



DISCIPLINARY, GRIEVANCE AND APPEALS POLICY

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SECTION 1: DISCIPLINARY PROCEDURE

Introduction

1.1 The following policy shall apply to all individuals (which for the purpose of this policy includes Staff, Directors, Working Group Members, Players and any other individuals) and all clubs affiliated to Lacrosse Scotland.

1.2 Reports received relating to the conduct of any staff and Lacrosse Scotland Member shall be dealt with as considered appropriate in accordance with the disciplinary procedure.

1.3 These procedures will apply not just to reports relating to incidents and/or acts of misconduct occurring but also to investigations of such incidents and acts which may be considered liable to bring Lacrosse Scotland into disrepute no matter how they have been brought to Lacrosse Scotland's notice.

1.4 The following principles will be applied in relation to the penalties imposed for misconduct:

Suspensions

1.5 Suspensions for a period of time can be imposed. These suspensions will be sent by Lacrosse Scotland to appropriate organisations with a vested interest in the individual or group being suspended (e.g. the relevant club).

1.6 Suspensions imposed on individuals forbids them from:

- (a) Attending or participating in any Lacrosse Scotland meetings and events;
- (b) Attending or participating in any events for which Lacrosse Scotland is an organising partner;
- (c) Representing Lacrosse Scotland at any meetings or events arranged by partners.

1.7 Suspensions imposed on clubs forbids them from:

- (a) Attending or participating in any Lacrosse Scotland meetings and events;
- (b) Attending or participating in any events for which Lacrosse Scotland is a partner.

Cases of Misconduct Not Reported

1.8 In this section Lacrosse Scotland shall mean the Lacrosse Scotland Board.

1.9 Notwithstanding anything stipulated elsewhere herein, Lacrosse Scotland retains discretion to investigate any case in which individual's or club's act of misconduct or the circumstances pertaining to such misconduct would appear in the opinion of Lacrosse Scotland to bring the Governing Body into disrepute.

1.10 Lacrosse Scotland's discretion shall not be limited to incidents and acts of misconduct, which are the subjects of a report from any party.

1.11 Lacrosse Scotland shall have the power (but shall not be obliged) to investigate an alleged incident and/or act of misconduct no matter how it has come to its notice.

1.12 Lacrosse Scotland shall determine if a case is to be investigated.

1.13 The Investigating Body (to be determined by the Board on a case by case basis) asked to investigate any alleged incident and/or act of misconduct on behalf of Lacrosse Scotland shall at the conclusion of its investigation supply all documentation to the Chair of Lacrosse Scotland with a recommendation regarding any charges that they consider should be brought against any individual or club. The Board will decide whether to take such action, including the imposition of any additional or other penalties, as it considers may be merited.

Serving of Suspensions

1.14 The Board that imposes a suspension will also confirm to the individual or club and, in the case of an individual, that person's club of the details of any suspension which has been imposed.

1.15 All suspensions will specify a start and a finish date commencing no earlier than the Friday, which is at least 7 days after the date of the postmark on the written notification of the suspension and will be sent to the individual or club and, in the case of an individual, his/her club.

Appeal Against a Suspension

1.16 An individual or club cautioned has the right of appeal to the Appeals Committee of Lacrosse Scotland (see Sections 2 and 3 of this policy).

1.17 If an appeal is not lodged in the manner and timeframe as stipulated in Sections 2 and 3 of this policy then the individual or club will be considered to have accepted the report and shall not be entitled to appeal against the suspension.

Individuals and Clubs Called to Appear Before the Investigating Body

1.18 The Governing Body will confirm in writing to any individual or club at their previously notified address, and in the case of an individual to his/her club that they are being called to appear before the Investigating Body. They will be advised:

- (a) Of the reason for their citation;
- (b) Of the date, time and place of the meeting;
- (c) That they have the right to appear and make representations;

1.19 A copy of any report(s) submitted in connection with the case will be issued to the individual or club at their previously notified address, and the individual or club will be given the opportunity to respond in writing prior to the meeting. All written responses will be made available to all committee members and any other person who has been cited to the meeting. All letters must be lodged with the designated Lacrosse Board Director not less than 72 hours prior to the date of the meeting. Any individual or club will not be allowed to refer to any item of correspondence that has not been submitted in this fashion.

