



FULHAM RUNNING CLUB – DISCIPLINARY AND APPEALS PROCEDURE

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A. Introduction

1. This document sets out the procedure that will be followed by Fulham Running Club (“the Club”) when dealing with any grievance, complaint, allegation of misconduct or any breach of the Club’s Code of Conduct, Welfare Code, Constitution or other stated rules, brought to the attention of the Club’s Chair or its Welfare Officers.
2. This process has been adopted from guidance provided by England Athletics (EA) to clubs on how to conduct disciplinary and appeals processes¹.

B. Definitions

3. The defined terms which appear in this Disciplinary and Appeals Procedure, shall have following meaning:
 - a) **Club** means Fulham Running Club (“FRC”);
 - b) **Club Chair** is a member of the Executive Committee responsible for, amongst others, governance and disciplinary matters;
 - c) **Club Constitution** means the rules by which the Club is governed;
 - d) **Club members** is a broad term used to refer to all Full and Honorary Members of the Club, together with individuals who have joined the Club’s official Facebook group and Second Claim members (i.e. **Members**), as defined by the Club Constitution;
 - e) **Code of Conduct** means a code setting out a set of behaviours or standards expected of Club members and volunteers, adopted by the Club and by which all Club members and volunteers are bound and should adhere to at all times;
 - f) **Executive Committee** refers to Full Members who have been elected by eligible Club members to serve on a committee responsible for the day to day management of Club affairs or individuals co-opted to replace members of such a committee, in the event of a mid-term resignation / vacancy, until the next Annual General Meeting or General Meeting;
 - g) **Full Members** refers to individuals who register as a First Claim athletes of the Club through England Athletics and pay the required subscription fees;

¹ Club Discipline and Appeals Process, England Athletics (November 2018).



- h) **Members** – see paragraph 3d).
- i) **Welfare Code** refers to a code adopted the Club to deal with welfare issues, as specified in that Code.
- j) **Welfare Officer** refers to any individual/s appointed by the Executive Committee to act in this capacity on behalf of the Club, who shall be responsible for dealing with concerns or complaints in relation to welfare issues and breaches of the Club’s Welfare Code, Code of Conduct or any welfare issue/s raised by a Club member.

C. Disciplinary and appeals procedure

Step 1 – Submission of a complaint

- 4. All complaints regarding the misconduct of Club members should be submitted in writing to the Club’s Chair or any of its Welfare Officers as soon as reasonably practicable. The person who brings any such complaint shall be known as the Complainant/s and the person against whom a complaint it brought shall be known as the Respondent/s.
- 5. The content of a complaint will include specific details and evidence in relation to the infringement of Club Code of Conduct or any other offence or misconduct carried out during or in association with athletics activities, which might reasonably be considered as bringing or having the potential to bring the Club into disrepute.

Step 2 – Initial consideration of the complaint

- 6. Upon receipt of a formal complaint, the Chair / Welfare Officer will within seven days:
 - a) notify the Executive Committee of the complaint;
 - b) take advice from and/or consult with the Executive Committee, if appropriate to so do in the circumstances;
 - c) consider whether the complaint / grievance is capable of being resolved informally or by mediation between the parties and whether it is appropriate to do so;



- i. if the matter is capable of being resolved informally, and if appropriate to do so, the Chair / Welfare Officer will make the necessary arrangements with all interested parties to resolve the complaint amicably;
 - ii. if not, write to the Respondent/s to inform them of the complaint made against them, and invite them to comment in writing within 14 days of notification of the relevant allegations.
7. In the absence of the Chair, or if appropriate, the Executive Committee may nominate a member or the Executive Committee to carry out the functions of the Chair.

Step 3 – Commencement of a formal disciplinary procedure

8. On completion of Step 2, the Chair will determine, in consultation the Welfare Officer/s, and, if appropriate, with members of the Executive Committee, if the complaint has merit and is capable of being pursued, based on the evidence / statement/s provided.
9. If, following consideration of the relevant evidence / statement/s the Chair considers that the complaint is unsubstantiated, the Chair may dismiss the complaint at this stage.
10. The Chair will endeavour to make an initial decision pursuant to paragraphs 8 and 9 within 21 days of receiving the evidence / statement of the Respondent/s) and notify that parties of that decision within this timeframe.
11. If the complaint is substantiated by the evidence, a formal disciplinary process will be pursued and the Respondent/s will be notified accordingly.
12. In this event, the Chair will appoint three Club members to sit on the Disciplinary Panel, provided none of them are directly involved or have an interest in the matter.
13. The Chair will inform all parties concerned of the composition of the Disciplinary Panel within seven days of the initial decision.
14. Either party may object to the composition of the Panel by notifying the Chair of their objection and setting out the reasons for such an objection no later than seven days from the date of being informed of the composition of the Disciplinary Panel.
15. The Chair, will within seven days of the date of receipt of an objection, notify the parties in writing that either:



