LANCASTER AND MORECAMBE ATHLETIC CLUB.

DISCIPLINE AND APPEALS HEARING PROCESS. FEBRUARY 2023

Process of the Hearing

1. Chair of Panel introduces fellow Panel members and confirms identity and status of all other persons present.
2. Chair reminds all parties of the confidentiality of the Hearing and that it will be held in private.
3. Chair informs all parties that a Hearing conducted under these procedures is not a judicial Hearing and so evidence given will not be delivered under oath. The Panel adjudicating the Hearing will, however, apply the rules of Natural Justice. For example, the duty to give a fair hearing to everyone with a concern in the case, the duty to explain the reasoning behind any decision and the obligation for any decision makers to be impartial.
4. Chair informs the parties that the Panel will make its decisions on whether the accused is guilty of misconduct, based on a balance of probabilities. This means that it must be demonstrated that it is "more probable than not" that the accused is guilty of misconduct. The panel will consider whether or not on the balance of probabilities the allegations are substantiated by the facts of the case.
5. Chair confirms that all parties and Panel members have previously received copies of all relevant documentation. In the event that documents have not been exchanged as required, the Chair may consider an adjournment.
6. The Panel must consider any written and or oral submission made by the accused and any written and or oral evidence provided by witnesses called on his or her behalf.
7. The Panel will then consider their decision in private. The Panel shall decide any matter based on a simple majority and may reject the complaint or may partially or fully uphold the complaint.
8. If the Panel upholds the complaint they must then consider the most appropriate manner to resolve the case and in so doing may take account of all relevant information disclosed during the Hearing, including any submission made by or on behalf of the Accused.
9. In consideration of what sanction to impose the Panel should consider the following criteria:
    a. the nature and seriousness of the misconduct including whether the misconduct involved dishonesty, culpable or reckless neglect;
    b. the accused conduct record and, in particular, whether any misconduct of a similar kind has occurred before and the period of time which has elapsed since any previous misconduct.
    c. where relevant, the length of time over which the misconduct occurred;
    d. the number of breaches;
    e. any steps taken by the accused to avoid a recurrence of the misconduct;

f. whether any admission, and regret is expressed by the accused;

g. the extent to which the accused has derived benefit, or stood to derive benefit, from the misconduct;

h. any steps taken by the accused to compensate or provide restitution to the Complainant;

i. the degree of co-operation with the Investigation;

j. any penalties previously imposed by the Club in similar cases;

k. the need to deter the accused and other Members from future misconduct;

l. the need to demonstrate to the athletics community and society in general, that England Athletics (EA) takes firm action intended to promote the standards of conduct and behaviour required of all athletes and volunteers and others engaged in athletics.

10. The powers of the Panel are to issue:

i. a warning in respect of the misconduct committed;

ii. to terminate his or her membership or remove him or her from any official position within the club;

iii. a requirement to complete education or training;

iv. in the case of an accused who is a registered EA athlete, a recommendation to EA that the athlete is suspended from competition (or official participation within athletics) or from taking part in any event organized or run under the UKA Rules for Competition for a specified period;

v. In the case of an accused who is a UKA Licensed coach or technical official, a recommendation to UKA that the Accused license to coach or officiate be suspended for a period of time;

vi. any combination of the above.

11. The Chair of the Panel may vary this procedure in his or her absolute discretion if, after discussion with the other parties he or she is of the opinion that such change would assist the Hearing process in a fair and impartial way.

12. Where appropriate and in the absolute discretion of the Chair of a Disciplinary Panel, details of a decision, including sanctions imposed, may be communicated to UKA, a National Association, county association, club or other body where it is considered necessary to ensure compliance with a sanction, or for the safety and well-being of those engaged in athletics activity.

13. A record of the proceedings and decisions of Disciplinary/Appeal Panels, including any sanctions imposed, shall be confidentially held on file by the Club for a period of six years and confidentially shredded/deleted after six years