1.20 In the event of an individual (or representative from club where a group has been cited) failing to attend a meeting and failing to submit a written application to have the case recited, the case will be dealt with by the Investigating Body in their absence, taking into consideration all the evidence available.

1.21 The Investigating Body may require any witness to be in attendance at any such hearing. Any witness so required shall be entitled to travel expenses and may be accompanied by a colleague.

1.22 Individuals cited shall not be entitled, except in exceptional circumstances with prior agreement from the Investigating Body, to have another person present. Clubs cited shall be allowed one representative except in exceptional circumstances with prior agreement from the Investigating Body.

1.23 The decision of the Investigating Body will be confirmed in writing, to the individual or club at the previously notified address. In the case of an individual the decision will also be intimated to his/her club.

SECTION 2: RIGHT TO APPEAL

2.1 Any individual or club disciplined by the Investigating Body will have the right of appeal against the decision of that committee to the Appeals Committee of Lacrosse Scotland. The appellant will be advised of this right in the letter intimating or confirming the decision.

2.2 An appeal from any individual or club must be lodged by recorded delivery to the designated Lacrosse Board Director. Each decision appealed against must be recorded on a separate letter of appeal. (See 3.8)

2.3 The appeals hearing shall not be conducted as a re-hearing of the case. Fresh evidence may be submitted at the discretion of the Appeals Committee.

2.4 An individual may appeal on his/her own behalf. A club may also appeal on behalf of an individual if the individual is a member of that club.

2.5 The appellant may be held liable in all or part for the expenses of the appeal procedure subject to the discretion of the Appeals Committee.

2.6 The letter of appeal must set out fully the facts or circumstances which are the grounds of appeal. Such letters will be copied to all members of the Appeals Committee and to the Chair of the Board. All other aspects of the appeals procedure are set down in Section 3.

2.7 An appeal may be withdrawn by the appellant prior to the hearing of the case by notifying the Appeal Committee of such in writing. The appeal will, upon the Appeal Committee's receipt of such notification, be deemed to be abandoned and the original decision, against which the appellant initially took exception, will be regarded as final and binding. The appellant may still be held liable in all or part for the expenses of the appeal procedure carried out to date subject to the discretion of the Appeals Committee.

SECTION 3: THE APPEALS PROCEDURE

Appeals Committee

3.5 Any individual or club has the right to appeal to the Appeals Committee against a decision of the Investigating Body, provided that the appellant has exhausted such appeals proceedings as were available to the appellant consequent to the decision in question, unless a satisfactory reason is given for not having done so. For the avoidance of doubt, an appeal by an individual must be submitted either:

- (a) by the individual personally or by a recognised member of the club in question, in writing; or
- (b) by the individual's club, on the individual's behalf, in writing with the reasons of appeal countersigned by the individual.

3.6 An appeal hearing shall not be conducted as a re-hearing of the case except by way of an express submission on behalf of a party to the hearing and with the permission of the Chair of the Appeals Committee.

3.7 Once an appeal has been validly submitted to the Business Development Officer, the decision against which the appeal is submitted shall be set aside pending the hearing of the appeal unless the interests of justice dictate that the decision should be given effect. The original decision making body shall be entitled to make representations to the designated Lacrosse Board Director opposing such a setting aside of the decision. Such representation must be lodged in writing with the designated Lacrosse Board Director within 7 calendar days of the designated Lacrosse Board Director's receipt of the appeal submission. The representations shall be considered by the designated Lacrosse Board Director and the Chair of the Appeals Committee, whose decision thereon shall be final and binding. In the absence of either the designated Lacrosse Board Director or the Chair of the Appeals Committee, a nominated member of the Appeals Committee shall be entitled to act as an alternate in considering the representations.

Procedure for Lodging an Appeal

3.8 An appeal from an individual or club must be dispatched by recorded delivery to the designated Lacrosse Board Director within 7 calendar days after the date of the meeting at which the decision appealed against was taken unless for any reason it was not made known to the appellant at such meeting, in which case it must be dispatched by recorded delivery to the designated Lacrosse Board Director within 7 calendar days after the date on which the decision was intimated by recorded delivery to the person or body concerned.

