

Chesham Bois Lawn Tennis and Squash Club¹

Disciplinary & Appeal Procedure

1 General

1. Disciplinary matters, applying to all matters relating to Chesham Bois Lawn Tennis & Squash Club (further referred to as the Club), will be dealt with in accordance with the provisions contained herein and all members and employees of the Club agree to comply with these provisions, the Club's Code of Conduct and any specific codes of conduct relating to their role at the Club and be bound by its terms as set out below.
2. It is intended that these provisions shall comply with the disciplinary provisions of the LTA or Squash England, whichever is applicable, in so far as the provisions of those two organisations relate to a small members club. In the event of any inconsistency between the provisions contained herein and the provisions of the said organisations, these provisions shall prevail.
3. In the first instance any disciplinary matter will be dealt with by the Elected Officers of the Tennis Committee in relation to tennis matters and tennis members or the Squash Committee in relation to squash matters and squash members and if necessary subsequently by the Club Committee. The Tennis Chair or the Squash Chair may act solely as the Elected Officer or may appoint other members of their Committees to act as the Elected Officers in respect of any disciplinary matter.
4. Disciplinary action against Club members, including expulsion without notice, may be taken for offences of misconduct or breach of Club's rules or Code of Conduct. However it is recognised and accepted that every member:-
 - a. -Has the right to expect fair and consistent treatment
 - b. -Has the right to adequate notice from the Club
 - c. -Has the right to appeal against the Club Secretary's judgement or Disciplinary Committee's decision in all disciplinary matters.
 - d. -Has the right to representation
 - e. -No member will be expelled for the first breach of Club's rules except in cases of "gross misconduct". However all disciplinary actions taken the Club will be duly recorded and placed on file for reference at a future date.

¹ Chesham Bois Lawn Tennis and Squash Club is the trading name of CBLTSC Limited (Company No. 08171320)

- f. -No member who has had any involvement in the incident(s) leading to the disciplinary procedure being invoked will be involved in the disciplinary process relating to the issue(s) in question.

2. Offences Leading to Disciplinary Action

1. As a condition of membership, all members are required to abide by the Club rules and codes of conduct, any relevant rules or codes of conduct issued by each sports' governing body and the provisions of this Disciplinary Procedure.
2. The under noted actions by members may be interpreted by the relevant Committees to fall within this Code. However the lists are not to be considered as fully inclusive or covering all possible offences.
3. "*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 the Elected Officers together with a demand for full and appropriate corrective action. Examples of offences that may be considered misconduct include: –
 - a. -Discourteous, crude or offensive behaviour at games, training session or organised Club event.
 - b. -Conduct of an unsafe nature
 - c. -Offensive disregard for equipment or property
 - d. -Any other actions of similar gravity to the above, at the discretion of the Elected Officers.
4. Repetition of the above offences or failure to comply with any demands made in writing by the Elected Officers may result in further action by the Elected Officers involving a disciplinary hearing.
5. "*Serious Misconduct*" is the carrying out of an offence of such gravity that in the opinion of the Elected Officers it warrants a Club disciplinary hearing. Examples of offences, which may be considered as serious misconduct include: –
 - a. -Misconduct offences above if specially grave or repeated
 - b. -Deliberate or consistent breaches of Club rules
 - c. -Any attempt to achieve gains or advantage over others by unfair or unscrupulous means
 - d. -Theft or misappropriation
 - e. -Use of threatening or abusive behaviour

- f. -Participating in the sport whilst under the influence of drugs or alcohol
 - g. -Malicious interference with equipment or property
 - h. -Disregard for one's own or other people's safety
 - i. -Any other action, which in the opinion of the Club Officers may bring the sport or Club into disrepute, or which left unpunished, may result in the detriment of the Club or its members.
6. "*Gross Misconduct*" is action of such seriousness that the Elected Officers will require the immediate expulsion of the offender from the Club. The Elected Officers may by means of an executive decision summarily expel such an offender without invoking a disciplinary hearing. The expelled member 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:-
- a. -Physical violence of assault towards other persons at a Club event or related activity, including serious threatening, intimidating or forceful behaviour
 - b. -Reckless disregard of safety and basic safety rules
 - c. -Being convicted of criminal offences involving physical violence or abuse
 - d. -Other acts that are considered to be of an extremely serious nature perpetrated against the Club, its members or any other party.

