

The Scottish Highland Games Association (“the SHGA”) Disciplinary Procedure

General

All competitors registered with the SHGA (and others who have consented to be subject to this procedure) agree to fully comply with this disciplinary procedure and all specific codes of conduct for their role.

Disciplinary action against an individual may be taken for offences of misconduct or breach of SHGA’s rules and the following procedure will be followed in such cases.

It is recognised and accepted that every member:

- Has the right to expect fair and consistent treatment in terms of this procedure;
- Has the right to adequate notice from the SHGA of any alleged misconduct levelled against them;
- Has the right to appeal against any disciplinary decisions and/or sanction awarded; and
- Has the right to representation as the SHGA considers appropriate in the circumstances.

No member will be expelled for the first breach of SHGA’s rules except in cases of “gross misconduct”.

All disciplinary actions taken by SHGA in terms of this procedure will be duly recorded and retained in accordance with the organisation’s obligations in terms of the Data Protection Act 1998.

Offences which could lead to potential Disciplinary Action

The under noted actions by an individual may invoke this procedure, however the listings are not exhaustive.

1. **“Misconduct”** is the carrying out of an offence considered to be of a minor nature (unless repeated) and will normally incur a warning from SHGA together with a demand for full and appropriate corrective action. Examples of offences that may be considered misconduct include (but is not limited to): -

Discourteous, crude or offensive behaviour at events or training sessions

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 comply with or adhere to the relevant code of conduct for their position within the Association

Any other actions of similar gravity to the above, at the discretion of the Association.

2. **“Serious Misconduct”** includes (but is not limited to):

· Misconduct offences above if specially grave or repeated

Deliberate or consistent breaches of Association 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 (note any drug-related misconduct is subject to the separate Anti-Doping policy).

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 Association may bring the sport, games or event and/or the Association into disrepute, or which left unpunished, may result in the Association, its members and/or other individuals suffering a detriment.

3. **“Gross Misconduct”** is action of such seriousness that the Association will require the immediate expulsion of the offender from the Association. The Association may, by means of an executive decision, summarily expel such an offender. Examples of gross misconduct includes (but is not limited to):-

· Physical violence of assault and/or threats of physical violence or assault towards other persons at an 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

Cheating

Being under the influence of alcohol or drugs or other banned substance during training sessions or events.

Other acts that are considered to be of an extremely serious nature perpetrated against the Association, its members, other individuals and/or any other party.

Precautionary Suspension

Alleged misconduct, serious misconduct or gross misconduct may occur either at or during an event or could arise as a result of something not apparent at an event but as a consequence of a subsequent complaint by a third party against an individual.

In either case, any duly authorised SHGA representative or such other person as may be specifically authorised, as the circumstances and the nature of alleged misconduct in question may dictate, may issue the individual with a precautionary suspension.

A precautionary suspension would take effect immediately and would prevent the individual from taking part in any event until it is lifted upon the outcome of any disciplinary hearing which may follow thereon being determined.

A precautionary suspension is not regarded as any type of disciplinary sanction.

Investigation Process

Upon receiving any complaint from any member, other individual, official and/or any third party, the Association directors will inform the individual of the alleged complaint/alleged misconduct (either verbally if the complaint is alleged at or during an event or in writing if a complaint is submitted after an event has taken place). The individual will be informed of the nature of the complaint including dates (if it did not happen at the event) and who is alleged to have been involved in the alleged incident.

The Association may then appoint such person as it deems appropriate ("Investigating Officer") to carry out an investigation into the alleged misconduct in order to determine whether the complaint falls within the scope of this disciplinary procedure. In the event that the individual is subject to a precautionary suspension, this will continue until the investigation is complete and if it is decided that disciplinary action (following investigation) is merited

against the individual then the suspension will continue until after the disciplinary hearing and outcome is determined.

The directors of the Association will appoint an Investigating Officer who will write to the individual to explain the nature of the alleged conduct and ask the individual whether he/she wishes to make any comments or representations regarding the alleged incident. In some cases, and at the Investigating Officer's discretion, the Investigating Officer may request to meet with the individual in person to hear his/her version of events. However, the Investigating Officer may simply require that the individual gives his or her version of events in writing. The Investigating Officer may also wish to speak to other relevant witnesses regarding the alleged incident.

Upon conclusion of the investigation, the Investigating Officer will make a recommendation to the Association directors as to whether the matter should proceed to a disciplinary hearing or not.

Invitation to Disciplinary Hearing

If the matter is to proceed to a disciplinary hearing, the individual will be informed in writing by the Association Secretary or such other person as may be nominated by the Association from time to time.

