



GUIDELINES FOR DISCIPLINARY/ APPEALS PROCEDURE

- 1 This procedure may be used to deal with any type of alleged misconduct, considered to bring the game into disrepute, which occurs at any time or in any place.
- 2 The following guidelines detail the procedure recommended by the BCGBA for dealing with disciplinary cases and any subsequent appeals. Whilst this procedure is intended for guidance only, it should be read in conjunction with the Bye Laws of the BCGBA which are mandatory.
- 3 This procedure may be activated by:-
 - a The receipt in writing of a formal complaint, an allegation of misconduct, or a breach of Rules or Bye Laws of a League or Association, County Association, or the BCGBA.
 - b An appeal made against disciplinary action taken at a lower level. In all cases the relevant documents pertaining to all previous hearing(s) shall be retained and made available in the case of an appeal.
- 4 Without delay, the Secretary or designated Official of the recipient League or Association, County Association, or the BCGBA shall convene a meeting of an Ad Hoc Committee. It is recommended that this Committee should consist of not less than 3 or more than 5 persons. In addition to the Ad Hoc Committee, a designated person shall be present whose prime duty will be to record the proceedings. No person involved in the complaint/alleged offence, or with connections with the complainant(s)/alleged offender(s) or witnesses shall sit on this body.
- 5 Where it is not possible for the appropriate body to assemble an independent Ad Hoc Committee as recommended, because of the above prohibition, they may seek assistance from within their appropriate League or Association. In the case of a County Association this assistance can be sought from a neighbouring County.
- 6 Both the complainant(s) and the alleged offender(s) shall be afforded the opportunity to attend the hearing personally and/or submit a written statement(s). This should be made in writing, sent by recorded delivery and allowing for receipt to be made at least 14 days prior to the case being heard. The notification to the alleged offender(s) should also include a copy of the statement outlining the allegation and stating the time, date and place of the hearing.

- 7** When an appeal is being heard, in addition to the above, a representative(s) of the disciplinary body who made the judgement at a lower level, will be afforded the opportunity to attend, and/or submit a written statement(s). Where a representative(s) attends, they shall be called to present their evidence and advised that they may be subject to cross examination and recall. Appellants, witnesses and representative(s) will only be present at the appeal at the time their evidence is being presented and will not be allowed in the hearing either before or after presenting their evidence unless specifically called for.
- 8** Both complainant(s) and the alleged offender(s) shall be afforded the opportunity to submit evidence and call witnesses to support their case and character. The body hearing the case also have the right to call independent witnesses should they consider this appropriate.
- 9** In the case of an appeal, new witnesses may be called upon, or fresh evidence submitted at any point in the chain of appeal. In the event of either party wishing to introduce fresh evidence, the other party and the disciplinary body hearing the appeal shall be notified and furnished with a copy of such evidence prior to the hearing.
- 10** Prior to any hearing, copies of all pertinent documents and signed statements should be supplied to every member of the appointed disciplinary body.
- 11** It is suggested that the hearing should proceed as follows:

 - a Members of the disciplinary body to meet in closed session in order to review the main points of the case placed before them, familiarise themselves with the witnesses who are to appear and to determine the order in which these witnesses are to be called.
 - b Witnesses to be called, usually individually before the disciplinary body. They should be informed that they may be subject to cross examination and recall. Members to note down any points considered to be significant.
 - c A short period to be allowed between witnesses in order to allow members to interchange notes and views.
 - d After all witnesses have been heard, any written statements which have been submitted, to be read and accepted as evidence.
 - e All the evidence given to be reviewed. In order to resolve anomalies it may be necessary at this point to recall witnesses for further cross examination.
 - f A verdict reached, preferably by consensus.
If consensus cannot be achieved, the verdict to be decided on a majority vote. The major factors which decided the final decision to be agreed and recorded. This record not to be published but to be held on file together with all the presented written evidence, pending any possible appeal.
 - g All relevant antecedents and precedents should then be considered.
 - h The members of the disciplinary body should then agree the exact wording of the verdict

to be delivered. When a decision taken by a disciplinary body lower than the BCGBA involves a period of suspension it shall state within the verdict whether or not it intends to recommend to the next higher level of authority that the area of suspension be extended, and when such recommendation is made to a County Association whether or not it intends to recommend that it be further extended by the BCGBA.

- i When it is considered possible to announce the verdict immediately after the hearing, announcement shall be made to the complainant(s) and the alleged offender(s) separately by reading the statement agreed.
- j In any event, within seven days after the hearing, the verdict to be forwarded in writing, sent by recorded delivery, to both the complainant(s) and the alleged offender(s). Inform the appropriate party of their rights to appeal and to whom the appeal must be made.

- 12** Both the complainant(s) and the alleged offender(s) shall have the right to appeal. Notice of the appeal to be made in writing within 21 days of the hearing, in accordance with the Bye Laws of the BCGBA.
- 13** If the verdict involves a term of suspension, it shall commence 21 days after the hearing unless an appeal has been made. If that appeal shall subsequently fail, the term of suspension will commence 21 days after the appeal hearing, unless a further appeal is made to the next higher level of administration. This guideline may be disregarded in instances where the disciplinary body considers that the seriousness of the offence requires immediate suspension.
- 14** Appeals against any decision reached by a disciplinary body must not be heard before any member of that body. Appeals can only be considered by the next level of administration up from the level at which the previous decision was made. e.g. Decision at League or Association level – appeal to County Association. Decision at County Association – appeal to BCGBA.
- 15** A final point of guidance from the BCGBA to all members sitting on disciplinary bodies. As far as possible it is intended that you should employ what is commonly known as ‘Natural Justice’. That assumes that any person(s) is innocent until guilt beyond reasonable doubt is established. Therefore the benefit of any doubt must always be given to the alleged offender(s).