

## DISCIPLINARY PROCEDURE OF WILTSHIRE COUNTY BADMINTON ASSOCIATION ('COUNTY ASSOCIATION')

This Disciplinary Procedure (hereinafter referred to as ('the Procedure'), which is based on that adhered to by the Badminton Association of England ('the Association'), applies to:

- all Badminton clubs which are members of or affiliated to the County Association ('Clubs').
- § all coaches on the National Association's Register of Coaches contracted to the Clubs or to the County Association
- § all members of the Wiltshire County playing squads.
- § all other persons affiliated to the County Association or to the Association including members and individual members whether affiliated to the Association through the Oncourt/Courtside membership schemes or otherwise.
- § all officials, whether voluntary or employed directly by the County Association or by the Clubs.

It will be applied in relation to all breaches of the Rules and Regulations of the Association and the regulations governing the playing of badminton (together 'the Regulations'), the County Association and Club Rules and Regulations ('The Rules') and the national Coaching department's Code of Conduct and Ethics ('the Code').

**Any complaint about a coach, player, official or other person received by the County Association will be dealt with in accordance with the Procedure.**

- 1.1 The purpose of the Procedure is to ensure that the County Association behaves fairly towards all Clubs, registered coaches, county squad players, members and affiliated bodies, officials and other persons in investigating and dealing with alleged instances of unacceptable conduct or performance. Accordingly, the County Association reserves the right to depart from the precise requirements of the Procedure where it is expedient to do so and where the resulting treatment of the relevant person is no less fair and provided the result is consistent with the Association's objective of achieving harmonisation in dealing with disciplinary matters.
- 1.2 All cases of disciplinary action under the Procedure will be recorded and placed in the County Association's records. A copy of the County Association's records relevant to the alleged unacceptable conduct or performance will be supplied to the person or body being disciplined upon that person's request in writing.
- 2 Offences under the Procedure fall into 4 main categories namely:
  - i) minor breaches of the Code and the Regulations;
  - ii) serious breaches of the Code and the Regulations;
  - iii) any breaches of the Rules; and
  - iv) other disciplinary offences against any other rules and regulations of the County Association.
- 3 The disciplinary committee of the County Association ('Disciplinary Sub-Committee') shall be appointed by the County Association's Committee ('Committee') and shall consist of three members of the Committee together with the President or the Chairman of the Committee or such other person as he\* may at his absolute discretion appoint as his alternate. Copies of all complaints against each person to whom the Procedure applies and who is subject to investigation as referred to below will, in each case, be made available to the Disciplinary Sub-Committee which shall follow the procedure set out below in determining how the matter should be dealt with and if it really needs to be dealt with.

- 4 Complaints must be made in writing to the County Association's Honorary Secretary (or a member of the Committee where the applicant is about the Honorary Secretary). Where a complaint is received by the County Association against a person to whom the Procedure applies, the following steps will be taken by the Disciplinary Sub-Committee, as appropriate:
  - 4.1 The person complained about will be informed in writing of the substance of the complaint, but not the identity of the complainant, within seven days of receipt of such complaint by the County Association. He will be given an opportunity to respond in writing to the Disciplinary Sub-Committee and must, if he wishes to refute or deny the complaint, do so in writing within seven days of his receipt of notification of the complaint from the County Association.
  - 4.2 The Disciplinary Sub-Committee, at its absolute discretion, applying the rules of natural justice and fairness, will decide whether further action needs to be taken hereunder, and if it so decides, will proceed as set out below. Very serious matters, for example those affecting other County Associations, impacting on the Association or the subject of criminal investigation or prosecution, may be referred to the Association, but otherwise all complaints shall be dealt with by the Disciplinary Sub-Committee. In the event that the County Association has concerns as to whether the matter is sufficiently serious for the Association to be involved, written referral shall be made to the Chief Executive of the Association for clarification and guidance. The Chief Executive of the Association's decision as to whether a complaint should be heard in the first instance by the County Association or the Association shall be final and binding.
  - 4.3 Investigations: An investigation of the matter complained of will be undertaken by the Disciplinary Sub-Committee and, if appropriate, the Disciplinary Sub-Committee may by written notice suspend the person complained of for a specified period during which time such an investigation will be undertaken. The decision to suspend such person will be notified to him by the Disciplinary Sub-Committee and confirmed in writing.
  - 4.4 Interim Action: Following investigation of the matter complained of, the Disciplinary Sub-Committee shall be entitled to issue a written warning, impose a temporary suspension, impose a suspension pending investigation of the complaint or levy a fine in a sum not exceeding £50 without the need to hold a disciplinary hearing.
  - 4.5 Disciplinary Hearing: If the Disciplinary Sub-Committee decides to hold a disciplinary hearing, the person complained of will be given details of the complaint against him within seven days of any such disciplinary hearing. At any disciplinary hearing he will be given an opportunity to state his case and may also be accompanied by a friend or adviser. The Disciplinary Sub-Committee reserves the right to have its own adviser present at any hearing. No disciplinary penalty (other than those referred to in 4.4 above) will be imposed without a disciplinary hearing. In the event that any of the members of the Disciplinary Sub-Committee shall be the complainant, another member of the Committee shall replace him.
  - 4.6 As set out in 4.2 above, and after consultation with the Chief Executive of the Association and subject to the consent of the Association, the Disciplinary Sub-Committee may only refer complaints about very serious misconduct to the disciplinary panel of the Association ('Disciplinary Panel') for investigation and decision.
- 5 Appeals: Following any action taken under 4.3, 4.4, 4.5 or 4.6, the person complained of has a right of appeal against the decision of the Disciplinary Sub-Committee or, where appropriate, the Disciplinary Panel or the penalty imposed thereby to the Appeal Committee (as defined below). He should inform the Honorary Secretary of the County Association in writing of his wish to appeal and the reasons

therefor within seven days of the date of his receipt of the notification of the Disciplinary Sub-Committee's decision or, where appropriate, that of the Disciplinary Panel.

