



## **Audax United Kingdom Long Distance Cyclists' Association (Audax UK)**

### **DISCIPLINARY PROCEDURE**

#### **1 DEFINITIONS**

<b>Appeal Committee</b>	an Appeal Committee as appointed in accordance with these Rules;
<b>Appellant</b>	a person or body who appeals a decision of a Disciplinary Committee;
<b>Board</b>	the board of directors of Audax UK;
<b>Complaint</b>	a complaint of misconduct or other matters as referred to in Rule 2.1;
<b>Complainant</b>	a person or body from whom a Complaint has been received by Audax UK;
<b>Disciplinary Committee</b>	a Disciplinary Committee as appointed in accordance with these Rules;
<b>Disciplinary Matter</b>	a Complaint or circumstances and/or conduct as set out in Rule 2.1;
<b>General Secretary</b>	the General Secretary of Audax UK;
<b>Member</b>	a member or temporary member of AUK;
<b>Regulations</b>	the Audax UK Regulations
<b>Respondent</b>	a person who is the subject of a Disciplinary Matter;

#### **2 JURISDICTION AND DISCIPLINARY MATTERS**

2.1 These disciplinary rules (**Rules**) are made by Audax UK in relation to any Disciplinary Matters which include without limitation the following:

2.1.1 alleged breaches of the Regulations; and

2.1.2 any circumstances in which a Member engages in any conduct which is inappropriate, unlawful or unsporting, behaves in a manner which is

unacceptable or is contrary to the general interests of Audax UK or the sport of long distance randonneur cycling or which may bring Audax UK into disrepute.

- 2.2 The Rules may be amended by the Board at any time and at its sole discretion and such amendments shall be effective from the date they are published on Audax UK's website.
- 2.3 Disciplinary proceedings shall be commenced against a Member in accordance with the Rules where the General Secretary of Audax UK receives a Complaint or where the General Secretary otherwise becomes aware of a Disciplinary Matter.
- 2.4 In the event that the General Secretary is involved in a Disciplinary Matter, either as Complainant or Respondent, that Disciplinary Matter shall be referred to the Board who shall appoint a disciplinary secretary to stand in for the General Secretary.
- 2.5 As a general rule, the General Secretary, where considered appropriate and in their sole and absolute discretion, may deal with a Disciplinary Matter in an informal manner, however, should the General Secretary, in their sole and absolute discretion, deem a matter to be sufficiently serious, they may commence formal disciplinary proceedings and these Rules shall apply. Where the matter is to be dealt with on an informal basis, it may be dealt with by the most appropriate person within Audax UK as determined by the General Secretary.

### **3 NOTICE OF COMPLAINT**

- 3.1 A Complaint may be lodged with the General Secretary by any person or body which shall include without limitation, another Member, a delegate or officer of Audax UK, the Board, a club registered with Audax UK or a member of the public, in relation to an alleged Disciplinary Matter.
- 3.2 Any Complaint shall be made in writing as soon as practicable but no later than 28 days following the alleged incident (or knowledge of the incident by the Complainant) and shall set out details of the Complaint including, where applicable, the specific Regulation which is alleged to have been breached by the Respondent.

### **4 INITIAL INVESTIGATION**

- 4.1 On receipt of the Complaint or the General Secretary otherwise becoming aware of an alleged Disciplinary Matter regarding a Member, the General Secretary shall within 14 days;
  - 4.1.1 commence an initial investigation into the Disciplinary Matter in order to gather information and evidence;
  - 4.1.2 forward a copy of the Complaint or details of the Disciplinary Matter to the Respondent and invite a written response from the Respondent; and

