

# **Ross & District Motor Sports Club and Ross & District Motor Sports Ltd**

## **Disciplinary Process**

### 1.0 General

All members agree to fully comply with the Ross and District Motorsports Club (“RDMSC”) and Ross and District Motorsports Ltd (“RDMSL”) Codes of Conduct, and other Policies and procedures as presented on the Club website and be bound by their terms.

No member will be expelled for their first breach of terms except in cases of “Gross Misconduct” (see Section 2 c)), however, all disciplinary actions taken by RDMSC will be duly recorded and placed on file for reference at a future date.

Disciplinary matters arising from breach of the Code of Conduct, Policies and procedures of RDMSC and RDMSL will be dealt with by members of the Club Committee in the first instance, and if appointed, a Disciplinary Committee, with subsequent review by the full Committee (a minimum of 9 members) and, if necessary, a Disciplinary Hearing, following the processes detailed at Section 3 – “Disciplinary Procedure”. In cases of disputes of a personal nature, the Committee will attempt to resolve the situation amicably and to the mutual satisfaction of the parties concerned.

If a club member needs to raise a complaint it needs to be in writing to a club officer or a committee member.

It is recognised and accepted that throughout the process every member:

- Has the right to expect fair and consistent treatment
- Has the right to adequate notice from the Club, where possible
- Has the right to appeal against the classification of the incident or decision
- Has the right to representation at a Disciplinary Hearing

### 2.0 Breaches Leading to Disciplinary Action

The following lists are not to be considered as fully inclusive or covering all possible breaches.

- a) “Misconduct” is a breach of terms considered to be of a minor nature and will normally incur a written warning from the full Committee together with a demand for complete and appropriate corrective action. Examples of offences that may be considered misconduct include:

- Discourteous, crude or offensive behaviour at organised events
- Conduct of an unsafe nature
- 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 club
- Breach of laws, rules and regulations which govern motorsport

Repetition of the above breaches or failure to comply with the written warning issued by the full Committee may result in further action (see Section 3).

b) “Serious Misconduct” is a breach of such gravity that in the opinion of the Club Committee members it warrants review by a Disciplinary Committee.

Examples of breaches, which may be considered as serious misconduct include:

- Misconduct breaches (see above) if especially grave or repeated
- Deliberate breaches of Club Policies and procedures
- Any attempt to achieve gains or advantage over others by unfair or unscrupulous means
- Use of threatening or abusive behaviour
- Participating in the sport whilst under the influence of drugs or alcohol
- Malicious interference with equipment or property

c) “Gross Misconduct” is action of such seriousness that an appointed Disciplinary Committee will require the immediate exclusion of the member from the Club by means of a full Club Committee decision, prior to a Disciplinary Hearing. The excluded member will have the right to a Disciplinary Hearing as soon as this can be arranged but will remain excluded until and unless such a hearing overturns the initial decision.

Examples of gross misconduct are: -

- Serious Misconduct breaches (see above) if repeated
- Physical violence of assault towards other persons at a Club event or related activity, including serious threatening, intimidating or forceful behaviour
- Theft or misappropriation
- Reckless or life-threatening disregard of safety and basic safety rules
- Being convicted of criminal offences involving physical violence or abuse

All Safeguarding concerns – if the breach relates to a safeguarding issue, the Safeguarding Procedures will be followed prior to this Disciplinary Procedure.

### 3.0 Disciplinary Procedure

On receipt of a complaint, the Committee members will decide whether the complaint falls within the scope of this disciplinary process and if in their opinion it does, then the full Committee will decide as to the type of offence as per Section 2 above.

The disciplinary process may be instigated by a written complaint from a Club member, another team or club within the sport, the governing body, event organisers or any other party.

The Committee may also decide to instigate the disciplinary process if they believe an incident has taken place that has not been officially reported but is in the interest of RDMSL and/or RDMSC and the welfare of its members to be investigated.

In all instances, the Committee members may nominate Investigating Officers from within the Committee, who will be responsible for gathering evidence and statements from witnesses.

If a Disciplinary Committee is required it will be appointed by the Committee members, either from within themselves, or by including external relevant individuals if specific knowledge is required to manage the disciplinary case.

3 a) If the offence is one of Misconduct (Section 2a):

- The Club Secretary will write to the member with a formal written warning and decision of the Committee.
- The Club Secretary will also communicate the action taken regarding the incident to both the complainant and or affected individual(s).
- An entry will be made in the disciplinary file into which will be placed all records of the original complaint, together with the written warning and any other correspondence.

