



DISCIPLINARY PROCEDURES

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INTRODUCTION

Disciplinary matters within Tenchi Ryu will be dealt with by the Disciplinary Panel in the first instance and if necessary subsequently by the Full Management Committee

All members of the Club agree to fully comply with this code of conduct and specific codes of conduct for their role and be bound by its terms as under noted.

Disciplinary action against Club members, including expulsion without notice, may be taken for offences of misconduct or breach of 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 Secretary'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 under following actions by members may be interpreted by the Executive Committee to fall within this Code.

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 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 games, training session or organised Club event.
- Conduct of an unsafe nature
- Offensive disregard for equipment or property
- Refusal to carry out reasonable instructions issued by event officials or organisers
- Failure to attend or participate in events or meetings organised by the Club
- Failure to comply with or adhere to the relevant code of conduct for their position within the club
- Any other actions of similar gravity to the above, at the discretion of the Disciplinary Panel

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

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

- Misconduct offences above if specially grave or repeated
- Deliberate or consistent breaches of club rules
- 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 the sport whilst under the influence of drugs or alcohol
- Malicious interference with equipment or property
- Disregard for one’s own or other people’s safety
- Any other action, which in the opinion of the Club Officers may bring aikido or Tenchi Ryu into disrepute, or which left unchallenged, may result in the detriment of the Club or its members.

“Gross Misconduct” is action of such seriousness that the Disciplinary Panel will require the immediate expulsion of the individual from the Association.

The 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 a Club event or related activity, including serious threatening, intimidating or forceful behaviour
- Reckless disregard of safety and basic safety rules
- Being convicted of criminal offences involving physical violence or abuse
- Other acts that are considered to be of an extremely serious nature perpetrated against the Club, its members or any other party.

Child Protection – if the matter relates to a child protection issue Tenchi Ryu will follow the its 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 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 Elected Officers will decide as to the type of offence as per (section 1) above.

If the offence is considered to be one of **Misconduct**, the Club Secretary will write to the offender 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 by the Disciplinary Panel as one of **Serious Misconduct**, then the following procedure will be implemented: -

- The Disciplinary Panel will appoint 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
- Contact the Club's Legal Advisor if required and supply copies of all evidence
- 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

3. DISCIPLINARY HEARING

1. The Tenchi Ryu Secretary will take charge of the hearing and all questions will be addressed through the Secretary
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.
- 7.

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).

Offences of being under the influence of alcohol or drugs during a club training session or those involving threats of physical violence, will carry automatic expulsion from the club.

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 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. 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

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