- 4.1.3 undertake any further investigation deemed appropriate in order to ascertain the best course of action to resolve the Disciplinary Matter or commence disciplinary action against the Respondent.
- 4.2 Upon completion of the steps set out in Regulation 4.1 the General Secretary may take any of the following steps:
  - 4.2.1 decide that no further action is required in which case the General Secretary shall notify the Respondent and the Complainant in writing explaining the reasons why the Disciplinary Matter has been dismissed, for example:
    - 4.2.1.1 it does not fall within the authority of Audax UK;
    - 4.2.1.2 there is not enough evidence to justify further action being taken; or
    - 4.2.1.3a Complaint is vexatious and/or malicious in which case the Complainant's actions may be referred to the Board for further consideration;
  - 4.2.2 deal with the Disciplinary Matter informally by way of advice, information or mediation between the respective parties;
  - 4.2.3 if deemed appropriate and the matter is of a sufficiently serious nature, refer the Disciplinary Matter to a Disciplinary Committee to be constituted in accordance with Rule 5.
- 4.3 As soon as is practicable, the General Secretary shall inform the Complainant and the Respondent of the course of action taken. If the General Secretary chooses to refer the Disciplinary Matter to a Disciplinary Committee, the Respondent shall be informed of the details of Disciplinary Matter and granted the opportunity either to accept or deny the truth of it.
- 4.4 If the Respondent accepts their culpability in respect of the Disciplinary Matter, the matter shall be referred to a Disciplinary Committee for a hearing to determine the sanction and the Respondent shall only be granted leave to appeal on the ground that the sanction imposed is disproportionate to the circumstances of the Disciplinary Matter.
- 4.5 If the Respondent denies their culpability for the alleged Disciplinary Matter or otherwise disputes the facts of it, the Disciplinary Matter shall be referred to a Disciplinary Committee.
- 4.6 Where the Complainant is not a Member or delegate/officer of Audax UK, the General Secretary's duty to inform as detailed in Rules 4.2.1 and 4.3 above shall not apply and the Complainant shall not have a right to be involved in action taken under these Regulations following the lodging of a Complaint.

## **5 DISCIPLINARY COMMITTEE**

- 5.1 As and when required, the Board shall establish a Disciplinary Committee consisting of three members of the Board. The Disciplinary Committee shall appoint one of its number as their chair.
- 5.2 Disciplinary Committees shall have jurisdiction to conduct disciplinary hearings and impose sanctions upon Respondents.
- 5.3 Audax UK may appoint members to or replace members of the Disciplinary Committee with Members from outside the Board to hear a disciplinary matter as reasonable and appropriate in the circumstances, including but not limited to appointing delegates of Audax UK or a legal advisor.
- 5.4 Each member of a Disciplinary Committee must have no personal interest in the outcome of proceedings (other than to see that the decision is fair) and have no previous knowledge or involvement with the Disciplinary Matter under consideration.

## **6 DISCIPLINARY HEARINGS**

- 6.1 Where a Disciplinary Matter is referred to a Disciplinary Committee by the General Secretary, the Disciplinary Committee may hear such matter by way of oral hearing or consider it on the basis of written submissions from the Respondent and the Complainant as appropriate and at the request of the parties. In the event that an oral hearing is to be held, the General Secretary shall make arrangements for it to be held within a reasonable time.
- 6.2 The Respondent may request that another Member attends in support however such Member may (subject only to Rule 8) not make submissions to the Disciplinary Committee.

The procedure for an oral hearing shall be flexible and shall be at the discretion of the chair of the Disciplinary Committee, who may make such decisions as necessary to ensure the orderly and effective conduct of the hearing, subject to the overriding requirement of fairness and having regard to the standard hearing procedure set out at Appendix 1. The chair of the Disciplinary Committee will outline the basic procedure of the hearing.

- 6.3 If the Respondent does not attend the hearing as arranged above and provided that the Disciplinary Committee is satisfied that notice of the hearing was served properly, it may proceed to hear the evidence and decide the matter in the absence of the Respondent.

## **7 DECISION AND AVAILABLE SANCTIONS**

- 7.1 The Disciplinary Committee shall either communicate its decision to the parties at the end of a hearing or notify its decision in writing at a later date as set by the

Disciplinary Committee.

