



NORWICH ICENI BASEBALL DISCIPLINARY PROCEDURE

Norwich Icení Disciplinary Procedure

The purpose of the Disciplinary procedure is to establish fair and consistent treatment of all members of the Norwich Icení Baseball Club (Norwich Icení) who are alleged to be in breach of acceptable standards in relation conduct or any rule or regulation of the Norwich Icení Baseball Club.

1 Before any disciplinary proceedings

Before making any formal disciplinary decision under this procedure, the Norwich Icení Baseball Club will carry out the following steps:

1.1 Conduct a prompt investigation under the Norwich Icení Baseball Club's Complaints and Grievances Procedure: In most cases, the investigation will be carried out by the Secretary but, dependent on the circumstances, an appropriate independent investigator group, or Board Official will carry this out. Different people must carry out the investigation and the disciplinary hearing. *(Point three (3) of the Norwich Icení Baseball Club's Complaints and Grievance Procedure)*

1.2 Consider any applicable interim suspension or measures depending on the circumstances: It may be appropriate to place the subject of the grievance or complaint on an interim suspension from their role as a volunteer (or member of the club) or apply interim measures pending final determination of a charge and sanction by a Disciplinary Committee and if necessary, the pending decision on appeal. An interim suspension or other interim measure should only be imposed when the material available shows that it is necessary to do so in the interests of the Norwich Icení Baseball Club and its membership or the protection of others. Alternatives to suspension will always be considered and the need for the suspension to be continued will be reviewed during the process as appropriate. An interim suspension does not amount to a disciplinary sanction and does not imply that any decision has already been made about the allegations. *(Points six (6) and seven (7) of the Norwich Icení Baseball Club's Complaints and Grievance Procedure)*

1.3 Inform the subject of the complaint of the status of the Investigation: Following the investigation, if formal action is recommended, the subject of the complaint will receive a letter from the person investigating the complaint or grievance including a copy of the charge, contain any relevant evidence, outline the possible outcomes of the disciplinary proceedings and informing them that the Norwich Icení Baseball Club's Disciplinary.



2 Appointment and Constitution of Disciplinary and Appeal Committees

2.1 By a majority vote of the remaining members of the Board of the Norwich Icení Baseball Club, Disciplinary and Appeal Committees are to have their:

2.1.1 Terms of reference set. In every case the Terms of Reference for a Disciplinary Committee will include consideration of the Charge(s) referred to it and establishing the facts of the matter so far as it is able, deciding whether or not guilty conduct has occurred and if so, deciding the nature of the disciplinary action (if any) to be applied.

2.1.2 Members appointed, either drawn from the Officials of the Board or, by written agreement from the subject of the complaint, any other individual.

2.1.3 Chair appointed. The Chair will have a casting vote if necessary.

2.1.4 Requirement considered if an appeal out of time is submitted

2.2 Disciplinary and Appeal Committees and are to be made up of not less than two (2) members.

2.3 No person may sit on an Appeal Committee who has sat on the Disciplinary Committee concerned with the subject matter of the appeal.

2.4 If for any reason any member of a Disciplinary or Appeal Committee withdraws, another Board Official, (or by written agreement between the subject of the charge and the Norwich Icení, another person who is not a Board Official), may be appointed to replace them.

2.5 A Disciplinary Committee is to be appointed to consider a charge arising out of a written allegation within 30 days of receipt of the allegation by the Board. Failure to appoint a Disciplinary Committee within 30 days shall not in itself deprive a Disciplinary Committee of Jurisdiction. It will be open to the subject of a charge to submit to the Disciplinary Committee that by reason of delay or passage of time a fair hearing of the charge or part of is no longer possible.

2.6 The Secretary or investigating individuals will not take part in the decision making of a Disciplinary or Appeal Committee or in any decision of the Board on interim suspension or interim or final suspension or final removal of A Board Official from the Board, or on the admission of an appeal out of the time.

