



# Nunthorpe Bowling Club Disciplinary and Misconduct Policy and Procedure

## **1. Purpose**

Nunthorpe Bowling Club (the Club) is fully committed to maintaining high standards of conduct and behaviour. This document sets out how issues of misconduct and misbehaviour will be dealt with in a consistent and fair manner and should be read in conjunction with the Club's Constitution, which includes its Rules and Regulations, and Code of Conduct. In all matters the aim of the Club shall be to:

- (a) Resolve complaints quickly and effectively
- (b) Keep matters low key and maintain privacy
- (c) Record all complaints, disciplinary hearings and outcome

The Executive Committee (the Committee) shall have the power to transact all disciplinary matters of the Club

## **2. Misconduct**

For the purpose of this document, the definition of misconduct shall apply to bowling, social activities, non-club bowling events and Club or Member's property. Misconduct will be categorised as "minor", "moderate" or "serious". How a disciplinary matter moves forward will depend on its severity. When considering what level a complaint should be heard at, it is appropriate to consider the impact of the behaviour

### **Minor Misconduct**

Typically, this is behaviour that slightly disrupts the harmony, operation, and/ or enjoyment of an activity but does not cause significant harm, damage or offense. Examples are, but are not limited to:

- Behaviour contrary to the Club's Constitution or Code of Conduct
- Rude language/ gestures
- Unsporting behaviour
- Failure to comply with a reasonable instruction relating to bowling matters

### **Moderate Misconduct**

Typically, this is behaviour that significantly disrupts the harmony, operation, or enjoyment of an activity, causing noticeable harm, damage or offense. Examples are, but are not limited to:

- Disruptive behaviour
- Inappropriate messaging/texting/social media interaction
- Bullying, harassment, intimidation, abuse of power
- Negligence, dangerous or careless behaviour
- Repeated conduct that would individually be regarded as “minor”

### Serious Misconduct

This typically refers to behaviour that poses a significant threat to the well-being, integrity or reputation of the Club, its members, visitors or members of the public. Examples are, but are not limited to:

- Conduct that is prejudicial to the interests of the Club
- Discrimination
- Violence (against a person or property)
- Sexual harassment
- Any incident/behaviour which results in the police being involved
- Theft
- Fraud
- Deliberate damage to the Club or member’s property
- Actions endangering others
- Participation in Club activities under the influence of drugs or alcohol
- Repeated conduct that would individually be regarded as “moderate”.

## **3. Procedure Following an Allegation of Misconduct**

Any person (the Complainant) wishing to make a complaint of misconduct by a member of the Club (the Respondent) must do so in writing or via a formal verbal complaint to the Chairperson or any Committee member within two weeks of the incident occurring. The Club Secretary will record the complaint details.

Unless involved in the complaint, the Club Chairperson will act as the Complaint Assessor (the Assessor) and will nominate a Complaint Associate (the Associate) who is acceptable to the Committee. If the Chairperson is involved in the complaint the Committee will appoint both the Assessor and Associate.

The Assessor and Associate will undertake a preliminary assessment of the complaint. They will form a view on there being misconduct or not and, if the former, its severity (minor, moderate, serious) and the reasons for this. In the case of minor or moderate severity they will recommend a course of action. Their findings and recommendations will be documented and reported to the Committee within 2 weeks. On reviewing the findings and recommendations of the Assessor and Associate, the Committee may recategorize the complaint and/ or agree alternative or additional actions.

Once the findings and actions are agreed by the Committee then

- If there is no case to answer no action will be taken and the Complainant and, where appropriate, the Respondent will be advised verbally of the reason for this decision.
- In the case of “minor” misconduct the Complainant and Respondent will be advised verbally of the outcome and the latter of any action to be taken against him or her.
- If “moderate” misconduct is found then both the Complainant and Respondent will be advised formally by email or letter. The Respondent will also be advised formally of any action to be taken against him or her.