- 7.2 The Disciplinary Committee will, depending on whether or not a Disciplinary Matter is found proven, proceed as it thinks fit including without limitation:
- 7.2.1 dismissal of the Disciplinary Matter where it is not proven;
  - 7.2.2 a warning or reprimand to the Respondent;
  - 7.2.3 suspension or exclusion of the Respondent from Audax UK events and activities for a specified period;
  - 7.2.4 suspension or exclusion of the Respondent from holding office within Audax UK for a specified or indefinite period of time;
  - 7.2.5 suspension of the Respondent's membership of Audax UK for a specified period;
  - 7.2.6 (subject to Rule 7.4) termination of the Respondent's Audax UK membership and/or prohibition of the Respondent becoming a member of Audax UK in the future as appropriate;
  - 7.2.7 a combination of any of the above or any other action as considered appropriate by the Disciplinary Committee.
- 7.3 The decision taken by the Disciplinary Committee in relation to any sanction to be imposed must be reasonable and proportionate in all circumstances.
- 7.4 In the event the Disciplinary Committee decides to terminate a Member's membership of Audax UK, the matter will be put to the Board for ratification and such ratification must be approved by at least at two thirds of the members of the Board. If the Board does not ratify such termination, the matter will be passed back to the Disciplinary Committee to determine an appropriate alternative disciplinary action.

## **8 DISCIPLINARY MATTERS INVOLVING YOUNG PERSONS OR ADULTS AT RISK OF HARM**

- 8.1 Where a Disciplinary Matter involves a child or an adult at risk of harm, the Disciplinary Committee must be mindful of the needs of the person in question and take these into account when deciding
- 8.1.1 the format of proceedings
  - 8.1.2 whether any action is taken against such a person.
  - 8.1.3 if the Disciplinary Committee should include at least one member who has received safeguarding training.

8.1.4 whether any standard directions set out in these Rules should be varied.

- 8.2 Written permission should be obtained from any parent / carer of a child or adult at risk of harm where such person is asked to provide evidence and / or attend a hearing. Where a child or adult at risk of harm is asked to attend a hearing, they shall be afforded the opportunity to do so accompanied by any parent / carer and the Disciplinary Committee shall make sure that the child or adult at risk of harm fully understands the process taking place.
- 8.3 For the avoidance of doubt, the refusal of the parent child or adult at risk of harm to co-operate shall not preclude Audax UK from taking disciplinary action against the child or adult at risk of harm.

## **9 APPEAL**

- 9.1 Should an Appellant wish to appeal a decision of the Disciplinary Committee, the Appellant must lodge the appeal in writing to the General Secretary within 14 days of the decision being notified to the Respondent.
- 9.2 The Appellant must set out the grounds of appeal in as much detail as possible including the nature of any new evidence they seek to rely upon which may be considered by the Appeal Committee if deemed appropriate.
- 9.3 The General Secretary will refer the appeal to the Board.

## **10 APPEAL TO THE BOARD**

- 10.1 On receiving notice of an appeal against a decision of a Disciplinary Committee, the Board shall establish an Appeal Committee consisting of three members who are appointed by the Board.
- 10.2 No member of the Appeal Committee shall (subject only to Rule 10.4) have any interest or any previous involvement in a disciplinary matter which is to be considered by the Appeal Committee nor be a member of the Disciplinary Committee.
- 10.3 In the event there are insufficient Board members to form an Appeal Committee the Board may appoint appropriate Audax UK delegates or Members to the Appeal Committee.
- 10.4 Where an Appeal Committee is convened to consider an appeal against a decision of the Disciplinary Committee to terminate membership of Audax UK which has been duly ratified by the appropriate proportion of the Board, the Appeal Committee will be comprised of the full Board irrespective of their previous involvement in the matter.

## **11 APPEAL HEARINGS**

11.1 The Appeal Committee shall have jurisdiction to conduct appeal hearings and have the power to:

11.1.1 dismiss the appeal;

11.1.2 overturn any finding and any sanction imposed by the Disciplinary Committee;

11.1.3 remit the matter for a re-hearing by the Disciplinary Committee;

11.1.4 substitute an alternative finding;

11.1.5 reduce or increase the original sanction; and/or

11.1.6 make such further order as it considers appropriate.

11.2 The Appeal Committee may hear an appeal by way of oral hearing or consider the appeal on the basis of written submissions received from the Respondent and the Complainant as appropriate.

11.3 The Appeal Committee shall determine at its absolute discretion and on a case by case basis, whether an appeal of a Disciplinary Committee decision shall be by way of review only or a full re-hearing of all the evidence presented to the Disciplinary Committee provided that the Appeal Committee shall, where the sanction is termination of membership, afford the Appellant the right to make written or oral representations to the Appeal Committee.

