



## **Discipline & Appeal Procedures**

For individuals who are members of Scottish Rowing Clubs

Approved by the Board May 2013

In child protection matters, these procedures will be implemented taking into account the principles set out in the Safeguarding in Sport Service *Guidelines on Disciplinary Issues Relating to a Child Protection Concern*, a copy of which may be downloaded from [www.childprotectioninsport.org.uk/cpisresources.html](http://www.childprotectioninsport.org.uk/cpisresources.html) .

### **DISCIPLINARY PROCEDURE INVOLVING INDIVIDUALS WHO ARE MEMBERS OF SCOTTISH ROWING CLUBS**

The Discipline Sections of the Scottish Rowing Operating Practices document empowers the Scottish Rowing Board to deal with disciplinary matters. It permits

- Suspension of individuals from competing, coaching, taking part or participating in any way at any regatta run under the Rules of Scottish Rowing or at any event, competition or activity run under the aegis of Scottish Rowing for
  - violent or abusive behaviour, or
  - acting in any way likely to bring the sport of rowing or sculling into disrepute.The duration of the suspension is at the discretion of the Board.
- Lifetime bans on any persons found guilty of an anti-doping violations.

Complaints to be dealt with under these powers must be notified to the Secretary in writing giving details of

- the date, time and place at which the incident occurred,
- the names of all individuals involved,
- details of the incident,
- the names and contact details of any witnesses.

Initially, the matter may be dealt with summarily by the President, who will notify his decision if suspension is to be made in writing with a copy to the Secretary and to the person's club.

If, however, the President is of the opinion that the matter is too serious to handle in this way – and in all cases of alleged doping violations - he will convene a Board Disciplinary Committee to handle the matter. This committee will consist of the President, the Secretary and one other member of the Board who will reach a decision on the matter, allowing the accused person a hearing if requested. If this procedure is followed, the following timescale will be applied.

- Within 10 days of the incident, the accused person will be informed in writing of the formation of the Committee to deal with the matter and be invited to attend.
- The date set for the meeting will be within 10 days of the date of the letter.



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- Within 10 days of the meeting, all relevant parties will be informed in writing of the result of the meeting.

The proceedings of all Disciplinary Committees will be recorded by the Secretary.



**FOR DISCIPLINARY MATTERS INVOLVING INDIVIDUALS WHO ARE MEMBERS OF SCOTTISH ROWING CLUBS**

On disciplinary matters, an individual member of Scottish Rowing has the right of appeal against a decision of the President or Disciplinary Committee to an Extraordinary General Meeting of Scottish Rowing. This meeting shall have the right to confirm, suspend or annul the decision of the Board committee, provided that the person intimates his wish to appeal within 21 days of the decision being made known to him. The Scottish Rowing Secretary shall issue notice of an Extraordinary General Meeting not more than 14 days after a wish to appeal has been intimated to him.

**FOR SCOTLAND TEAM SELECTION**

**Right of Appeal**

1. Any athlete registered with Scottish Rowing is entitled to appeal against a decision of Scotland Team Selectors in respect of the implementation of the Scottish Rowing Selection Policy insofar as it relates to that athlete. In such circumstances, the athlete shall appeal to the Board of Scottish Rowing for determination in accordance with this Appeal Procedure.
2. The appeal process can only be used to determine:
  - a. Whether the correct procedures have been followed in the implementation of the Selection Policy.
  - b. Whether the Selectors have acted reasonably, fairly and without bias in making a decision.
  - c. Whether the athlete has been treated fairly in the context of paragraphs 2a and 2b.
3. The Appeal Procedure in itself has no power of selection, which will remain with the Selectors.

**Prior Consultation**

4. Athletes entitled to appeal should, prior to commencing an appeal, consult with the Team Manager to establish the reasons for the decision and the scope for review of the decision.
5. Such consultations are not obligatory but may help to resolve the situation, clarify any misunderstandings or help identify the issues in dispute before an appeal is formally notified. The consultations are not binding but they may be referred to in any appeal, as may any failure or refusal to participate in such consultations.

**Starting an Appeal**

6. Athletes shall commence the appeal procedure by notifying the Scottish Rowing Office in writing<sup>1</sup> setting out full details of the basis upon which the athlete wishes to appeal against the decision of the Team Selector(s) (Notice of Appeal). The Notice of

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<sup>1</sup> In writing may be taken to mean communication via Scottish Rowing's postal address or by email



Appeal should be accompanied by any relevant documentation that the athlete wishes to rely on and a bond of £50 which will be repaid in the event that the Appeal is successful.

7. On receipt of an appeal the Scottish Rowing Administrator shall inform the President of Scottish Rowing or delegated Board Member. That person shall convene an Appeal Panel. The Team Manager shall supply copies of the Notice of Appeal to the members of the Appeal Panel.

8. It is vital for athletes requesting an appeal and the Appeal Panel in responding to the Notice of Appeal, to appreciate that the outcome of the Appeal may have consequences affecting other athletes and the subsequent selection process. Any delay, therefore, in commencing and processing the Appeal may ultimately prejudice the outcome of the Appeal.

### **Appeal Panel**

9. The President or delegated Scottish Rowing Board member shall, following receipt of the Notice of Appeal, convene as expeditiously as possible an Appeal Panel to hear the appeal.

10. Members of the Appeal Panel shall be selected from a list of people, who have been approved annually (normally in March) by the Scottish Rowing Board. If necessary, an informed independent person<sup>2</sup> not on the approved list can be appointed to the Appeal Panel if accepted by the Chairman as having sufficient knowledge of the sport of rowing and as being appropriately independent.