2.7 The Board may appoint, as appropriate and to assist a Disciplinary or Appeal Committee a legally qualified person to serve as Legal Assessor to the Committee to advise it on law, procedure and the conduct of any hearings. No legal Assessor is to take part in the decision making of a Disciplinary or Appeal Committee. Any advice they give is either to be given orally in the presence of the subject of the charge or their representative, or in writing provided to the subject of the charge or their representative. In every case, the subject of a charge or their representative is to be given an opportunity to comment and respond to the advice given before it is implemented.

3 Suspension and Interim Measures

3.1 A Disciplinary Committee appointed to deal with a charge must, on initial reference of a charge to it (and may at any other time), consider whether it appears necessary that the subject of the charge be placed on an interim suspension or applied an alternative measure pending determination of the procedure.

- 3.2** The committee must before imposing any interim suspension or measure;
- 3.2.1** Give the person concerned as much notice as practicable that it will be considering suspension or another interim measure, providing copies of the material it will consider if possible and;
 - 3.2.2** Give the person concerned an opportunity to make submissions in writing on the question of suspension. Such submissions may be made in writing or in person or through a representative to the Disciplinary Committee (at a face-to-face meeting or by conference call or video link as the Disciplinary Committee may determine). Unless to do so in advance of the proposed action would in the opinion of the Committee give rise to a serious risk of harm to any person or the interests of the Norwich Icení, in which case it must review its decision as soon as practicable after making it and give the person concerned copies of the relevant material and an opportunity to make submissions challenging the action taken.

3.2 A Disciplinary Committee appointed to deal with a charge against a Board Official must, on initial reference of a charge to it (and may at any other time), consider whether it appears necessary that the Board Official temporarily step down or be placed on interim suspension from the Board pending determination of the charge and, if it considers that it is necessary, make a recommendation to this effect to Board of the Norwich Icení Baseball Club.

4 Regulations and Procedure of Disciplinary Committees

4.1 Disciplinary Committees are to act fairly and discreetly in determining any charge referred to them, allowing the subject of a charge a fair opportunity to put their case, consistent with avoiding unnecessary delay and complexity and providing an efficient means of determining the matter.

4.2 The proceedings of a Disciplinary Committee are to be in private unless agreed otherwise.

4.3 A Disciplinary Committee:

- 4.3.1** Must consider the evidence it thinks appropriate in order to deal with the charge(s) referred to it.
- 4.3.2** Can request or direct such further investigations and enquiries as it sees fit.
- 4.3.3** Must disclose to the subject of the charge any evidence or written material it receives relevant to the charge.
- 4.3.4** Must keep a record of all evidence received and of the proceedings at any hearing held including the submissions made.
- 4.3.5** Must keep a record of all evidence received and of the proceedings at any hearing held including the submissions made.
- 4.3.6** Must record its decisions in writing and provide the subject of the charge with a copy as soon as possible and within seven (7) days in any event.

4.4 Oral Hearings Conducted by a Disciplinary Committee:

- 4.4.1** May in every case and must if the subject of a charge requests one, hold an oral hearing
- 4.4.2** May fix the date, time and place of any hearing and adjourn postpone or re-arrange it



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4.4.3 Must give as much notice as is possible to the subject of the charge of the date, time and place of any hearing.

4.4.4 May call witnesses to give evidence to it at any oral hearing and question them as appropriate.

4.4.5 Must allow the subject of a charge or their representative to question witnesses at any oral hearing. (Subject to the control of the Disciplinary Committee) and make submissions to it in writing or orally.

4.4.6 May if no oral hearing is request or if the subject of a charge chooses not to attend such an oral hearing, reach a decision on the evidence and material available to it.

4.5 In determining a charge, in writing the Disciplinary Committee will outline its conclusion to the considerations:

4.5.1 what facts it has found proved on the balance of probabilities or on admission and;

4.5.2 if appropriate, whether in its opinion gross misconduct or conduct bringing the Norwich Icení Baseball Club into disrepute has occurred and;

4.5.3 whether or not it finds an offence or offences has or have been committed.

4.6 The Disciplinary Committee is then to consider what disciplinary action under Schedule 1 or 2, if any, is to be taken on the basis of its findings on the facts and the offence(s) found.