11.4 The procedure for an Appeal Hearing shall be flexible and shall be at the discretion of the chair of the Appeal Committee, who may make such decisions as they deem necessary to ensure the orderly and effective conduct of the hearing, subject to the overriding requirement of fairness and having regard to the standard hearing procedure set out at Appendix 1. The chair of the Appeal Committee will then outline the basic procedure of the hearing.

11.5 The Appeal Committee shall either communicate its decision to the Appellant at the end of a hearing or it shall be notified in writing at a later date as set by the Appeal Committee.

11.6 There is no further right of appeal against a decision of the Appeal Committee.

## **12 MISCELLANEOUS PROVISIONS**

12.1 The standard of proof in all matters before the Disciplinary Committee and the Appeal Committee is the balance of probabilities.

12.2 Any time frame required to be implemented in respect of the Rules may be amended on a case by case basis with consideration to all the circumstances of the case.

- 12.3 If the chair of the Disciplinary Committee / Appeal Committee deems it appropriate, bearing in mind all the circumstances surrounding the case, the appropriate committee may, at its discretion, request an independent person to act as adviser to the Disciplinary / Appeal Committee.
- 12.4 The Disciplinary Committee / Appeal Committee are not obliged to follow strict rules of evidence. They may admit such evidence as they think fit and accord such evidence such weight as they think appropriate in all the circumstances.
- 12.5 The Disciplinary Committee and Appeal Committee shall decide any issue by majority and no member of the Disciplinary Committee or Appeal Committee may abstain from voting.
- 12.6 Audax UK will not be liable to any person, Member, or body for any loss, however caused, whether direct, indirect, financial or consequential arising out of or in connection with any disciplinary action taken under the Rules.

### **13 PUBLICATION OF DECISIONS**

- 13.1 Audax UK may publish details of any decision made by the Disciplinary Panel where a Complaint is upheld and may notify clubs any other relevant body of any details relating to the Complaint or Dispute as such body may need to know for the proper exercise of its functions.



## **APPENDIX 1**

### **STANDARD DISCIPLINARY HEARING PROCEDURE**

- 1 If deemed to be required, prior to any hearing, the Disciplinary Committee shall set appropriate deadlines for the submission of any written evidence / representations requested from the General Secretary or the Respondent.
- 2 The hearing shall be convened by the Disciplinary Committee at a time suitable to the parties and communicated to the parties by the General Secretary.
- 3 The case against the Respondent will be presented by the General Secretary, together with relevant evidence, including witness evidence, if appropriate.
- 4 The Respondent will be granted the opportunity to present their case, challenge the evidence presented against them, submit their own evidence, call witnesses and make representations to the Disciplinary Committee. The evidence and presence of witnesses will be admitted only at the sole discretion of the chair of the Disciplinary Committee.
- 5 Before being called, witnesses will not be allowed in the room while evidence is being given, this shall not apply in relation to the Complainant or Respondent.
- 6 Questions may be put by the Disciplinary Committee to the Respondent and each witness on conclusion of their evidence.
- 7 The Respondent shall have the opportunity to raise questions in cross-examination.
- 8 The Disciplinary Committee may limit cross-examination as it deems appropriate.
- 9 The Respondent and the General Secretary will be allowed to make a closing statement to the Disciplinary Committee.
- 10 The room will be cleared and the Disciplinary Committee will deliberate and determine whether, on the balance of probabilities, the disciplinary charge has been proven.
- 11 The hearing will reconvene and the chair of the Disciplinary Committee shall either communicate its decision to the parties at the end of a hearing or notify the decision in writing at a later date as set by the Disciplinary Committee.
- 12 Where a charge is proven, the Respondent shall have the opportunity to present arguments in mitigation.
- 13 The Disciplinary Committee will review the Respondent's previous disciplinary record, where relevant, to consider sanctions.
- 14 The room will again be cleared and the Disciplinary Committee shall determine the appropriate sanction in accordance with the Rules.

15 The hearing shall be documented in writing by the General Secretary and a record kept of all disciplinary proceedings and hearings.

*The above procedure may also be followed by the Appeal Committee whereby the Respondent is the Appellant and the Disciplinary Committee is the Appeal Committee.*