Statement of Grounds for Appeal

3.9 In lodging an appeal the appellant shall state fully in writing the grounds for the appeal.

Composition of the Appeals Committee

3.10 The Appeals Committee shall have no more than 5 members in total, inclusive of the Appeals Committee Chair, and will be comprised of individuals from current members of the Governing Body appointed by the Board. The Appeals Committee cannot have more than one representative at any one time from the same club and cannot be comprised of members that are in any way deemed to be related to the incident in question by the Board. Appeals Committee members must not be serving on any of Lacrosse Scotland's standing committees at the time of serving on the Appeals Committee.

Powers of the Appeals Committee

3.11 The Appeals Committee shall have the power to:

- (a) Affirm the decision of the Investigating Body, whose decision is appealed against;
- (b) Uphold the appeal by setting aside the decision appealed against and rescinding any penalty imposed;

- (c) Uphold the appeal in part by setting aside part of the decision appealed against;
- (d) Substitute for the decision appealed against a decision to find the appellant guilty of a lesser offence and/or to impose a lesser penalty or penalties in respect thereof;
- (e) Refer the case, or any part of it, back to the Investigating Body, whose decision is appealed against;
- (f) Take any step which, in the exercise of its discretion, the Appeals Committee considers it would be appropriate to take in order to deal justly with the case in question.

3.12 If the appeal is unsuccessful, the appellant may be held liable in all or part of the expenses of the meeting, or of the other party (or parties), subject to the discretion of the Appeals Committee.

3.13 An appeal may be withdrawn by an appellant prior to the hearing of the case by notifying the Appeals Committee of such in writing. The appeal will, upon the Appeals Committee's receipt of such notification, be deemed to be abandoned and the original decision, against which the appellant initially took exception, will be regarded as final and binding. Upon the withdrawal of an appeal, the appellant may be held liable in all or part for the expenses of the appeal procedure subject to the discretion of the Appeals Committee.

Decisions of the Appeals Committee

3.14 The decision of the Appeals Committee shall be final and binding on all parties concerned.

Secretariat

3.15 The Governing Body's designated Lacrosse Board Director shall provide the secretariat of the Appeals Committee.

SECTION 4: GRIEVANCE PROCEDURE

Purpose

4.1 It is accepted that when people work together there will inevitably be situations where misunderstandings, problems or concerns need to be resolved. It is Lacrosse Scotland's policy that a culture of good communications, openness and a willingness to co-operate and listen will exist, and therefore it is envisaged that the majority of these issues or misunderstandings will be capable of being addressed informally in an efficient and effective manner. However, where such issues are unresolved they may become grievances. In these circumstances individuals ought to seek resolution of a grievance by utilising this procedure.

4.2 The purpose of this policy is to provide Lacrosse Scotland employees and volunteers with a readily accessible procedure for addressing any problems or concerns they may have when working for or on behalf of Lacrosse Scotland. This procedure should not replace normal dialogue between individuals and Lacrosse Scotland however, where such informal dialogue has failed to resolve an issue of concern, then an individual may utilise this procedure in an effort to have an issue resolved to his/her satisfaction. This policy is also intended to safeguard sound relations between individuals and Lacrosse Scotland through the prompt reconciliation of work related issues.

4.3 This policy provides an opportunity for an individual to make Lacrosse Scotland formally aware of situations where they feel that a policy or procedure is not being followed or applied fairly.

Applicability

4.4 This policy will be applied fairly and consistently to all individuals of Lacrosse Scotland.

Procedure

4.5 In order to provide an effective and timely resolution of an individual's concerns, the following procedures will be followed to ensure that complaints or problems receive full and careful attention.

Informal Discussion

4.6 Individuals are encouraged to approach their line manager in the first instance to discuss issues and attempt to resolve them informally. If an individual is dissatisfied with the response received then he/she may invoke the formal grievance procedure.

Formal Grievance Procedure - Stage 1

4.7 If an individual has any grievance concerning their work or terms and conditions, they ought to raise their grievance in writing with the designated Lacrosse Board Director.

Formal Grievance Procedure - Stage 2

4.8 A meeting will be arranged between the and the individual.

4.9 The individual may be accompanied by a colleague of his/her choice at the meeting.

4.10 The problem will be discussed at the meeting and a timeframe will be agreed for the designated Lacrosse Board Director to communicate a response (generally not to exceed 7 calendar days except in exceptional circumstances).