4.7 The subject of the charge is to be allowed to give evidence and make additional submission on what disciplinary action is to be taken.

4.8 Its conclusion on the facts, any offences found, conduct bringing the Norwich Icení Baseball Club into disrepute (if appropriate) and on disciplinary sanction are to be given in writing and a copy signed by the Chair provide to the subject of the charge within seven (7) days of decision. The decision is to be accompanied with a statement of the right of the subject of the charge to appeal within seven (7) days of receipt.

5 Procedure to be applied when the subject of a charge is a Board member

5.1 A Board Official may be made subject to the same disciplinary sanctions as any other Member. However, the disciplinary action a Disciplinary or Appeal Committee may take against a Board Official does not extend to removal or suspension from the Board. These functions are reserved to the Board.

5.2 The Disciplinary Committee must in its final determination of a Board member;

5.2.1 Record its opinion in writing in its decision as to whether conduct bringing the Norwich Icení Baseball Club into disrepute has occurred.

5.2.2 Send a copy of its decision and opinion within seven (7) days to the Board and the subject of the charge.

5.3 When a Board Official may be, or has been, found guilty of a disciplinary offence, the consideration of their removal or suspension from the Board under the following provisions of the Constitution arises:

5.3.1 (7.1.1.) Absence from more than three (3) consecutive Board Meetings without permission of the Board.

5.3.2 (7.1.2.) Conduct judged by the Board to bring the Norwich Icení into disrepute.



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5.3.3 (7.1.3.) Sanction under any Norwich Icení Rule or Regulation.

5.4 A decision to remove or suspend as a sanction a Board Official may be made by a majority vote of the remaining members of the Board of the Norwich Icení Baseball Club.

5.5 The Board is not to take action to permanently remove a Board Official or suspend as a disciplinary sanction (rather than in the interim) until any appeal against the findings, determination, disciplinary action and, if applicable opinion of the Disciplinary Committee has been determined or it is satisfied that 30 days has elapsed since the notification of the subject of an allegation of the Disciplinary Committee's decisions and opinion if applicable and no appeal has been made.

6 Personal Interest and Bias

6.1 Should a Board Official have a personal interest in the matter or if a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that they were biased, that Board Official will not be eligible to sit on:

6.1.1 A Disciplinary or Appeal Committee

6.1.2 Take part in any decision of the Board on the interim suspension or final removal of a Board Official

6.2 A Board Official who considers that either of them possesses a personal bias or interest must inform the Board or President as appropriate and decline or withdraw from the appointment.

6.3 If the subject of a charge wishes to object to the appointment of a committee member on grounds of personal interest or bias that must do so:

6.3.1 In writing to the Secretary setting out the basis of their objection.

6.3.2 Without delay on coming into possession of the facts giving rise to the objection.

6.3.3 The Objection will be considered without delay and a decision in writing provided within 14 days.

7 Appeal Submission

7.1 An appeal may lay against any or all of the:

7.1.1 Facts found.

7.1.2 Guilty conduct found.

7.1.3 Disciplinary sanction applied.

7.1.4 Opinion on whether conduct bringing the Norwich Icení into disrepute found by a Disciplinary Committee.

7.2 An appeal must be brought by means of a written notice of appeal sent to the Secretary setting out what is being appealed against and on what grounds within seven (7) working days from the date of notification of the Disciplinary Committee's determination (or Board decision if later) unless all members of the Board entitled to vote on the matter vote to admit the appeal out of time.

7.3 All findings, opinions and sanctions of a Disciplinary Committee are valid until overturned or amended on appeal or suspended by an Appeal Committee pending the conclusion of an appeal.

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7.4 If an appeal appears to the Appeal Committee to have no reasonable prospect of success or to be brought or conducted frivolously or vexatiously the appeal committee may require the Appellant to show cause why the appeal should not be dismissed. The Appeal Committee may make the hearing of an appeal conditional on the payment of a deposit at its discretion. At the end of the appeal the deposit will be applied first to discharge any financial penalty owing to the Norwich Icení or then to any other outstanding financial obligations to the Norwich Icení of the participant and club concerned. If the Appeal Committee determines the appeal was brought or has been conducted frivolously or vexatiously the deposit may be applied towards the Norwich Icení 's costs of the appeal. Any balance will be refunded.

