

SCA – Grievance, Discipline and Appeals Policy

Principles

SCA recognizes that although undesirable, it is inevitable that disputes will arise between members, clubs or the Association. (explicitly, this policy and procedure does not apply to HR matters, which will be considered using specific SCA HR procedures). It is always preferable if these disputes are resolved informally, within existing club or within existing Discipline procedures. Where this is not possible, the complaint will be channelled through formal procedures, via the Board of Directors.

In hearing the complaint, the SCA will:

- Follow the rules of Natural Justice
- Act in good faith
- Be impartial
- Be equitable and fair
- Be non-discriminatory
- Be Confidential

In accordance with SCA Policies.

Practice

The General Secretary(*) will receive the complaint in the first instance, to determine competence.

On receiving a competent complaint the President of the Association(*) will appoint a panel to conduct the investigation, according to the Articles of Association of the Scottish Canoe Association.

The Panel will:

- Consider the complaint
- Ensure the subject of the complaint is made aware of the detail and has adequate opportunity to respond
- Ensure the complainant is made aware of the detail of the response
- Ensure all parties have the opportunity to present issues to be resolved
- Convene a disciplinary panel meeting if necessary, to allow all parties the opportunity to present their case and allow the panel to clarify evidential points.
- Consider the complaint and supporting evidence
- Determine if:
 - The Articles, Constitution, Policies or Rules of the Association have been broken
 - The Sport has been brought into disrepute
- Deliver its decision, including any penalties to be applied, to all parties simultaneously
- Advise all parties of their rights of appeal.

SCA – Grievance, Discipline and Appeals Hearing Procedures

Context

In the first instance, the complaint will be processed by the General Secretary to determine:

- Competency – if so then it will be forwarded to the President, with recommendation, in confidence.
- The absence of a conflict of interest
- Whether the complaint potentially involves individuals who fall under the Safeguarding Policy, if so then the complaint will be forwarded to the Safeguarding Officer.

Confidentiality will be maintained.

Should a disciplinary panel have been convened on the request of the President(*) of the Association it will mean that informal and / or Discipline or Club procedures have not resolved the matter and a formal process will have been invoked, as required by rules made in accordance with the Articles of Association of the Scottish Canoe Association (Article 45).

The panel is required to act in accordance with the Grievance, Discipline and Appeals Policy of the Scottish Canoe Association, consider the complaint, determine if:

- The Articles, Constitution, Policies or Rules of the Association have been broken or if
- The Sport has been brought into disrepute

and if so, determine the sanction to be applied. (Article 45.1)

Procedure

Pre hearing

On receipt by the board of a competent complaint, the President(*) shall, within 14 days, unless otherwise agreed (**), appoint a Panel consisting of at least 3 members who may or may not be members of the Board.

Within a further 21 days the secretary, on behalf of the panel, will notify the parties of the intention to consider the complaint and may either:

- Proceed directly to a hearing or
- Request written submissions.

In the latter case, the Panel will ensure:

- The details of the complaint are available to all parties
- All parties have adequate time to consider the complaint and submit response (14 days unless agreed otherwise)
- The response is made available to all parties.
- All parties will have the opportunity to submit further questions the responses may require.

If written submissions do not resolve the matter then the panel will call a hearing and notify all parties of the date fixed for the hearing, by recorded letter, to the last known address of an individual, or the secretary, if the party is an organization or club.

The date will be a minimum of seven clear days post notification.

Hearing

The hearing will take place at the date and location notified to the parties and will be conducted by the panel convened for the purpose of hearing the complaint. The parties will be notified of the panel members with the hearing calling notice.

The hearing will be conducted in a non adversarial manner and in accordance with SCA policies.

The parties have the right to be accompanied by an advisor or friend.

The party(s) will be afforded the right to present their case and the panel may question or clarify as it sees fit, including the calling of additional information or witnesses to fact.

Any such evidence will be attributable and factual and therefore opinion evidence will not be allowed, unless from an expert witness.

Extraneous matters will not be considered.

The party(s) will have the right to challenge any evidence that has been presented.

An official record of the meeting will be made.

Post Hearing

The panel will consider the evidence that has been presented and will consider it in the context of SCA Policy and determine if:

- The Articles, Constitution, Policies or Rules of the Association have been broken or if
- The Sport has been brought into disrepute

And if so, what sanctions may be applied.

In making that determination, the panel will take previous conduct into consideration and also ensure any sanction is commensurate with the offence.

The party(s) will have no right of access to these deliberations.

Conclusions

The panel will, within seven days of the hearing:

- Notify the party(s), in writing, the decision of the panel
- Notify the party(s) of any sanction that is to be applied
- State the reason for the decision
- Inform the party(s) of their right of appeal, the method and time limit for doing so.

Appeal

In the event of an appeal being made, the President(*) (competency having been determined in the same method as the original complaint) will convene an appeal panel of Board Members not involved in the original hearing, no sooner than fourteen days and no later than twenty-eight days from the date of intimation of appeal.

The quorum of the appeal panel will be a minimum of three.

The procedural arrangements will be similar to the original hearing, for the just and efficient disposal of the appeal.

The appeal panel will, within seven days of the appeal hearing, sustain or dismiss the original decision and impose any other sanction it sees fit.

The party(s) will be notified in the same manner as the original hearing.

Dispute resolution

Any party aggrieved by the decision of the appeal panel may, within fourteen days, appeal against the decision or seek arbitration, in writing, to Sports Resolutions (UK), for determination by an arbitration panel, in accordance with their current clauses, whose decision will be final and binding.

The Board of the Scottish Canoe Association,
June 2016

(*) In the event the President is involved in the matter, other Directors will deputise in the following order: General Secretary and then other Directors as identified by the General Secretary as independent, unless determined that the General Secretary is not independent)

(**) In discharging its responsibilities under these procedures the SCA will make best endeavours to achieve the timescales set out, but in the event of non-availability of key people or additional time being required to take advice or review documentation received, or for any other reason, the panels may extend the timescales providing the process does proceed as quickly as is possible in the circumstances.