



## HR06-P01 DISCIPLINARY POLICY (RULES & PROCEDURES)

### VERSION CONTROL

Version No.	Date Amended	Amended By	Reason
1.0	01/11/2013		Issued
2.0	28/10/2015	J. Hay	Update
3.0	24/05/2016		Board Approval
4.0	15/02/2017	V Bryson	Restructure
5.0	13/01/2020	Risk & Compliance Sub Committee	Review due

## **Introduction and General Principles**

The purpose of these Disciplinary Rules and Procedures (the “Rules”) is to ensure justice in disciplinary proceedings and to provide a framework within which decisions relating to Scottish Squash (SSL) (hereinafter defined) can be made in a fair, consistent, independent and expeditious manner and in accordance with the requirements of natural justice.

This policy will be used to guide any complaints made about a breach of a SSL Code of Conduct.

It is the policy of SSL to ensure that any disciplinary matters are dealt with fairly, that steps are taken to establish the facts and that, where necessary, there is an entitlement to a fair and reasonable hearing within a reasonable time.

### **1. Definitions and Interpretation**

In these Rules the following terms shall have the following meanings:

“Appeals Panel” means a panel consisting of the President of SSL plus two members of the Management Board of SSL not previously involved with any part of the disciplinary proceedings;

“Articles” means the Articles of Association of SSL from time to time in force;

“Board” shall mean the Management Board of SSL and shall include all Directors and Non-Executive Directors;

“Chair” shall mean the chair of the Disciplinary Committee appointed in accordance with these Rules;

“President” shall mean the Chairperson from time to time of the Management Board of SSL;

“Complainant” shall mean the person(s) alleging a breach of the rules and/or applicable code of conduct of the sport;

“Risk & Compliance Sub Committee” shall mean the sub-group of the Management Board that deals principally with matters of Governance and Discipline and ensuring, amongst other things, that all SSL policies are fully compliant with current legislation and guidance;

“Conflict of Interest” shall mean any circumstances where there is or may be a conflict of interest relating to the involvement of an appointed person in the investigation, the hearing or the appeal part of the process;

“DC” means the Disciplinary Committee appointed to deal with all non-staff/non-child protection disciplinary matters and shall comprise the Chair of the Risk & Compliance Sub Committee and at least two other members of that Group;

“Director” means any person appointed as a director or non-executive director of the SSL Management Board;

“European Governing Body” means European Squash Federation (ESF) or any subsequent European governing body of the Sport (if any);

“Investigating Officer” means a person appointed by the Chair of the Risk & Compliance Sub Committee to investigate and report on the circumstances of any alleged disciplinary matter;

“Member” means any member of SSL admitted to membership in accordance with the Articles or otherwise in accordance with the rules of the SSL;

“Notice” shall mean the written notice of a complaint or allegation submitted by the complainer alleging a breach of these rules and procedures;

“Person” means a Member or any member, director, official, employee, contractor, worker, agent, coach, volunteer or representative of a Member or/ individual member of a club or league affiliated to a Member and any other person involved in or connected to SSL or the Sport in Scotland;

“Respondent” means the person or persons against whom a disciplinary complaint is made or disciplinary proceedings are brought or intended to be brought under the terms of these Rules;

“Rules of the Sport” means these Rules and any other rules, bye-laws, codes of practice or regulations issued or adopted by SSL or any other rules binding on any Member or Person under the auspices of SSL or any rules, bye-laws or regulations issued or adopted by the World Governing Body;

“Codes of Conduct” are those which apply to coaches, members, players, volunteers and any other involved parties as amended from time to time by SSL. Such codes of conduct are available on the SSL website.

“SSL” means Scottish Squash Limited, a company incorporated in Scotland (Company Number: SC198965) and having its registered office at Oriam, Heriot Watt University, Edinburgh, EH14 4AS to which these Rules apply;

“Sport” means the sports of Squash and Racketball of which SSL is the Scottish Governing Body;

“UK Governing Body” means the UK governing body of the Sport (if any);

“World Governing Body” means the World Squash Federation (WSF) or any subsequent world governing body of the Sport (if any).

