disciplinary Decision

86. Archery GB may publish, or cause to be published, the outcome of the Disciplinary Hearing and will notify any other persons or organizations as appropriate.
87. A copy of the report will be sent to the Respondent, the Chairman of the CMP, the Chief Executive, the Chairman of the Board and to any other party deemed to have a material interest in the outcome, though in the latter case the report may be censored as deemed appropriate by the Chairman of the Disciplinary Panel. Where the misconduct concerns the Anti-Doping Policy, a copy may also be required to be sent to any of UK Sport, the British Olympic Association, the British Paralympic Association, UK Anti-Doping, World Anti-Doping Agency and/or World Archery.

PART 5. APPEALS

A Respondent may appeal against a disciplinary decision or a sanction or both.

Appeal Procedure

88. The appeal must be made in writing using the prescribed Appeal Form (see **Appendix 4**) and sent to Ethics and Integrity together with the prescribed fee within 14 days of the deemed date of receipt of the Disciplinary Panel's Report. Ethics and Integrity will refer the Appeal Form to the Chairman of the CMP. The appellant must set out on the Appeal Form the grounds on which the appeal is based.
89. Upon receipt of the Appeal Form the Chairman of the CMP shall set up an Appeal Panel, one of whose members shall be appointed as Chairman of the Appeal Panel. It will normally consist of three persons who must be wholly independent of the Disciplinary Panel and one of whom must be independent from Archery GB.
90. The Appellant may submit a written objection to the appointment of any member of the Appeal Panel within 7 days of being informed of the Panel composition, giving reasons for the objection. The Chairman of the CMP may replace a member of the Appeal Panel against whom an objection is lodged should it be considered that there are valid reasons to do so.
91. The Case Presenter for the Appeal Hearing is the person who will prepare and conduct the presentation of the appeal before an Appeal Panel and on any appeal. The CMP shall appoint a Case Presenter who may be a member of the CMP or other person, as appointed by the CMP. Administrative assistance shall be provided by Ethics and Integrity.
92. At the request of the CMP, a legal representative may be appointed as the Case Presenter by the CEO. The Appellant shall be advised if a legal representative is appointed.
93. The CMP/CEO may change the appointed Case Presenter at any time.

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94. Within 21 days of receipt of the Appeal Form, Archery GB, or the organisation which made the decision against which the appeal has been brought, may submit a Statement of Reply to the Appeal Panel and send a copy to the Appellant.
95. Unless the Chair of the Appeal Panel permits, the parties shall may not submit further written material after the above time limits for the submission of the Statement of Appeal or the Statement of Reply.

Permission for the Appeal to proceed

96. The Appeal Form will, in the first instance, be considered by the Appeal Panel who will decide whether or not there are sufficient grounds to allow the appeal to proceed. The Appeal Panel is empowered to decide the following:
 - 96.1 to allow the appeal to proceed and confirm the proposed date of the appeal hearing;
 - 96.2 not to allow the appeal to proceed, in which case the decision of the Disciplinary Panel (or previous disciplinary decision) will stand and it will be final.
97. The decision of the Appeal Panel to proceed or not to proceed will be communicated to the Chairman of the CMP, who will in turn notify the Appellant within 21 days of the Appeal Panel decision.

The Appeal Hearing

98. If permission to Appeal is granted, the Appeal will be heard by the Appeal Panel.
99. There is no entitlement to a re-hearing of the case, however, this may be allowed only in very exceptional circumstances at the discretion of the Appeal Panel. The Appeal will be limited to a review of the decision of the Disciplinary Panel or previous disciplinary decision.
100. The Appellant or their representative may, at their discretion, present the appeal in writing or orally. The organisation against whose decision the appeal is brought, or their representative, shall have an opportunity to make oral submissions in support of their position.
101. The burden of proof rests with the Appellant and the standard of proof is on a balance of probability.
102. Only evidence which is relevant to the grounds of appeal will be admitted. The Appeal Panel may, at their discretion, carry out the review of the appeal in the absence of the parties.
103. The Appeal Panel may impose time limits on oral addresses and submissions
104. The Appeal Panel will produce a written report setting out the decision(s) and reasons within 21 days of the date of hearing.

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Findings of the Appeal Panel - Appeal against a disciplinary decision

105. The Appeal Panel may, after due consideration:

105.1 Dismiss the appeal in which case the decision of the Disciplinary Panel (or previous disciplinary decision) will stand and will be final.

105.2 Grant the appeal in which case the allegation in respect of the Appellant will be recorded as not proved.

105.3 Exceptionally, invite the Chairman of the CMP to form a new Disciplinary Panel for the purposes of re-hearing the case.

105.4 Overturn the decision where they consider it just to do so. In particular, a decision may be overturned in the following circumstances:

105.4.1 In the light of new evidence which was not and could not have been available, with proper investigations and enquiries, at the Disciplinary Hearing;

105.4.2 Where it is considered that the original hearing was not conducted fairly;

105.4.3 Where the decision was unreasonable in the light of the findings of fact.

Appeal against Sanction

106. The Appeal Panel may, after due consideration:

106.1 Dismiss the appeal in which case, the original sanction will stand.

106.2 Dismiss the appeal and impose a greater or lesser sanction; or alter, amend, reduce or remove any conditions imposed by the original sanction taking into account the following:

106.2.1 Whether the original sanction imposed was fair and reasonable in the light of all the circumstances of the case;

106.2.2 Details of circumstances, mitigation or representations submitted by the Appellant.

Report of Appeal Decision

107. Archery GB may publish, or cause to be published, the outcome of the hearing and will notify any other persons or organizations as appropriate.

108. A copy of the report will be sent to the Appellant, the Chairman of the CMP, the Chairman of the Board and to any other party deemed to have a material interest in the outcome, though in the latter case the report may be censored as deemed appropriate by the Chairman of the Appeal Committee. Where the misconduct concerns the Anti-Doping Policy, a copy may also be required to be sent to any of UK

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Sport, the British Olympic Association, the British Paralympic Association, UK Anti-Doping, World Anti-Doping Agency and/or World Archery.

PART 6. COSTS AND EXPENSES OF DISCIPLINARY OR APPEAL HEARING

109. Archery GB and the Complainant/Respondent/Appellant shall be responsible for their own costs and expenses including any legal costs and expenses in respect of the Disciplinary Hearing and the Appeal Hearing. The Disciplinary Panel and the Appeal Panel shall, however, be entitled to order that all or part of the costs incurred by a party should be paid by the other party for such amount as the Disciplinary Panel or Appeal Panel consider to be reasonable and/or appropriate in the circumstances bearing in mind the seriousness of the conduct complained of and the conduct of the parties during the course of the disciplinary process. Such costs shall be assessed by the Disciplinary Panel or the Appeal Panel at the time of the Disciplinary Hearing or Appeal Hearing. Such order may also take into account the following:
- 109.1 Expenses incurred by the members of the Disciplinary/Appeal Panel
 - 109.2 The expenses relating to any hearing; including room hire
 - 109.3 Administrative expenses of Archery GB limited to £500
 - 109.4 The amount of such expenses to be in the sole discretion of the Disciplinary/Appeal Panel
110. In the event that a Statement of Appeal is withdrawn after an Appeal Panel has been formed, the Appeal Panel may in its absolute discretion order that the Appellant pay an amount to take into account the following:
- 110.1 Expenses incurred by the members of the Appeal Panel
 - 110.2 Administrative expenses of Archery GB limited to £500