In all of the above both the Complainant and Respondent have the right of appeal. This must be done in writing within 7 days and state the reason why. Any appeal will be considered by the Committee within 14 days and its outcome advised formally to the Complainant and/ or Respondent as appropriate. The decision of the Committee on an appeal in this context is final.

#### **4. Disciplinary Panel and Process**

Should the Committee agree that a case of “serious” misconduct exists they will set up a Disciplinary Panel consisting of no less than three Committee members, appoint one of these as Chair and arrange for minutes of meetings to be taken. Only one of the Assessor or Associate may be on the panel. Committee members with a known conflict or affiliation with the Complainant and/ or Respondent must declare this and may be excluded from the Panel. The names of the members of the Disciplinary Panel shall be forwarded to the Claimant and Respondent member(s) at least 14 days prior to the disciplinary hearing. Suspension of a member(s) may be imposed pending a disciplinary hearing if it is considered necessary to protect a member(s) of the Club or Club property.

The Panel will advise the Respondent member(s) within 21 days that a complaint has been received and will be referred to a Disciplinary Panel for a disciplinary hearing. They will then investigate the complaint and gather evidence from any witnesses in support of both the Complaint and Respondent member/members. A date for a formal Disciplinary Hearing will be agreed with the member(s) where they will be offered the opportunity to state their case before a final decision is taken. Both the Claimant and Respondent member(s) may be represented by an advisor, friend or other representative and provide witnesses.

If the complaint is upheld at the disciplinary hearing the decision and subsequent penalty will be final, except where the penalty is expulsion from the Club, in which case the member may appeal the decision at a special meeting of the full Committee. If members of the Disciplinary Panel cannot agree, the verdict of the Panel will be that decided by the majority of its members.

At the termination of the proceedings, the Chair of the Panel will write a report confirming the outcome. The report will set out the misconduct alleged, a summary of the evidence received, the grounds for the finding that the allegation has been proved or not, and where relevant the penalty imposed and the factors considered in deciding the penalty.

The decision of the Panel and any penalty shall normally be communicated to the Respondent member(s) immediately following the hearing and followed up formally by email or letter within 21 days of the hearing. The Claimant will be advised by email or letter of the Panel’s findings, but usually not of any penalty imposed on the Respondent(s)

## **5. Penalties**

If an allegation of misconduct is proved penalties may be imposed on the Respondent(s). When determining penalties consideration will be given to the seriousness of the misconduct, its circumstances, and the general personal circumstances of the Respondent member(s).

The penalties imposed may be, but shall not be limited to, the following or combinations of the following:

- a) Caution
- b) Mediation and/ or apology
- c) Absolute discharge, which means that although the accused member(s) is/are technically found to have had proved against him/her the alleged misconduct, no blame should be attached to their actions.
- d) Conditional discharge, which means that no penalty is imposed, subject to the accused member(s) fulfilling certain stipulated conditions including eg future good behaviour over a specified period. If the conditions are not met a penalty may be imposed following a further hearing.
- e) Exclusion from certain playing and/ or social activities for a defined period; eg not participating in competitive bowls, not playing in the same team as the Complainant,
- f) Suspension from the Club for a defined period.
- g) Expulsion from the Club for an indefinite period.

Regarding items (e) to (g) above. If these penalties are imposed the member(s) shall also, where relevant, resign their Committee position and/ or team captaincy, and shall be excluded from applying for any position within the Club for 12 months from the date of the offence.

In those cases where suspension was imposed prior to the disciplinary hearing, the decision to suspend shall expire at the final decision of the investigation and any imposed penalty shall apply from thereon.

## **Revision History**

<b>Revision</b>	<b>Date</b>	<b>Notes</b>
V1-0	Jul '24	First issue for discussion
V1-1	Nov '24	Review and minor revisions for further discussion
V1-2	May '25	Final issue for implementation
V2-0	Feb '26	Tiered approach. Discussion version