- a) the composition of the Panel has changed, in which case the Chair will provide details of the new Disciplinary Panel; or
- b) the composition of the Panel has not changed, in which case the Chair will give reasons why the objection is not considered valid.

Step 4 – Conduct of the Disciplinary Panel

16. Once appointed, the Disciplinary Panel will consider the initial complaint and the initial responses received from the Respondent/s.
17. If considered appropriate to do so, the Disciplinary Panel may recommend that the Executive Committee temporarily suspend the Respondent/s from the Club, pending further investigations or enquiries. This suspension will be to facilitate the investigation and will be without prejudice to the outcome of the investigation.
18. The Disciplinary Panel may make any further enquiries as it thinks fit and will offer a reasonable opportunity to the Respondent/s, who may be accompanied by a supporter, if so desired, to meet with it and answer the allegations.
19. The Disciplinary Panel may hear evidence from witnesses as are reasonably produced by the Complainant, the Respondent/s or any other parties.
20. The Disciplinary Panel will make such procedural arrangements as necessary for the fair and efficient disposal of the case.
21. The Disciplinary Panel will decide on any issue by majority.
22. If the Disciplinary Panel is satisfied that the complaint against the Respondent is made out, it may make a recommendation to the Executive Committee to impose one or more of the following sanctions:
 - a) note the offence or misconduct, but take no further action;
 - b) formally warn the Respondent/s as to future conduct;
 - c) suspend or disqualify the Respondent/s from Club athletic competition, Club coaching and/or administration and/or use of the Club's premises for some definite or indefinite period;



- d) recommend to the relevant governing body that the Respondent/s be disqualified from any involvement in athletics for some definite or indefinite period and/or;
 - e) terminate the Respondent's membership of the Club or impose such other penalty as the Disciplinary Panel considers appropriate.
23. The Disciplinary Panel will endeavour to complete its deliberations and prepare a written response to the Executive Committee, between 21 – 28 days of appointment, depending on the complexity of the complaint.
24. All parties concerned will be provided with the Disciplinary Panel's formal written outcome notification by hand, email or by post within seven days of the decision.
25. The Executive Committee will act on the recommendation of the Disciplinary Panel. If that recommendation is not accepted, the Executive Committee must provide reasons.

Step 5 – Appeal Process

26. The letter notifying the decision of the Disciplinary Panel will also set out the right to Appeal.
27. Either the Complainant/s or the Respondent/s (as an "Appellant") may appeal against the decision of the Disciplinary Panel, by serving a Notice of Appeal on the Chair (or other nominated person) within seven days of receiving the written decision of the Panel. The Notice of Appeal must state the grounds on which the decision of the Disciplinary Panel is being challenged.
28. The Chair will acknowledge the Notice of Appeal within seven days of its receipt and consider the grounds upon which the Panel's decision is being challenged.
29. Factors that will be taken into account when considering whether or not to grant an appeal may include (although this is not intended to be prescriptive): insufficient consideration of relevant evidence, decisions based on factual inaccuracies or bias. Merely disagreeing with the decision of the Panel is unlikely to amount to a reasonable ground for an appeal.
30. If there are sufficient grounds/evidence provided to support the challenge, the Appeal Panel process will commence (see Step 5.1.). If there are insufficient grounds, the Appeal will be dismissed.



31. The Chair will notify the Appellant/s of the decision to hear an appeal or not within seven days of acknowledging the Notice of Appeal.

Step 5.1 – Appointment of an Appeals Panel

32. The Chair, will appoint an Appeal Panel of three members who have not been directly involved, either in the events giving rise to the disciplinary proceedings, or in the initial disciplinary hearing itself, and may include third party nominations, if appropriate.

33. The Chair will inform all parties concerned of the composition of the Appeal Panel within seven days of the initial appeal decision (as referred to at paragraph 31). Either party may object to the composition of the Appeal Panel by notifying the Chair of their objection and setting out the reasons for such an objection no later than seven days from the date of being informed of the composition of the Panel.