The action outlined above will normally finalise the process unless any of the parties involved object strongly to the decision, in which case they may appeal directly to the Committee for a review.

3 b) Should the complaint be considered by the full Committee as one of Serious Misconduct (Section 2b), or Gross Misconduct (Section 2c):

- The member, subject of the complaint, will be contacted to be advised of the official complaint and requested to submit to Committee a written statement of events in response
- Committee members may appoint Investigating Officers who will, if not already provided, obtain written and visual evidence, witness statements, etc.
- If a Disciplinary Hearing is considered necessary, the member will be obliged to attend, accompanied by a companion should they so wish.
- Non-attendance at a hearing will only be allowed in extenuating circumstances, e.g., proof of poor health, in which case a written declaration must be submitted to the Committee a minimum week in advance of the hearing date.
- All parties, including the Investigating Officer(s) will be notified as to the hearing date and they must ensure that all other parties have all relevant copies of their paperwork, photographs, etc. prior to the hearing, copies to be sent by email or 1st class post a minimum week in advance.
- No witnesses or visual, physical evidence may be introduced at the hearing.
- Written statements may be introduced at the hearing if the Committee receives and agrees there is a valid explanation for the delay, and only then with prior notice and agreement of all other parties.

#### 4.0 Disciplinary Hearing

The full Committee will appoint a Disciplinary Committee for the hearing, which will typically consist of:

- the Club Chairperson or Club Secretary
- two members of the Committee, or a mix of external individuals (see Section 3 – Disciplinary Procedure)

The member, who is the subject of the complaint, the complainant, or anyone directly affected by the complaint, may not be chosen for the Disciplinary Committee.

The Disciplinary Committee will appoint a chairperson who shall normally take charge of the hearing and all questions will be addressed through this chairperson.

- All evidence, already reviewed by all parties, will be read out or described to the hearing.

- If pre-approved additional written statements are brought to the hearing, they must be handed directly to the chairperson for review prior to the hearing commencement.
- The member, who is the subject of the complaint, and the complainant, will both have an allotted time to argue their case, question evidence, and will then be asked questions by the Disciplinary Committee.
- The Disciplinary Committee may adjourn the hearing to allow further consideration and investigation if it considers it fairer to do so.
- The Disciplinary Committee will decide when all the necessary information has been seen and/or heard for an informed decision to be made and the chairperson will then formally close the hearing.
- After the Disciplinary Committee has reached a decision, the member, who is the subject of the complaint, will be notified in writing of their decision and informed of any penalties within 7 days of the decision being reached. Penalties will be effective from the date of the decision.
- If new evidence becomes available or feedback is received from an external body then this can be reconsidered by the original Disciplinary Committee.

## 5.0 Penalties

Following the hearing, the Disciplinary Committee will apply such penalties as the Disciplinary Committee consider appropriate, including temporary or permanent expulsion of the member from the club, such penalties will have immediate effect, notwithstanding the possibility of an appeal in accordance with (Section 6) under noted. The period of expulsion will be rated on a case-by-case basis, (as the severity could differ from each event), records will be kept of the proposed expulsion period and of the reasonings behind each decision so as to not discriminate from one person to another

The Club will in all cases comply with the requirements of the Safeguarding Policies and procedures, including immediate notification to the Club's Safeguarding Officer.

## 6.0 Appeals

If an appeal of the decision or penalty is to be made, then a written appeal request must be sent by recorded delivery or email to the Club Secretary, by the penalised member, within 21 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 member must give full written details of the appeal, stating exactly what is being appealed against and the reasons for

this, with details of new evidence if available. An appeal may be considered on the grounds of the decision, the penalty or other clearly specified and argued grounds.

If an appeal application is accepted, an appeal hearing will be convened as soon as practicable and will consist of members of the full Committee (a minimum of 9 members) containing at least 1 member of the Committee who did not take part in the first hearing

- New evidence must be provided to Committee prior to the appeal hearing.
- After full review and majority agreement, the Committee have the power to amend or revoke any decision made at the previous disciplinary hearing.
- The appellant will be notified in writing of the decision within 7 days of the decision being reached, which will apply from the date of the decision.

Adopted by Club AGM as current January 2023

Updated April 2023 addition to section 5