

# RULES OF BRITISH ROWING LIMITED

(An excerpt from the Rules of British Rowing 2015)

## SECTION H

### THE DISCIPLINARY AND GRIEVANCE PANEL

1. **Purpose** The Disciplinary and Grievance Panel's principal purpose is to ensure that British Rowing handles fairly and efficiently complaints, grievances and disciplinary matters for which it is responsible under the Disciplinary and Grievance Procedure of British Rowing as approved by Council from time to time.
2. **Reporting** The Disciplinary and Grievance Panel shall report to the Board.
3. **Membership – voting** The Disciplinary and Grievance Panel shall comprise a minimum of eight people who shall be proposed by the Chairman of British Rowing having regard to the mix of skills necessary for the effective discharge of the Disciplinary and Grievance Panel's duties. The Disciplinary and Grievance Panel shall not include any person who is an employee of British Rowing.

The Disciplinary and Grievance Panel shall appoint a chairman from amongst its number.

4. **Functions** The Functions of the Disciplinary and Grievance Panel shall be to:
  1. Hear complaints, grievances and disciplinary matters referred to it and to make such rulings and/or recommendations as the Disciplinary and Grievance Panel thinks appropriate in accordance with the Disciplinary and Grievance Procedure.
  2. Keep under review the Disciplinary and Grievance Procedure and make such recommendations to Council as may be necessary from time to time to ensure the effective and equitable handling by British Rowing of complaints, grievances and disciplinary matters
  3. Provide guidance to Affiliated Members and Regions from time to time on interpretation of the Disciplinary and Grievance Procedure.
  4. Provide an annual report to the Board detailing the number and nature of cases heard and their outcomes and make such recommendations as the Disciplinary and Grievance Panel considers necessary for the improvement of the Disciplinary and Grievance Procedure.
5. **Meetings** The Disciplinary and Grievance Panel shall meet as often as may be appropriate but in any case not less than once per year. Meetings may be held by telephone but shall be attended in person not less than once per year. A quorum shall be 5 members entitled to vote at the meeting.

In the absence of the chairman of the Committee, the remaining members present shall elect one of themselves to chair the meeting.

## APPENDIX 3

### DISCIPLINARY AND GRIEVANCE PROCEDURE

The object of these Disciplinary and Grievance procedures is to ensure good practice with regard to the handling of any complaints, grievances or disciplinary procedures between Registered Individuals, Affiliated Members, Regions and/or British Rowing, and to ensure that such matters are fairly dealt with at the appropriate level in a fair and timely manner.

For the avoidance of doubt, the Disciplinary and Grievance procedures shall not apply to any complaints, disciplinary matters or grievances which have their own separate procedures stipulated in the Articles or the Rules of British Rowing, which shall be dealt with in accordance with the principles and procedures laid down in the relevant Articles or Rules, or for employment matters involving British Rowing employees or employees of Affiliated Members, which shall be dealt with in accordance with the relevant employee's contract of employment and staff handbook.

#### 1. **Appropriate forum for hearing complaints, grievances and disciplinary matters between Registered Individuals, Affiliated Members and Regions**

In considering to which body a complaint, grievance or disciplinary matter should be referred, British Rowing

## **RULES OF BRITISH ROWING LIMITED**

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and every Registered Individual, Affiliated Member and Region shall agree to abide by the process laid out in the Disciplinary and Grievance Process Flowchart, as the same shall be amended from time to time.

### **2. Conduct of complaints, grievances and disciplinary matters between Registered Individuals, Affiliated Members and Regions**

British Rowing, and every Affiliated Member or Region involved in the hearing or consideration of a complaint, grievance or disciplinary matter shall conduct that hearing or consideration through a procedure which conforms in all material respects to the British Rowing Disciplinary and Grievance Guidelines, as the same shall be amended from time to time, and shall ensure that their constitutional documents or rules are not in conflict with those guidelines.

### **3. Procedure for Complaints and Grievances against British Rowing and its employees**

This section outlines the procedure to be followed where a complaint or grievance is brought against British Rowing (as opposed to a complaint or grievance against a Registered Individual, an Affiliated Member or a Region, or where British Rowing is hearing a complaint or grievance in an appellate capacity in accordance with the Disciplinary and Grievance Process Flowchart).

A grievance is an issue, complaint, dispute concern or problem which does not involve alleged Misconduct. Allegations of Misconduct will be resolved in accordance with the Disciplinary Procedure.

British Rowing recognises the importance of dealing with grievances and complaints seriously, fairly and quickly. Any person that raises a grievance (a 'Complainant') will be given a fair hearing and have the right to be accompanied by a supporter when raising a grievance.