3. Disciplinary Procedure

1. In the first instance if any dispute or disagreement between members should arise, they are expected to attempt to fully resolve the matter between themselves amicably. In the event that such resolution cannot be achieved, the following provisions will apply.
2. On receipt of a written complaint from a member, another team within the sport, the governing body, the league/match organisers or any other party the Elected Officers 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.
3. If the offence is considered to be one of simple misconduct, the Tennis or Squash Chair will write to the offender with a formal written warning including the demand for an apology or other corrective action the Elected Officers may deem appropriate. The Elected Officers will also attempt to obtain approval for their action from the complainant.

4. A disciplinary file will be opened by the Elected Officers in which will be placed copies and records of the original complaint, together with the written warning and any other correspondence.
5. The action outlined above will normally finalise the process unless any of the parties involved object strongly to the Elected Officers decision in which case they may appeal directly to the Club Committee for a final decision.
6. Should the complaint be considered by the Elected Officers as one of serious misconduct, then the following procedure will be implemented: –
 - a. -The Elected Officers will appoint an Investigating Officer, who will be an elected member of the Tennis Committee or the Squash Committee, as appropriate, and who will research evidence presented and, if possible, will obtain further written evidence, witness statements, etc.
 - b. -If necessary the Investigating Officer will consult all relevant witnesses for supportive evidence
 - c. -Advise complainant that if a disciplinary hearing is called, then the complainant and all relevant witnesses will be obliged to attend and give evidence. (Non attendance at a hearing will only be allowed in extenuating circumstances, i.e. Ill-health, threat of violence or intimidation etc). In such circumstances/instances a sworn declaration must be submitted to the relevant Committee
 - d. -Contact the member subject of the complaint to advise of the official complaint and request the member to submit a written statement of events
 - e. -In cases of disputes of a personal nature, the Elected Officers will attempt to resolve the situation amicably and to the mutual satisfaction of the parties concerned
 - f. -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
 - g. -Contact the Club's Legal Advisor if required and supply copies of all evidence
 - h. -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

4. Disciplinary Hearing

1. The Tennis Chair or the Squash Chair shall take charge of the hearing and all questions will be addressed through the Chair.
2. A disciplinary committee will be appointed which will consist of: –
 - a. the Tennis or Squash Chair person
 - b. two other members of the relevant Committee
3. The disciplinary committee will proceed as follows-
 - a. a case presenter will be appointed, who will normally be the Investigating Officer.
 - b. All witnesses to be interviewed and all written evidence to be reviewed at the hearing.
 - c. 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.
 - d. The appellant is entitled to be accompanied to the hearing by a friend not acting in a legal capacity.
 - e. 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.
 - f. 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.

5. Penalties

1. Following the hearing, the Disciplinary Committee will apply such penalties as the Disciplinary Committee consider appropriate, including temporary or permanent expulsion of the offender from the club, such penalties will have immediate effect, notwithstanding the possibility of an appeal in accordance with (Section 6) under noted. Offences of cheating or being under the influence of alcohol or drugs during a club training sessions or match or those involving threats of physical violence, will carry automatic expulsion from the Club and will preclude the offender from taking part in any Club organised activity in an official capacity. The Club will in all cases comply with the requirements of the Governing bodies and Club Safeguarding policies including immediate notification of the police where required.

6. Appeals

1. 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 offender, 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 full and recorded argument may be considered relative to: –
 - a. -the decision
 - b. -the penalty
 - c. -other
2. An appeal hearing will be convened as soon as practicable and will consist of an Appeal Committee of 3 members of the Club Committee who did not take part in the first hearing and who will elect their own Chairperson (who will have the casting vote).
3. The appellant is entitled to be accompanied to the appeal by a friend not acting in a legal capacity.
4. 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.
5. The decision of the Appeal Committee is final and binding on the parties and not subject to further appeal.