The individual will be informed in writing of the nature of the alleged disciplinary charges, the alleged nature of the misconduct and what the potential outcome of the disciplinary process could potentially be, i.e. in terms of potential disciplinary sanction.

With this letter, the individual will be provided with statements from any witnesses and will be provided with evidence gathered as part of the investigatory process ahead of any disciplinary hearing taking place. The individual should normally be given at least 5 days to consider matters before proceeding to a disciplinary hearing.

Election by Individual to Accept the Disciplinary Charges without hearing

In the letter to the individual confirming the alleged disciplinary charges and the invitation to the disciplinary hearing, the individual will be given the opportunity as to whether he/she intends to participate in the process i.e. attend the disciplinary hearing or whether he/she wishes to accept the disciplinary charges as alleged without attending a hearing. The individual will be required to confirm his/her position in writing. In the event that the individual accepts the alleged misconduct and decides not to continue with the disciplinary process, the charges will be regarded as upheld and sanction applied. This will be confirmed to the individual in writing.

Disciplinary Hearing

In the event that the matter proceeds to disciplinary hearing, a Disciplinary Committee will be appointed which will consist of:-

- Association Secretary;
- 2 members of the SHGA General Council

or such other individual as the Association considers appropriate from time to time.

At the disciplinary hearing, the individual will be given an opportunity to address the charges against him/her and set out his position to what is alleged.

No witnesses or statements can be introduced at this hearing without prior notice and copies of all written evidence produced for consideration must be made available to the parties prior to hearing.

The Disciplinary Committee or any individual appointed to conduct the disciplinary hearing on behalf of the Association may adjourn the hearing so as to allow further evidence to be referred to or further investigation carried out.

After the outcome of the hearing is determined, the individual shall be notified in writing of the decision and disciplinary sanction awarded. This will usually happen within seven working days. Any sanction issued is effective from the date of the decision.

The individual will also be informed of his/her right to appeal. The individual must appeal within seven working days of the date they receive the decision in terms of the outcome and the sanction applied. The individual should address his/her appeal to the Club Secretary of the Association. The individual must set out his/her grounds of appeal in full.

Individual fails to attend the Disciplinary Hearing

In the event that the individual fails to attend the disciplinary hearing, the Disciplinary Committee shall agree to reschedule the hearing provided that the Disciplinary Committee is satisfied that the individual had a good reason for not attending the original hearing.

In the event that the individual fails to attend the disciplinary hearing without good reason, or the Disciplinary Committee (or such other person or persons appointed to hear the disciplinary hearing) is not satisfied that the individual had

a good reason for failing to attend the original hearing or the individual has failed to attend the hearing on more than one occasion, the Disciplinary Committee (or such other person or persons appointed to hear the disciplinary hearing) may decide to make a decision as regards outcome and sanction based on the information they have before them without any further representation from the individual.

Possible Disciplinary Sanctions

Following the disciplinary hearing, the Disciplinary Committee will apply such sanction as considered appropriate and reasonable in the circumstances.

For the avoidance of doubt, in cases of gross misconduct or where there has been instances of serious misconduct (of whatever nature) on a previous occasion, the Association may decide that it is an appropriate sanction for the individual to be precluded from taking part in any SHGA member organised event in any capacity in the future. This would effectively amount to a permanent expulsion.

In cases of misconduct and/or serious misconduct, unless the Association considers it more appropriate to apply the more serious sanction of permanent expulsion, the Association may award any of following sanctions as is appropriate depending on the nature of the misconduct :-

- verbal warning; 3 months
- written warning; 6 months
- final written warning; 12 months
- temporary expulsion.

Appeal Against Disciplinary Outcome/Sanction

If an appeal against the disciplinary outcome and/or sanction is made by an individual, an appeal hearing will be convened as soon as reasonably practicable. Any appeal will be heard by an Appeal Committee of up to 3 members of the SHGA General Council. However, there may be some circumstances in which it would not be appropriate for the full Appeal Committee to hear the appeal and in which case the SHGA have discretion to appoint such other person/persons to hear the appeal as it considers appropriate and necessary from time to time.

The decision of the Appeal Committee/individual appointed to hear the appeal by the Association is final and binding on the parties and there is no further right to appeal open to the individual.

For the avoidance of doubt, new evidence cannot be presented at the Appeal Hearing and will not be considered other than at the Association's discretion. The Appeal Committee shall have the power to amend or revoke any decision/sanction awarded at the disciplinary hearing stage.

For the avoidance of doubt, the person/persons appointed to hear the appeal will not have taken part in any part of the process which has gone before i.e. either the investigation or disciplinary hearing.

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