- 5.1 The appellant's request for an appeal hearing must be accompanied by a deposit of £25 and payment of any fine levied by the Disciplinary Sub-Committee. These sums will be refunded in the event of the appellant's appeal being successful, but will be retained by the County Association in the event that the appellant is unsuccessful.
- 5.2 The decision as to whether to allow the appeal to proceed is in the absolute discretion of the Appeal Committee applying the rules of natural justice. The Appeal Committee shall only grant leave to appeal in circumstances where the appellant can produce evidence which has not been produced before, through no fault of the appellant, or on the grounds that the penalty imposed was too severe in all the circumstances of the matter.
- 5.3 The Appeal Committee will consist of three members of the County Association's Committee and a Chairman from outside the County Association. Where any member of the Appeal Committee was involved in the complaint at an earlier stage, that person shall not sit on the Appeal Committee.
- 5.4 The Appeal Committee will conduct an appeal hearing as soon as possible after leave to appeal has been granted to it. At this hearing the appellant will be given an opportunity to produce evidence not already produced to the Disciplinary Sub-Committee and/or to challenge the severity imposed by the Disciplinary Sub-Committee. He will be entitled to be accompanied by a friend or adviser and the Appeal Committee reserves the right to have its own adviser present at any hearing. The Appeal Committee reserves the right to increase any penalty imposed by the Disciplinary Sub-Committee.
- 5.5 Subject to 5.6 and 6.2 below, the decision of the Appeal Committee will be notified to the appellant in writing within seven days and will be final and binding.
- 5.6 The appellant shall have the right of appeal from the decision of the Appeal Committee to the Disciplinary Panel in the event that the matter has not already gone before the Disciplinary Panel. In such cases, the Disciplinary Panel shall apply the procedure laid down in the Association's own procedures and its decision in a matter shall be final and binding on both the complainant and the County Association.

## 6 Minor Breaches

- 6.1 The following offences are examples of minor breaches of the Code, the Rules and the Regulations:
  - Bad time-keeping
  - Inappropriate dress code on court
  - Smoking whilst coaching or playing
  - Failure to fulfil a coaching appointment
  - Minor damage to County Association or Club property
  - Failure to observe County Association or Club procedures
  - Misrepresentation of ability to coach and claiming higher level of Coaching qualifications that actually possessed
  - Deliberate failure to play to the best of his ability
  - Negative and unhelpful attitude at matches or practices
  - Failure to arrive at a tournament or match without notification or with notification but without proper reason
  - Late arrival on court without proper reason

These offences are not exclusive or exhaustive and offences of a similar nature will be dealt with under this Procedure.

6.2 In the event of a minor breach of the Code or the Rules and the Regulations the County Association reserves the right either to impose a fine or a temporary suspension upon an offender or give to an offender a written warning. The offender shall be entitled to appeal to the Appeal Committee under 5 above provided he complies with the provisions of that section. Provided such breach is not repeated nor any other minor breach complained of within one year, the matter will not be taken further although a note of such breach will be made in the County Association's records. If such breach is repeated or any other minor breach committed and is reported to the County Association, the County Association will deal with it as a serious breach and shall, if it considers it appropriate, instigate the investigative process and, if it does not receive a satisfactory explanation from the offender, may require him to attend a disciplinary hearing as provided for in 4.5 above.

## 7 Serious Breaches of the Code, the Rules and the Regulations

7.1 The following offences are examples of serious misconduct:

Abusive Behaviour

Theft or unauthorised possession of any property or facilities belonging to the County Association or any other player or coach

Failure to play in a prearranged match for any reason other than verifiable illness, injury or other good cause

Serious damage to County Association property

Falsification of reports, accounts, expense claims or medical certificates

Intoxication by reason of drink during a match in which he is playing, during coaching or when travelling to a match

Possession of illegal drugs

The use of drugs prohibited by the International Badminton Federation under its doping regulations

Refusing to give a blood or urine sample when required for random testing for restricted drugs

Giving a non-negative drug test result

Abuse of the position of coach contrary to section 2.5 of the Code

Sexual, racial or other harassment of any player, coach or spectator

Failure to attend a disciplinary hearing when required to do so

Any breach of the Regulations or Rules which the Disciplinary Sub-Committee considers to be of a serious nature

These offences are not exclusive or exhaustive and offences of a similar nature will be dealt with under this Procedure.

7.2 In the event of serious breaches of the Code or the Rules or Regulations which cannot be explained to the satisfaction of the County Association, an offender may be required to attend a disciplinary hearing as provided for in 4.5 above.

8 The sanctions that may be applied by the Disciplinary Sub-Committee if the complaint(s) against the appellant prove to be well-founded and are upheld include the following:

Minor Breaches of the Code and the Rules and the Regulations

Fines;

Temporary suspension of membership of the relevant club;

Temporary suspension from County squad and the benefits attached thereto, including support for training and competition;

Temporary suspension of the right to play in any matches and to be entered in tournaments.

## Serious Breaches of the Code and the Rules and the Regulations

Fines;

Temporary suspension of the relevant club;

Temporary or permanent removal from the County squad and the benefits that attach thereto, including support for training and competition;

Temporary or permanent suspension of the right to play in any matches and to be entered in tournaments.

\* words importing the masculine gender only shall include the feminine gender and any words importing the singular number shall include the plural number and vice versa.

5th Feb 2001