British Rowing is committed to the resolution of individual grievances informally whenever possible and Complainants are encouraged to seek to resolve any grievance with British Rowing informally with the relevant personnel in the first instance.

If the Complainant is not satisfied with the outcome of informal discussions (or such a stage is not deemed to be appropriate) he must state his or her grievance formally in writing to the CEO, which may be by post or by email.

If a Complainant has a disability which means they are unable to submit a written grievance, British Rowing will provide assistance where reasonable to ensure that they are not treated less favourably.

Where a Complainant is under the age of 18 years it is obligatory that the parents or legal guardians of that child must be informed and that the individual is accompanied during any hearing or appeal.

When submitting a grievance the notification should state the details of the grievance, the action taken by the Complainant to resolve the matter so far and the outcome or remedy sought. Copies of relevant papers in support of the grievance should be included.

On receipt of a grievance the CEO (or, if the CEO is the subject of the complaint, the Chairman) will appoint an appropriate officer to consider the grievance ('Investigating Officer'). The Investigating Officer may be a person employed by British Rowing, a volunteer holding a position within British Rowing or a third party, depending on the nature of the complaint made. Where the complaint made is against British Rowing itself (as opposed to an employee or British Rowing) or against the Chairman or the CEO of British Rowing, the Investigating Officer should usually be a third party.

The Investigating Officer will notify British Rowing and/or any individual who is the subject of a grievance (each a 'Respondent') and provide them with a copy of the grievance. The Respondent will be given the opportunity to provide a statement and any papers in response to the grievance. The timescale for this will normally be 14 days, but may be extended at the discretion of the Investigating Officer if the circumstances so merit.

The Complainant and any Respondents should be made aware that the information provided by them may be disclosed to the other parties to the grievance.

## **RULES OF BRITISH ROWING LIMITED**

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It may be necessary for the Investigating Officer to carry out further investigation into the grievance by meeting with the Complainant, the Respondent(s) or any relevant witnesses. If this is necessary the timetable for the completion of the investigation will be discussed with and notified to the Complainant. Every attempt will be made to complete the investigation promptly, but giving regard to the need for due process.

If a hearing is necessary, the Complainant and the Respondent shall have the right to be accompanied by a person of his or her choosing to any hearing or other meetings in connection with a hearing. The Investigating Officer should ensure that the parties are aware of this right prior to any such hearing or meeting.

Hearings can be conducted in person or, if this is not practicable, by telephone conference. If either party chooses not to attend the hearing in person or by telephone if appropriate, the Investigating Officer has the right to proceed with the hearing based on written submissions.

On conclusion of the investigation into the grievance the Investigating Officer will inform the Complainant and the Respondents in writing of the decision. This will normally be issued within 7 days of the close of the investigation. This letter will in general summarise:

- a) the nature of the grievance;
- b) the investigation that was conducted;
- c) the decision;
- d) the reason for the decision;
- e) any measures taken or required to be taken as a result of the decision; and
- f) a copy of any meeting records and any formal minutes taken.

If the Complainant or any Respondent is not satisfied with the outcome of the grievance investigation, he may appeal (in this capacity the 'Appellant') on the grounds that:

- relevant information was ignored or not considered by the Investigating Officer; or
- the grievance procedure was tainted by unreasonable bias or conflict of interests; or
- the provisions of British Rowing's Grievance Procedure were not adhered to; or
- the Investigating Officer exceeded his or her jurisdiction; or
- the findings of the Investigating Officer were irrational or wrong in law.

The Appellant should write to the CEO within 14 days of the receipt of the letter issued by the Investigating Officer. This letter should state the grounds on which the verdict of the Investigating Officer is challenged and the remedy or outcome that is sought.

Any such appeal shall be considered by the Disciplinary and Grievance Panel in accordance with the procedures set out in 5 below.

#### **4. Procedure for Disciplinary Proceedings instigated by British Rowing**

A Registered Individual may be subject to disciplinary proceedings under this procedure brought by British Rowing where their conduct is inappropriate, incorrect, improper, unlawful, or unsporting and/or has the potential to bring the sport of rowing into disrepute ('Misconduct'), and where there is no Affiliated Member or Region which would have jurisdiction to deal with the matter in accordance with the process laid out in the Disciplinary and Grievance Process Flowchart, or where the relevant Affiliated Member or Region has declined to deal with the matter.

