

## Disciplinary Procedure

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### DISCIPLINARY PROCEDURE OF THE BADMINTON ASSOCIATION OF ENGLAND ('THE ASSOCIATION')

1. This Disciplinary Procedure (hereinafter referred to as 'the Procedure') applies to:
  - all coaches on the register of coaches
  - all members of national playing squads
  - all persons affiliated to the Association including members of county associations and persons affiliated to such county associations
  - all officials

It will be applied in relation to all breaches of the Code of Ethics ('the Code'), breaches of the Child Abuse and Drug Misuse Rules ('the Rules'), which may be subsequently adopted by the Association, and the regulations governing the playing of badminton ('the Regulations') and any other rules and regulations of the Association which may be relevant.

Any complaint about a coach, player, official or other person received by the Association will be dealt with in accordance with the Procedure.

In the event that a disciplinary offence, or an alleged disciplinary offence, occurs at county level, it will initially be for the relevant county association to deal with under its own disciplinary procedure as may be prescribed from time to time by the Association. Such disciplinary procedure should give a right of appeal to the Association in the event that the decision arrived at by that county association is not acceptable to the person disciplined and the Executive Board of the Association (or a committee appointed by it for the purpose) considers that it is reasonable and fair for the Association so to hear such an appeal.

- 1.1 The purpose of the Procedure is to ensure that the Association behaves fairly towards all registered coaches, national squad players, members of county associations and affiliated bodies, officials and other persons in investigating and dealing with alleged instances of unacceptable conduct or performance. Accordingly, the Association reserves the right to depart from the precise requirements of the Procedure where it is expedient to do so and where the resulting treatment of the relevant person is no less fair.
- 1.2 All cases of disciplinary action under the Procedure will be recorded and placed in the Association's records. A copy of the Association's records relevant to the alleged unacceptable conduct or performance will be supplied to the person being disciplined upon that person's request in writing.
2. Offences under the Procedure fall into four main categories namely:
  - (i) minor breaches of the Code and the Regulations;
  - (ii) serious breaches of the Code and the Regulations;
  - (iii) any breaches of the Rules; and
  - (iv) other disciplinary offences against any other rules and regulations of the Association including (without limitation) breaches of the Regulations.
3. The Disciplinary Panel of the Association ('Disciplinary Panel') shall be appointed by the Council and shall consist of three members of the Council together with the Chief Executive or such other person as he<sup>1</sup> may at his absolute discretion appoint as his alternate. Copies of all complaints against each person to whom the Procedure applies and who is subject to investigation as referred to below will, in each case, be made available to the Disciplinary Panel which shall follow the procedure set out below in determining how the matter should be dealt with and if it really needs to be dealt with.
4. Where a complaint is received by the Association against a person to whom the Procedure applies, the following steps will be taken by the Disciplinary Panel, as appropriate.
  - 4.1 The person complained about will be informed of the substance of the complaint (by recorded delivery), but not the identity of the complainant, within seven days of receipt of such complaint by the Association. He will be given an opportunity to respond in writing to the Disciplinary Panel and

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<sup>1</sup> Words importing the masculine gender only shall include the feminine gender and any words importing the singular number shall include the plural number and vice versa.

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must, if he wishes to refute or deny the complaint, do so in writing within seven days of his receipt of notification of the complaint from the Association.

- 4.2 The Disciplinary Panel, at its absolute discretion, applying the rules of natural justice and fairness, will decide whether further action needs to be taken hereunder, and if it so decides, will proceed as set out below.
  - 4.3 **Investigation:** A proper investigation of the matter complained of will be undertaken by the Disciplinary Panel and, if appropriate, the Disciplinary Panel may by written notice suspend the person complained of for a specified period during which time such an investigation will be undertaken. The decision to suspend such person will be notified to him by the Disciplinary Panel and confirmed in writing.
  - 4.4 **Interim action:** Following investigation of the matter complained of, the Disciplinary Panel shall be entitled to issue a written warning, impose a temporary suspension, impose a suspension pending investigation of the complaint or levy a fine in a sum not exceeding £200 without the need to hold a disciplinary hearing.
  - 4.5 **Disciplinary hearing:** If the Disciplinary Panel decides to hold a disciplinary hearing, the person complained of will be given details of the complaint against him at least seven days before the date of the disciplinary hearing. At the disciplinary hearing he will be given an opportunity to state his case and may also be accompanied by a friend or adviser. The Disciplinary Panel reserves the right to have its own adviser present at the hearing. No disciplinary penalty (other than those referred to in 4.4 above) will be imposed without a disciplinary hearing. In the event that any of the members of the Disciplinary Panel shall be the complainant, another member of Council shall replace him. The Disciplinary Panel shall notify the person complained of in writing. If posted the decision shall be sent by recorded delivery.
5. **Appeal:** Following any action taken under 4.3,4.4 or 4.5, the person complained of has a right of appeal against the decision of the Disciplinary Panel or the penalty imposed thereby to the Appeal Panel (as defined below). He should inform the Disciplinary Panel in writing of his wish to appeal and the reasons therefor within seven days of the date of his receipt of the notification of the Disciplinary Panel's decision. The appellant's request for an appeal hearing must be accompanied by a deposit of £100 and payment of any fine levied by the Disciplinary Panel. These sums will be refunded in the event of the appellant's appeal being successful, but will be retained by the Association in the event that the appellant is unsuccessful. The decision as to whether to allow the appeal to proceed is in the absolute discretion of the Appeal Panel applying the rules of natural justice. The Appeal Panel shall only grant leave to appeal in circumstances where the Appellant can produce evidence which has not been produced before, through no fault of the Appellant, or on the grounds that the penalty imposed was too severe in all the circumstances of the matter.

