

Rules of the Association.

(hereafter referred to as the “Rules”)

1. Misconduct

Misconduct, as defined in the Oxford English Dictionary, is to “behave in an improper manner”. For the purposes of these Rules, the definition of Misconduct, as above, shall include, but shall not be restricted to, situations where any Member:

- (i) Breaches any provision of the World Bowls, Laws of the Sport of Bowls,
- (ii) Breaches any provision of the current World Bowls Regulations
- (iii) Breaches any provision of the Rules,
- Breaches any provision of the Regulations,
- (v) Breaches the Code of Conduct.

2. Discipline

2.1 In the event of a complaint or allegation of misconduct by any Member, the Management Committee will convene at the earliest opportunity to discuss the matter and shall either deal with the matter itself or appoint a Disciplinary Sub Committee (DSC) subject to the provisions of Rule 3.1.

2.2 The appeals procedure set out in Rules 3.9 and 3.10 shall apply to all decisions taken by the Management Committee under Rule 2.1.

3. Disciplinary Hearings and Appeals Procedure.

3.1 The Management Committee can only deal with a complaint or reported misconduct if all members of that Committee are free of vested interest in the matter and in that case shall have the same obligations and powers as a DSC as set out in the Rules 3.2 to 3.8. In the event of any one or more members of the Management Committee having a vested interest, the Management Committee shall constitute a DSC comprising 4 persons including those member of the Management Committee with no vested interest in the matter and Members who in the opinion of the Management Committee have no vested interest and are competent to make a rational decision on the matter. The DSC shall meet as soon as is practicable after it has been constituted and shall follow as far as is possible the process set out in the remainder of this Rule.

3.2 On the date the DSC is constituted, the Secretary will contact the complainant and request written statements from the complainant, and those of any witnesses, to be submitted within 7 days. The DSC shall on the basis of those submissions, and any personal interview they wish to undertake, form an opinion as to whether there is a case to answer. If the DSC consider that there is no case to answer, or insufficient evidence to support the complaint, they shall, within 7 days of reaching their decision, inform Council and the complainant of their decision. This notification shall be done by the Secretary. If the

complainant wishes to appeal the decision of the DSC not to proceed further, he must do so in writing to the Secretary, with 7 days of the notification of the decision not to proceed. (see para 3.9)

3.3 If the DSC decide that there is a case to answer, they will require the Secretary to write to the alleged offender informing them of the alleged infringement that is under investigation and provide them with a copy of these Rules which describe the duties and powers of the DSC. The alleged offender must respond within 14 days of the date on the letter from the Secretary outlining the complaint.

3.4 If the alleged offender accepts that they have committed the alleged infringement, or fails to respond within 14 days to the Secretary's letter outlining the alleged infringement, the DSC will deal with the matter as if the case was found to be proven. (see para 3.7)

3.5 If the alleged offender denies the offence, a disciplinary hearing will be convened within 14 days from notification by the alleged offender. The DSC shall establish an agenda for each particular case. The agenda shall provide for the alleged offender and any witnesses to be questioned by the DSC, for the alleged offender to question any of the witnesses and to call any witnesses on their own behalf and for any other processes the DSC considers appropriate. The alleged offender will be provided with copies of all relevant written submissions made to the DSC. At the conclusion of the disciplinary hearing, the DSC will retire to deliberate and form its conclusion.

3.6 If the DSC find that the case is not proved, the matter will be closed. The Secretary will, in writing, inform Council, the complainant and the alleged offender of this within 7 days of the DSC reaching their decision. If the complainant wishes to appeal the decision of the DSC, he must do so in writing to the Secretary, with 7 days of the notification of the finding of not proved. (see para. 3.9)

3.7 If the case is found to be proven, the DSC will have the power to impose one or more of the following penalties:

- (i) verbal reprimand,
- (ii) written reprimand,
- (iii) suspension from the Association, for a period to be determined by the DSC,
- (iv) expulsion from the Association.

3.8 Any finding of guilt and penalty must be ratified by Council within 7 days of the DSC reaching their decision, prior to the parties involved being informed by the Secretary in writing.

Any Member will have the right of appeal. The grounds of appeal must be made in writing to the Secretary within 7 days of the notification of:

The decision to take no proceedings,

The decision that the complaint has not been proved,

A finding of guilt.

The appeal must clearly state what the appeal is against, and in the case of an appeal where there was a finding of guilt, whether it is against the finding of guilt, penalty, or both.

3.10 Within 14 days of an appeal being received, Council will appoint an Appeals Committee (AC), comprising 3 Individual Club Members, with no vested interest in the outcome of the appeal, and, as far as is possible, with experience of the matter under appeal. They will be assisted by the Secretary who will minute all proceedings. As well as personal representation by the aggrieved party, the AC will have access to all minutes and all written statements submitted.

3.11 The AC will have the following options for dealing with an appeal:

3.11.1 Where the AC confirms that there is insufficient evidence to take a complaint further, or that a case has not been proved, or that the finding of guilt was fully justified, an appeal will be rejected. Where an appeal rejection is in relation to a finding of guilt, the penalty may remain the same or be reduced or increased;

If the AC forms the opinion that there is sufficient evidence to investigate the matter further, or that the finding of non-guilt was in error, the appeal will be upheld and the AC will investigate the complaint again. In such instances there will be no further appeal available. If the appeal was against the penalty imposed and upheld, the AC may reduce the penalty.

3.12 The AC, after due deliberation of an appeal of any type will report its findings to Council. The AC's decision will be final and binding upon all parties. The Secretary will, in writing, inform Council, the complainant and the alleged offender of this within 7 days of the AC reaching their decision.