Examples of Misconduct include, but are not limited to:

- Any breach, failure refusal or neglect to comply with a provision of the Memorandum and Articles of Association, the Rules or any other relevant policy or code of British Rowing.
- Carrying out any acts and/or making any statements and/or acting in contravention of British Rowing's equity policy.
- Any form of abuse, coercion or violent conduct or any other behaviour that is otherwise considered unacceptable and contrary to the conduct expected

## **RULES OF BRITISH ROWING LIMITED**

(An excerpt from the Rules of British Rowing 2015)

- Where an individual, directly or indirectly, agrees to give, offers, solicits, accepts or agrees to accept any bribe, gift or reward or consideration of any nature that is or could appear to relate in any way to seek to influence the outcome or conduct of a competition in a manner contrary to sporting ethics.

The CEO (or, if the CEO is the subject of the alleged misconduct, the Chairman) will appoint an appropriate officer (or, in the case of particularly serious alleged misconduct, a panel of 3 officers) to conduct a disciplinary hearing ('Investigating Officer'). An Investigating Officer may be a person employed by British Rowing, a volunteer holding a position within British Rowing or a third party, depending on the nature of the allegation of misconduct.

The CEO (or the Chairman, as appropriate) shall outline in writing to the Investigating Officer the details of the alleged misconduct.

The Investigating Officer will consider whether there is a prima facie case against the Registered Individual who is the subject of the allegations (the 'Respondent'). If there is a prima facie case, he shall notify the Respondent and provide him with the details of the disciplinary case including, where applicable, details of any rules or agreements that are alleged to have been contravened. This notice should contain details of the disciplinary procedure, including timescales, possible outcomes of the disciplinary hearing and the right of appeal.

The Respondent will be given the opportunity to provide a statement and any papers in response to the allegations. The timescale for this will normally be 14 days, but may be extended at the discretion of the Investigating Officer if the circumstances so merit.

If a Respondent has a disability which means they are unable to submit a written statement, British Rowing will provide assistance where reasonable to ensure that they are not treated less favourably.

It may be necessary for the Investigating Officer to carry out further investigation into the allegations by meeting with appropriate representatives from British Rowing, the Respondent(s) or any relevant witnesses. If this is necessary the timetable for the completion of the investigation will be discussed with and notified to the parties. Every attempt will be made to complete the investigation promptly, but giving regard to the need for due process.

If a hearing is necessary, the Respondent shall have the right to be accompanied by a person of his or her choosing to any hearing or other meetings in connection with a hearing. The Investigating Officer should ensure that the Respondent is aware of this right prior to any such hearing or meeting.

Hearings can be conducted in person or, if this is not practicable, by telephone conference. If either party chooses not to attend the hearing in person or by telephone if appropriate, the Investigating Officer has the right to proceed with the hearing based on written submissions.

On conclusion of the investigation into the disciplinary matter the Investigating Officer will inform British Rowing and the Respondent in writing of the decision. This will normally be issued within 7 days of the close of the investigation. This letter will in general summarise:

- a) the nature of the allegation of misconduct;
- b) the investigation that was conducted;
- c) the decision;
- d) the reason for the decision;
- e) any measures taken or required to be taken as a result of the decision; and
- f) a copy of any meeting records and any formal minutes taken.

If British Rowing or the Respondent is not satisfied with the outcome of the disciplinary hearing, he may appeal to the Disciplinary and Grievance Panel in accordance with the procedures set out in 5 below.

### **5. Procedure for an appeal to the Disciplinary and Grievance Panel**

The Disciplinary and Grievance Panel shall hear appeals only:

- (i) in the circumstances set out in the Disciplinary and Grievance Process Flowchart; or
- (ii) where there is an appeal against the decision of an Investigating Officer in connection with a complaint or grievance against British Rowing or its employees; or

## **RULES OF BRITISH ROWING LIMITED**

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- (iii) where there is an appeal by a Registered Individual against a disciplinary decision taken against him by British Rowing; or
- (iv) where it is instructed to do so by the Board of British Rowing or by Council.

Any Appellant should write to the Chairman of British Rowing within two weeks of the conclusion of the grievance or disciplinary process against which they wish to lodge an appeal. The Chairman shall, in his absolute discretion, be able to permit an extension of this time limit if there are circumstances which justify the delay.

This letter should state the grounds on which the appeal is being made and the remedy or outcome that is sought.

In the case of a dispute between a Registered Individual and an Affiliated Member or between Affiliated Members an appeal should be granted where there is a “strong arguable case” that the provisions of the relevant organisation’s grievance procedure or British Rowing’s Disciplinary and Grievance Guidelines or Disciplinary and Grievance Procedures were not adhered to.