The Appeal Panel will consist of three members of the Council and a Chairman from outside the Association and shall comprise such persons as have not been members of the Disciplinary Panel in the instant case ("the Appeal Panel"). Where any member of the Appeal Panel was involved in the complaint at an earlier stage, that person shall not sit on the Appeal Panel. The Appeal Panel will conduct an appeal hearing as soon as possible after leave to appeal has been granted by it. At this hearing the Appellant will be given an opportunity to produce any evidence not already produced to the Disciplinary Panel and/or to challenge the severity of the penalty imposed by the Disciplinary Panel. He will be entitled to be accompanied by a friend or adviser and the Appeal Panel reserves the right to have its own adviser present at any hearing. The Appeal Panel reserves the right to increase any penalty imposed by the Disciplinary Panel.

Subject to 6 below, the decision of the Appeal Panel will be notified to the appellant in writing within seven days and will be final and binding.

6. **Sports Dispute Resolution Panel:** In the event that the Appellant does not agree with the decision of the Appeal Panel he shall have the right to take the matter to the Sports Dispute Resolution Panel. The Appellant and Association both agree that the decision of the Sports Dispute Resolution Panel shall be final and binding on both the parties and agree that the costs of such arbitration shall be borne by the party against whom the decision of the Sports Dispute Resolution Panel is made.
7. **Minor Breaches**

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7.1 The following offences are examples of minor breaches of the Code, the Rules and the Regulations and other rules and regulations of the Association:

- Bad time-keeping
- Inappropriate dress code on court
- Smoking whilst coaching
- Failure to fulfil a coaching appointment
- Minor damage to Association property
- Failure to observe Association procedures
- Misrepresentation of ability to coach and claiming higher level of Coaching qualifications than actually possessed
- Deliberate failure to play to the best of his ability
- Negative and unhelpful attitude both at matches and practices
- Failure to arrive at a tournament without notification or with notification but without proper reason
- Late arrival on court without proper reason

*These offences are not exclusive or exhaustive and offences of a similar nature will be dealt with under this procedure.*

7.2 In the event of a minor breach of the Code or the Rules and the Regulations and other rules and regulations of the Association, the Association reserves the right either to impose a fine or a temporary suspension upon an offender or give to an offender a written warning. The offender shall be entitled to appeal to the Appeal Panel under 5 above provided he complies with the provisions of that section. Provided such breach is not repeated nor any other minor breach complained of within one year, the matter will not be taken further although a note of such breach will be made in the Association's records. If such breach is repeated or any other minor breach committed and is reported to the Association, the Association will deal with it as a serious breach and shall, if it considers it appropriate, instigate the investigative process and, if it does not receive a satisfactory explanation from the offender, may require him to attend a disciplinary hearing as provided for in 4.5 above.

## **8. Serious Breaches of the Code, the Rules and the Regulations and other rules and regulations of the Association**

8.1 The following offences are examples of serious misconduct:

- Abusive behaviour
- Theft or unauthorised possession of any property or facilities belonging to the Association or any other player or coach
- Failure to play in a prearranged match for any reason other than verifiable illness, injury or other good cause
- Serious damage to Association property
- Falsification of reports, accounts, expense claims or medical certificates
- Intoxication by reason of drink during a match in which he is playing, during coaching or when travelling to a match
- Possession of illegal drugs
- The use of drugs prohibited by the International Badminton Federation under its doping regulations
- Refusing to give a blood or urine sample when required for random testing for restricted drugs
- Giving a non-negative drug test result
- Any breach of the Rules
- Abuse of the position of coach contrary to section 2.5 of the Code
- Violent, dangerous or intimidatory conduct
- Sexual, racial or other harassment of any player, coach or spectator
- Failure to attend at any disciplinary hearing when required so to do
- Any breach of Association rules and regulations which the Disciplinary Panel considers to be of a serious nature

*These offences are not exclusive or exhaustive and offences of a similar nature will be dealt with under this procedure.*

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8.2 In the event of serious breaches of the Code or the Rules or Regulations which cannot be explained to the satisfaction of the Association, an offender may be required to attend a disciplinary hearing as provided for in 4.4 above.

### 9 Sanctions

The sanctions that may be applied by the Disciplinary Panel if the complaint against the Appellant proves to be well-founded and is upheld include the following:

#### Minor Breaches of the Code and the Rules and the Regulations

- Fines;
- Temporary suspension from register of coaches;
- Temporary suspension from national squad and the benefits that attach thereto, including support for training and competition, but not subsistence funding;
- Temporary suspension of the right to play in any matches and to be entered in tournaments.

#### Serious Breaches of the Code and the Rules and the Regulations

- Fines;
- Temporary or permanent removal from the register of coaches;
- Temporary or permanent removal from national squad and the benefits that attach thereto including subsistence funding and support for training and competition;
- Temporary or permanent suspension of the right to play in any matches and to be entered in tournaments.