34. The Chair, will within seven days of the date of receipt of an objection, notify the parties in writing that either:

- a) the composition of the Appeal Panel has changed, in which case the Chair will provide details of the new Panel; or
- b) the composition of the Appeal Panel has not changed, in which case the Chair will give reasons why the objection is not considered valid.

35. Within seven days of the decision dealing with any objection, the Chair will provide the following information to all parties:

- a) the date and place at which the Appeal Panel will meet to determine the Appeal;
- b) whether the Appeal will proceed by way of written submissions or an oral hearing; and
- c) if written submission are required, set a timetable for providing such submissions.

36. Any submissions shall be limited to the grounds of appeal i.e. new evidence / evidence which was not before the original Disciplinary Panel will not be considered during the Appeal proceedings.

37. Either party may be accompanied by a supporter during the Appeal proceedings.



38. The supporter can be a legal representative, who must be named, and may accompany the Complainant/Respondent throughout the appeal process.

D. Powers of the Appeal Panel

39. The Appeal Panel shall meet on the date fixed by the Chair.

40. The Appeal Panel may, at its sole discretion, disregard any failure by a party to adhere to this appeal procedure and may give such further directions as appropriate.

41. Any Appeal hearings will be in private, unless all parties agree otherwise, or unless the Appeal Panel directs. The Appeal Panel is entitled to make a decision on the facts as it thinks fit and may make a recommendation to the Executive Committee to:

- a) quash the original decision of the Disciplinary Panel;
- b) confirm the original findings of the Disciplinary Panel;
- c) decide that the case be reheard by a fresh Disciplinary Panel;
- d) increase the original sanction;
- e) reduce the original sanction.

42. The Appeal Panel will decide on any issue by majority.

43. The Appeal Panel will inform all parties of its decision within fourteen days of the Appeal hearing and provide written reasons for its decision. The decision of the Appeal Panel shall be final.

44. The Executive Committee will act on the recommendation of the Appeals Panel. If the recommendation is not accepted, the Executive Committee must provide reasons.

E. Records of Hearings and Appeals

45. The decisions and proceedings of Disciplinary Panel's/Hearings, including Appeal Panel's/Hearings, shall be recorded and retained in confidential records maintained by the Club for a period of six years. Supporting documentation will also be retained in the same



fashion. After the expiration of this period, the relevant records shall be securely disposed of by shredding or permanently deleted.

F. Notification to UK Athletics and England Athletics

46. Once the Disciplinary or Appeal process has concluded, the Chair will, where appropriate, inform England Athletics and/or UK Athletics of the following:

- details of the decision, including any sanctions imposed, if it is considered necessary to ensure compliance with a sanction, or for the safety and well-being of those engaged in athletics activity. EA/UKA may determine to publish details on their websites.

G. Co-operation of All Parties

47. The procedures described in these Disciplinary and Appeal Procedure assume that all parties will co-operate in the interest of resolving the subject of the complaint. In the absence of such co-operation, or if it is withdrawn at any stage, the Club reserves the right to proceed with a Disciplinary Hearing or an Appeal based on such evidence and information as it is able to obtain.

48. When dealing with a complaint, the Chair (or other nominated person) will be entitled to take, or omit to take, such action as is recommended pursuant to legal advice obtained from a legal practitioner whom the Chair / Executive Committee reasonably believes is competent to provide such advice and/or legal or other advice from England Athletics.

H. Confidentiality

49. Details of any Disciplinary and Appeals proceedings, including decisions of the Disciplinary and Appeals Panels, shall be strictly confidential and disclosed only to those whom the Chair and/or the Disciplinary and Appeals Panels consider necessary to disclose relevant information to, for the purposes of determining the complaint or managing Club affairs.

50. All those involved in the process will be required to maintain confidentiality at all times and must not discuss or disclose details of the allegations, witness statements or the outcome of meetings or hearings, unless in relation to the Disciplinary and Appeals proceedings. A breach of this requirement may lead to disciplinary action.



51. The above confidentiality clauses do not prevent notification being made to England Athletics and/or UK Athletics pursuant to paragraph 46.
52. All information provided in relation to the Disciplinary and Appeals proceedings will be subject to the Club's privacy policy, as published on its website.

**Fulham Running Club
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