In the case of (i) a dispute between Registered Individuals, a Registered Individual and a Region or an Affiliated Member and a Region; or (ii) proceedings instigated by or against British Rowing in the first instance in accordance with procedures 3 or 4 above; an appeal should be granted where there is a “strong arguable case” that either:

- relevant information was ignored or not considered by the previous hearing; or
- the grievance procedure was tainted by unreasonable bias or conflict of interests; or
- the provisions of relevant organisation’s grievance procedure or British Rowing’s Disciplinary and Grievance Guidelines or Disciplinary and Grievance Procedures were not adhered to; or
- the hearing panel or Investigating Officer exceeded its jurisdiction; or
- the findings of the previous hearing were irrational or wrong in law.

Where leave to appeal is granted, the Appellant and any Respondent shall be notified of that fact.

Any such appeals granted will be referred to a Case Panel, drawn from members of the Disciplinary and Grievance Panel, to conduct a hearing into the grievance or disciplinary matter.

The Case Panel for a particular case shall usually be five members of the Disciplinary and Grievance Panel and shall be selected by the Chairman of British Rowing (having regard to the mix of skills necessary for the effective discharge of the Case Panel’s duties, the need to avoid actual or perceived conflicts of interest), although the Chairman of British Rowing shall have the ability to add to or subtract from this number by two persons where appropriate.

The Case Panel shall elect a chairman from amongst their members. The quorum for a meeting of a Case Panel shall be not less than one half of its members. Case Panels shall meet with the frequency and at the times that the chairman of the relevant Case Panel feels necessary for the proper discharge of the Case Panel’s functions.

The Appellant and the Respondent should be asked to signify their agreement to the Case Panel. If objections are made to the members of the Case Panel, reasonable attempts should be made to address those objections.

The Case Panel must give a fair and independent hearing to both sides of the dispute or disciplinary matter within an appropriate and agreed timescale.

The Appellant and the Respondent shall have the right to be accompanied by a person of his or her choosing to any hearing or other meetings in connection with a hearing. The Case Panel should ensure that the parties are aware of this right prior to any such hearing or meeting.

Where an Appellant or a Respondent is under the age of 18 years it is obligatory that the parents or legal guardians of that child must be informed and that the individual is accompanied during any hearing.

Hearings and Case Panel meetings must be conducted in private.

## **RULES OF BRITISH ROWING LIMITED**

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Hearings can be conducted in person or, if this is not practicable, by telephone conference. If either party chooses not to attend the hearing in person or by telephone if appropriate, the Case Panel, if properly constituted, has the right to proceed with the hearing based on written submissions.

Minutes of Case Panel meetings and hearings should be recorded in writing.

A letter with the decision of the Case Panel will normally be issued within 7 days of the conclusion of the hearing. This letter will in general summarise:

- a) the nature of the grievance or disciplinary matter;
- b) the investigation that was conducted;
- c) the decision;
- d) the reason for the decision;
- e) any measures taken or required to be taken in accordance with the powers set out in the Disciplinary and Grievance Panel Terms of Reference as a result of the decision; and
- f) a copy of hearing records and any formal minutes taken.

A copy of this letter will also be provided to any parties who attended the hearing and any dissenting comments in connection with the decision will be recorded.

This will conclude the process for resolutions of grievances.