8 Appeal Procedure

8.1 An appeal which proceeds will be by way of re-hearing and the Appeal Committee is to establish the facts of the matter and whether any guilty conduct has taken place and may affirm, vary, or rescind any decision or opinion of the Disciplinary Committee and substitute any other decision and opinion as, its absolute discretion, it considers appropriate. (11.5)

8.2 The Appeal Committee are to apply the procedures set out above for Disciplinary Committees with such modifications it considers necessary to deal with the appeal fairly and expeditiously.

8.3 The case in response to the notice of appeal may be presented to the Appeal Committee, by the Secretary or by another person appointed by the Secretary.

8.4 The proceedings of an Appeal Committee will remain confidential until the determination of any appeal and if appropriate re-consideration by the Board, after which the decision of the Appeal Committee will be published on the Norwich Icení web site.

9 Review of indefinite sanction, exclusion from specified activities and probation

9.1 In any case where a member has been sanctioned or excluded from specified activities indefinitely the Member, on request, is entitled to at no more than 5 yearly intervals, a review by a Disciplinary Committee of the continued need for the sanction or exclusion. Any written or oral submissions the Member wishes to make are to be considered and if the Committee is satisfied it is no longer necessary, it shall vary or remove the sanction or exclusion as appropriate and, in all case, give written reasons for its decision.

9.2 In any case in which a member is made subject to probation whether for a fixed period or until conditions are met:

9.2.1 The terms of probation and any conditions to be met must be set out clearly in the decision of the original Disciplinary Committee.

9.2.2 A breach of the terms of probation or failure to meet conditions may result in an alternative sanction for the original offence(s) or an extended period of probation being imposed by a Disciplinary Committee.

9.2.3 A breach of terms of probation or failure to meet conditions must be established on the balance of probability in the same way as an original disciplinary offence.



Schedule 1: Disciplinary Action

First Written Warning

If conduct is unsatisfactory, the person will be given a written warning. Such warnings will be recorded but disregarded for disciplinary purposes after twelve months of satisfactory service. It may be justifiable to move directly to a final written warning in some cases.

Final Written Warning

If the offence is sufficiently serious, or if there is further misconduct during the currency of a prior warning, a final written warning may be given. This will include the reason for the warning, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal. A copy of this written warning will be kept on file but disregarded for disciplinary purposes after twelve months, subject to achieving and sustaining satisfactory conduct or performance.

Sanctions:

Sanctions which may be imposed include and are not limited to:

- Removing a member from a case/action
- Requiring the member to provide a written apology to any person
- Prohibiting the member from taking on a new case/action for a set period
- Requiring the member to attend further training
- Requesting that a member works under supervision for a set period

Dismissal/termination of Member

If the conduct or performance has failed to improve the person's club membership may be terminated with or without notice.

Schedule 2 Gross Misconduct

If, after the case has been fully investigated, a person is deemed to have committed an offence including in the following list (though this is not an exhaustive list), then the person will have their membership terminated with immediate effect.

- Theft, fraud or act of dishonesty/or deliberate falsification of records
- Fighting, physical violence or serious abusive behaviour towards people
- Incapacity for volunteering or participating due to being under the influence of alcohol or illegal drugs
- Intentional transmission of confidential information outside the organisation
- Serious or consistent breach(es) of the Norwich Icení's rules, policies and procedures
- Serious misuse of, email or internet assets or facilities
- Malice interference with equipment or property
- Disregard for one's own or other people's safety
- Bullying, harassment, victimisation, verbal abuse and/or discrimination.
- Conviction of a criminal offence that renders them unsuitable for their work



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- Any other action, which in the opinion of the Club Officers may bring the sport or Norwich Icení Baseball Club into disrepute, or which left unpunished, may result in the detriment of the Club or its members.;