## **2. Notice of a Disciplinary Matter**

- 2.1. Any person wishing to raise a matter under these Rules shall submit a written notice to SSL at [info@scottishsquash.org](mailto:info@scottishsquash.org) (referred to as the “Notice”);
- 2.2. That Notice shall, as far as possible, include the names, addresses and relevant contact details of all parties relating to the disciplinary matter and notification if any person involved is under the age of 18;
- 2.3. The Notice shall also include a statement describing the nature and circumstances of the dispute or disciplinary matter;
- 2.4. The Notice shall also include, where appropriate, copies of all documents upon which the person is relying or relevant to the disciplinary matter; and
- 2.5. Confirmation of the Rules of the Sport and/or SLL Code of Conduct that have allegedly been breached or confirmation that the act or practice may bring the Sport or SSL into disrepute.

## **3. Administration of Complaints**

- 3.1. On receipt of any non-staff complaint, SSL shall forthwith write to the complainant, acknowledging receipt of the complaint and intimating that the complaint/allegation(s) will be looked into and, if appropriate, shall be investigated by an appointed member of the Risk & Compliance Sub Committee;
- 3.2. The date of receipt of the Notice by SSL shall be the date of commencement of the disciplinary procedure under these Rules (the “Commencement Date”);
- 3.3. SSL shall, as soon as is reasonably practicable, notify the Respondent in writing of receipt of the Notice and shall confirm all details included in the Notice.

## **4. Appointment of Investigating Officer**

- 4.1. The Chair of the Risk & Compliance Sub Committee shall decide whether the matter can be brought to a conclusion or if further investigation is required.
- 4.2. If further investigation is required, the Chair of the Risk & Compliance Sub Committee will appoint an Investigating Officer to look into the circumstances of the complaint. The Investigating Officer shall be a member of the Risk & Compliance Sub Committee and will have declared that there is no conflict of interest before conducting the investigation;

- 4.3. The Investigating Officer shall interview all interested parties and provide a full report with recommendations to the Chair of the Risk & Compliance Sub Committee.
- 4.4. In cases of certain gravity, the Investigating Officer may deem it appropriate to provisionally suspend the Respondent, without prejudice, from SSL and/or any event/competition of SSL but shall only do so after consultation with the Chair of the Risk & Compliance Sub Committee;
- 4.5. While suspended, the Respondent shall not participate in any activity related to the Sport (including competition, coaching and/or refereeing);
- 4.6. The Board, the Members and all Persons must co-operate fully and openly and shall provide all such information as is necessary and reasonably requested by the Investigating Officer in order to establish the facts of the case;
- 4.7. The Investigating Officer, on completion of the investigation, shall provide a brief report to the Chair of the Risk & Compliance Sub Committee with a recommendation as to what, if any, disciplinary action should be taken;

## **5. Sanctions of the Disciplinary Committee**

- 5.1. The disciplinary penalties open to the DC to impose on all Members and Persons include but are not limited to:
  - 5.1.1. Warning: a warning may be given by the DC for a minor act of misconduct. A warning may set out the nature of the misconduct, the change of behaviour required and (if possible) the likely outcome of further misconduct;
  - 5.1.2. Reprimand: a reprimand may be given in a case which is more serious than a minor act of misconduct or where previous warnings have been issued to the Respondent. The reprimand may set out the nature of the misconduct, the change of behaviour required and (if possible) the likely outcome of further misconduct;
  - 5.1.3. Sport Penalties: any such penalties shall be at the entire discretion of the DC to determine as appropriate in the circumstances and may include a temporary ban for the Respondent from participation in competition or any course or activity associated with the Sport;
  - 5.1.4. Financial Penalties: any such penalties shall be at the entire discretion of the DC to determine appropriate in the circumstances and may include a fine on any Person or Member;
  - 5.1.5. Suspension: the Respondent may be suspended from membership of SSL and or from membership of any Member and/or from participation in the Sport in

a case of serious misconduct or suspected serious misconduct or where in the opinion of the DC (in their entire discretion) the suspension of the Respondent is required in order to secure the safety of any persons involved in the Sport or the integrity or good reputation of the Sport;

5.1.6. Expulsion: the Respondent may be expelled from membership of SSL and/or from participation in the Sport where the Respondent has been determined by the DC (in their sole discretion) to be guilty of serious misconduct or where in the opinion of the DC in their entire discretion, the expulsion of the Respondent is required in order to secure the safety of any persons involved in the Sport or the integrity or good reputation of the Sport.