11. The Appeal Panel will comprise three members and be chaired by the convener. When constituting the Appeal Panel, the Chairman shall have regard to the principle that the Appeal Panel should be and be seen to be impartial and open-minded.

12. Whatever the outcome, the Appeal Panel will report its findings in writing to the athlete, the Team Manager and the Selectors.

### **Time and Place of the Appeal**

13. The Chairman shall notify all the parties concerned as soon as possible of the place and time of the appeal together with the names of the members of the Appeal Panel. The Appeal Panel must be attended by both the athlete and the relevant selector.

### **Appeal Hearing Procedure and Decision**

14. The athlete may be accompanied or represented at the hearing by a maximum of two people. In the case of an athlete who is a minor at the date of the appeal hearing one of the representatives should be a parent or guardian. The parent or guardian may, however, appoint the club coach of an athlete to act on their behalf.

15. If at any time during the hearing there is any unreasonable behaviour the Appeal Panel Chairman may bring the proceedings to a close and the Appeal Panel will determine the appeal on the basis of the written and verbal submissions received at that time.

16. The athlete or their representative will present their case, the Appeal Panel will ask questions as required. The representative of the selection panel will present their case, the Appeal Panel will ask questions as required. Either party may then ask questions

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<sup>2</sup> An informed independent person could be a member of another National Governing Body or a Sports Dispute Resolution Panel.



through the Chairman. Both parties shall make final submissions with the athlete having the right to be heard last.

17. Once the Appeal Panel has considered the facts a decision shall be made and notified to the athlete, the Team Manager and Selectors within one working day. The panel may seek additional expert advice where necessary.

18. If the appeal is dismissed, the appeal process is closed.

#### **Panel Recommendation**

19. If the appeal is upheld the Appeal Panel will make recommendations to the Team Manager, the selectors and other appropriate parties. The Board of Scottish Rowing is to be informed if such recommendations cannot be implemented. The Board will then make a decision which will be final.



**FOR RECONSIDERATION OF AN OBJECTION TO AN APPLICATION FOR AFFILIATION TO SCOTTISH ROWING**

1. In accordance with the Articles of Association any current member of Scottish Rowing may submit an objection to a body applying for affiliation to Scottish Rowing. If the Board decides to overturn that objection and approve an application then the objecting member (“the Objector”) may appeal that decision. Prior to submitting a formal appeal the Objector is encouraged to discuss the decision with the President of Scottish Rowing and consider the following aspects of the approval process.
2. The Board will take the following factors into account when deciding whether or not to approve an application:
  - a. Is the Applicant properly constituted with an agreed and signed constitution that contains objectives consistent with those of Scottish Rowing?
  - b. Does the Applicant possess or have access to adequate facilities and equipment with which to conduct its activities including provision to ensure the protection of vulnerable groups? If not, does the Club Development Plan provide sufficient detail of how such facilities or equipment are to be acquired or made available?
  - c. Does the Club Development Plan show that due regard has been taken of the impact of its activities on any other bodies in the locality that are already affiliated to Scottish Rowing?
  - d. Does the completed Safety Audit form demonstrate that adequate safeguards are in place for the safe conduct of the Applicant’s activities?
  - e. Is the establishment of the Applicant as an affiliated member of Scottish Rowing fair, reasonable and acting in the best interests of the Applicant and the sport in general?
  - f. If the application is a re-submission following a previous refusal or rejection on appeal, is there evidence of a significant change in circumstances or substance to the application?
3. In the event that an objection is received then the Board will consider the following factors in deciding whether or not to uphold the objection:
  - a. Does the submission contain a clear, objective and unambiguous statement of the grounds for the objection?
  - b. Is evidence provided that the decision to proceed with an objection has been agreed by a formal, minuted meeting of the Objector’s executive body?
  - c. Is evidence provided of any communication between the Applicant and Objector in order to address the issues raised by the Objector, have any compromise solutions been proposed by either party and if so what was the



outcome?

d. Is the objection considered to be fair, reasonable and acting in the best interests of both the Objector and the sport in general?

### **Appeal procedure**

4. The Objector is to submit the grounds for the appeal in writing to the Board as soon as possible and in sufficient time to be received by the Scottish Rowing administrator within 14 clear days of the promulgation of the Board's decision.

5. On receipt of the appeal an Appeal Panel will be convened and a date will be set for the panel to consider the appeal. The panel is to sit within one calendar month of receipt of the appeal. The Appeal Panel shall be drawn from a list of representatives of members of Scottish Rowing put forward by their clubs and maintained by Scottish Rowing for the purpose, each member being entitled but not bound to elect one such club representative to serve. The quorum for said panel shall be three and when such a panel is required it shall be selected on a rota basis alphabetically from the list. No member of the Scottish Rowing Executive which considered the original application shall sit on the appeals panel relating to it nor shall the panel include a representative of the Objector. The panel shall appoint a chairman from among its own number who shall have a deliberative but not a casting vote..

6. The Objector shall be given the opportunity to speak first and to state the grounds for the appeal. The applicant shall be invited to respond and the hearing will continue as required with the Applicant having the opportunity to speak last.

7. The Board of Scottish Rowing, the Objector and the Applicant shall be informed of the outcome of the hearing directly once the Panel has made its decision. In the event that the appeal is upheld then the objection will also be considered upheld and the decision to approve affiliation will be reversed with immediate effect.

8. The Panel's decision is final. If the appeal is not upheld then an Objector who wishes to continue to object to the affiliation of a member club may seek expulsion through submission of a Special Resolution in accordance with the Articles of Association.

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