4.11 A summary of the meeting will be recorded and copies issued to those in attendance.

4.12 A decision will be taken as soon after the meeting as possible, following reasonable enquiries by the designated Lacrosse Board Director, and communicated to the individual in writing within the agreed timescale or, if this is not possible, as soon as reasonably practical

4.13 A copy of the designated Lacrosse Board Director's decision will be stored by Lacrosse Scotland for a period of 12 months

Formal Grievance Procedure - Stage 3

4.14 Should the individual be dissatisfied with the response given by the designated Lacrosse Board Director, they may appeal in writing to the Appeal's Committee.

4.15 A meeting will be arranged between the Appeal's Committee and the individual involved.

4.16 The individual may be accompanied by a colleague of his/her choice at the meeting.

4.17 The problem will be discussed at the meeting and a timeframe will be agreed for the communication of a response to the individual (generally not to exceed 7 calendar days except in exceptional circumstances).

4.18 A summary of the meeting will be recorded and copies issued to those in attendance.

4.19 A decision will be taken as soon after the meeting as possible, following reasonable enquiries by the Appeal's Committee, and communicated to the individual in writing within the agreed timescale or, if this is not possible, as soon as reasonably practical

4.20 A copy of the Appeal Committee's decision will be stored by Lacrosse Scotland for a period of twelve months.

4.21 Note: if the individual's grievance relates to the designated Lacrosse Board Director, it ought to be raised in the first instance with the Chair, whom failing any other Director.

APPENDIX A: GUIDELINES FOR ADMINISTRATION OF DISCIPLINE

- 1.1 Only the Lacrosse Scotland appointed Investigating Body, Board and, where necessary, the Appeals Committee can deal with disciplinary matters.
- 1.2 Any report of misconduct by any individual or club must be handed to the Lacrosse Scotland Chair.
- 1.3 The Investigating Body will investigate and make recommendations to the Board on all matters of discipline.
- 1.4 When a case involving a Committee Member's club is called, that person can take no part in the meeting and must declare an interest and retire from the meeting. Where a Committee Member arrives late, leaves early or disqualifies themselves from participation in hearing a case, this should be recorded.
- 1.5 A Committee Member arriving after a case has started may not join the meeting until the case has been concluded.
- 1.6 The Investigating Body must fully implement the disciplinary procedures of Lacrosse Scotland.
- 1.7 The Investigating Body must not deal with any disciplinary matters that are known to be the subject of Police involvement. Cases should be cited to a meeting then the case suspended until the Police Authorities have resolved the matter.
- 1.8 The Investigating Body must investigate alleged incidents of offences (with the exception of 1.7) no matter how it has come to its notice and if evidence that an offence has taken place is found, the matter must be reported to the Chair for action by the Board.
- 1.9 The Investigating Body must supply the Chair with a report, the minutes and any other written evidence considered when making a recommendation.
- 1.10 The Investigating Body must not deal with any individual or club unless they have first been properly cited in accordance with these guidelines.
- 1.11 Clubs must be cited as follows: e.g. Club Name c/o Secretary.
- 1.12 The Investigating Body must, when citing any individual or club to a meeting, specify the alleged incidents and supply them with all relevant paperwork to be used in evidence.
- 1.13 The Investigating Body must not deal with any individual or club unless the citation fully explains the rights of the person cited.
- 1.14 The Investigating Body must prepare minutes for each meeting. The minute must contain all cases that were dealt with at that meeting giving details of the following:
 - (a) The date, venue and time of the disciplinary meeting;
 - (b) The names of all Investigating Body members present and apologies;
 - (c) Any individual or club cited to the meeting;
 - (d) The names of any person who accompanies an individual;
 - (e) The reason for the citation;
 - (f) All evidence given to the meeting;
 - (g) The decision arrived at by the Investigating Body.
- 1.15 The Investigating Body can recommend but not impose any suspension on any individual or club.
- 1.16 Only after finding a case proven, the Investigating Body may take into account an individual or club's previous disciplinary record when deciding upon any sanction that may be applied.

1.17 For the purposes of 1.16 above, all previous records will consist of suspensions only. Suspensions will be valid for three years after completion of the suspension and must then be excluded from consideration of a disciplinary record.

1.18 The Board must, after ratifying the Investigating Body's decision, inform all persons in writing of the disciplinary action taken and their rights of appeal.