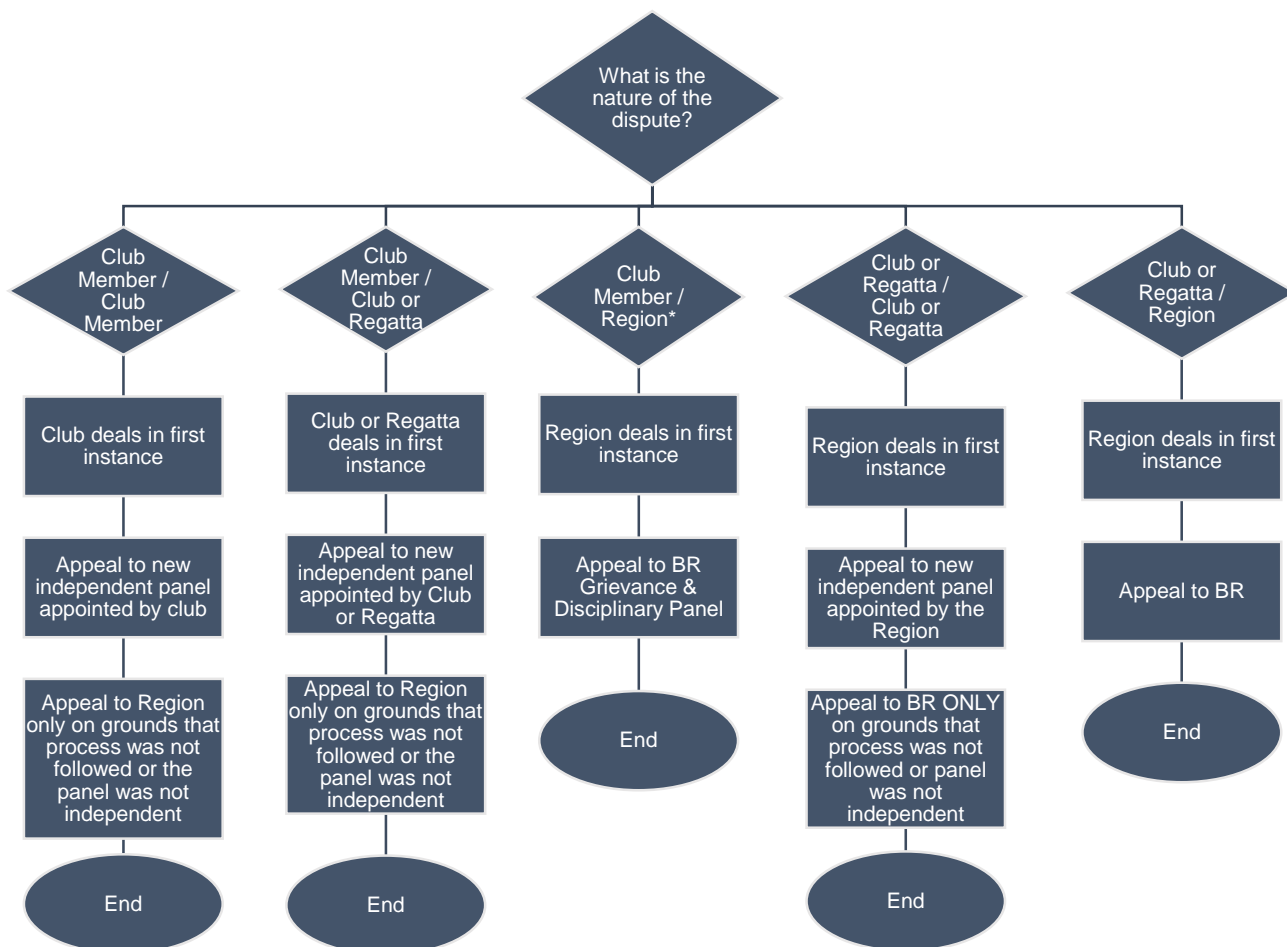
### **6. Powers of the Panel**

The panel of persons assigned to deal with a particular case as set out below (the “Case Panel”) shall have the power:

- (i) To adjudicate on whether processes followed by Affiliated Members or Regions were fully in accordance with the Disciplinary and Grievance Procedure;
- (ii) To adjudicate on whether the persons appointed to panels appointed by Affiliated Members or Regions were sufficiently independent and free of conflicts of interest properly to discharge their functions;
- (iii) To refer cases back to Affiliated Members or Regions for hearing or re-hearing, together with directions regarding process or the appointment of panel members to ensure that the case is heard by the Affiliated member or Region in accordance with the Disciplinary and Grievance Procedure;
- (iv) Where Affiliated Members or Regions fail to adhere to the Disciplinary and Grievance Procedure or to follow directions relating thereto issued by the Panel, to:
  - a) Issue a written reprimand or warning;
  - b) Require the relevant Affiliated Member or Region to pay the costs of the other party to the dispute directly attributable to the failure of the Affiliated Member or Region to adhere to the Disciplinary and Grievance Procedure;
  - c) Recommend to the Board that an Affiliated Member should be suspended from membership;
  - d) Recommend to Council that an Affiliated Member should be expelled from membership in accordance with the Articles.
- (v) To hear and adjudicate on appeals in disputes between Affiliated Members and a Region; which shall include the power to:
  - a) Issue a written reprimand or warning;
  - b) Issue directions to the relevant Affiliated Member or Region to rectify a complaint, grievance or dispute upon which the Case Panel has adjudicated;
  - c) Require the relevant Affiliated Member or Region to pay the costs of the other party to the dispute;
  - d) Recommend to the Board that an Affiliated Member should be suspended from membership;
  - e) Recommend to Council that an Affiliated Member should be expelled from membership in accordance with the Articles; and/or
  - f) Recommend to Council that a Council Member should be removed from Council.

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**Disciplinary and Grievance Process Flowchart**



\*In ordinary circumstances a Club Member should not bring a complaint direct to a Region, and a Region should not instigate disciplinary proceedings against a Club Member, without first having requested the Club to take ownership of the issue. The process outlined in this column is therefore to be used only where a club has refused or is otherwise unable to deal with an issue.