5.2. The DC can impose any such measures as it deems necessary on the Respondent to ensure that the matter concerned is not repeated, the safety of those involved in the Sport is protected and that the integrity and good reputation of the Sport is maintained. The DC may impose more than one sanction in relation to a disciplinary matter at its entire discretion;

5.3. The DC and SSL shall retain a record of all sanctions and decisions made by the DC;

5.4. When determining any sanctions the DC shall, without limitation, have regard to:

5.4.1. The seriousness, size and nature of the disciplinary matter;

5.4.2. The extent to which the disciplinary matter was deliberate or reckless;

5.4.3. The general compliance history of the Respondent, and any specific history of the disciplinary matter in question; and

5.4.4. The responsiveness and conduct of the Respondent in relation to the disciplinary matter in question.

## **6. Appeals Procedure**

6.1. Any party to a disciplinary matter may appeal a decision or sanction within 14 days of the date the decision is notified to them;

6.2. Any such appeal must be made in writing within the timescale set out in Clause 6.1 to the Chief Executive Officer (CEO) advising of their wish to appeal and the grounds for that appeal. The CEO will be responsible for convening the Appeals Panel at a time and place that is satisfactory to the Appeals Panel;

6.3. In the event of an appeal being made to the Appeals Panel under this Clause 6 the decision of the Appeals Panel shall be final and binding on all parties (including any party claiming through or under them) and the parties agree by submitting a matter to the Appeals Panel, to waive irrevocably their right to any other appeal,

review, or recourse to any court or other judicial authority, subject to any applicable statutory or other rights;

- 6.4. In the event of an appeal by the Respondent, any sanctions imposed on the Respondent shall not apply until the determination of the appeal, unless it is otherwise determined by the Members of SSL;
- 6.5. The Appeals Panel shall, subject to Clause 6.1, determine the timescales and procedures for appeals as it (in its sole discretion) considers appropriate. A majority decision of those present and voting on the Appeals Panel shall uphold or dismiss the appeal. In the event of the Appeals Panel being unable to arrive at a majority decision the Appeal will be upheld.

## **7. Conduct and Conflicts of Interest**

The members of the Appeals Panel cannot take part in any instance or case where they have a conflict of interest or where members of their own association or club, their family or persons having a legal or business link with them are involved. It is the responsibility of each member of the Appeals Panel to withdraw from a case when a conflict of interest is apparent. In this instance the Chair will appoint another member to the Appeals Panel ..

## **8. Timescale**

The members of the Appeals Panel will make every reasonable effort to resolve all matters in their hands within a reasonable time.

## **9. Amendments to these Rules**

Amendments to these Rules must be approved by SSL in accordance with their Articles and any other relevant rules of the SSL.

## **10. Confidentiality**

- 10.1. Subject to the provisions of these Rules, the proceedings of the Appeals Panel shall be confidential and remain confidential to the Appeals Panel. The parties and the Appeals Panel undertake to keep confidential all documents and other materials produced for the purpose of the disciplinary matter by any party and/or participant in the disciplinary matter except to the extent that disclosure may be required by a legal duty, to pursue or protect a legal right, to enforce or challenge an award in bona fide legal proceedings or that such documents may already be in the public domain (otherwise than in breach of this undertaking);
- 10.2. Notwithstanding Rule 10.1, the Appeals Panel and/or SSL may publish the Appeals Panel award or decision and its reasons unless the parties agree prior to the Appeals Panel making its award or decision that they should remain confidential. In the case of any disciplinary matter conducted under these Rules the Appeals Panel

and/or SSL may publish generic, non-identifying information in relation to the findings of the Appeals Panel.

## **11. Applicable Law**

11.1. These Rules shall be governed by and construed in accordance with the law of Scotland;

11.2. Any application under these Rules to the Appeals Panel shall be governed by the law of Scotland;

11.3. Any appeal carried out by the Appeals Panel shall be carried out in Scotland under the law of Scotland at a location to be agreed between the parties and in the absence of agreement determined by the Appeals Panel.