DISCIPLINARY GUIDELINES

In accordance with the Constitution of the [insert name] **Club or Region**, the Board may establish a disciplinary committee to deal with matters referred to it. (**Disciplinary Committee**).

Please note

Regions are empowered to initiate disciplinary procedures against individual members only when the Region is the Controlling Body of the event

1. Breach of Rules

1.1 Where the Board considers that a member has:

(a) breached, failed, refused or neglected to comply with a provision of the Constitution, Regulations or Code of Conduct;

(b) acted in a manner unbecoming of a member or prejudicial to the purposes and interests of the Club, Region, BV, BA or another member; or

(c) brought themselves, the Club, Region, BV, BA, the sport of Bowls or another member into disrepute,

a Disciplinary Committee may be established to hear and determine the matter.

For example, an allegation could be in regard to any incident arising from an activity conducted or authorised by the Club or Region. The incident may occur before, during or after a bowls game within the confines of the Club, or its immediate surrounds or elsewhere (including at another Club) if directly related to a bowls activity. Disciplinary action can also include conduct relating to bowls which occurs by writing, email, telephone or computer (e.g. sexting or cyber bullying).

2. Composition of Disciplinary Committee

2.1. A Disciplinary Committee shall be appointed by the Board for the purpose of determining disciplinary actions and matters at a hearing (Disciplinary Hearing), and a three-member committee is recommended but not prescribed.

2.2. The members of the Disciplinary Committee:

(a) may be members of a Bowls Club or anyone else; but

(b) must not be biased against, or in favour of, the member concerned; and

(c) must not be a Director of the Club or Region.

3. Provisional Suspension

3.1. Upon establishing a Disciplinary Committee, the Board may, by resolution provisionally suspend the member, subject to any determination of the Disciplinary Hearing (see below) until such time as the Disciplinary Committee makes a finding.

3.2. The Disciplinary Committee may lift a provisional suspension prior to making a finding at the Disciplinary Hearing.

3.3. If it becomes known that criminal charges have been brought against the member in relation to the alleged breach(es) the Board, may rule that further action be deferred until completion of the criminal proceedings, unless the police or other prosecuting authority advise they have no objection to the matter proceeding.

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4. Notice of Alleged Breach

4.1. The Club or Region Board shall serve on the member not earlier than 14 days and not later than 28 days (or earlier if agreed by all parties) before the Disciplinary Hearing is to be held, a notice in writing:

(a) setting out the alleged breach of the member and the grounds on which it is based;

(b) stating that the member may address the Disciplinary Committee at the Disciplinary Hearing, but that the member is not entitled to be legally represented at the Disciplinary Hearing;

(c) stating the date, place and time of that Disciplinary Hearing; and

(i) attend that Disciplinary Hearing; and

(ii) give the Disciplinary Committee, prior to or at that Disciplinary Hearing, a written statement regarding the alleged breach.

4.2. If the member fails to attend the Disciplinary Hearing or provide a written statement to the Disciplinary Committee prior to the Disciplinary Hearing without reasonable cause, the Disciplinary Hearing may proceed, and a determination may be made by the Disciplinary Committee in the absence of the member.

5. Disciplinary Hearing Procedures

5.1. At the Disciplinary hearing the Disciplinary Committee will:

(a) give the member every opportunity to be heard;

(b) give due consideration to any written statement submitted by the member; and

(c) determine whether the alleged breach occurred.

5.2. Neither the Club, the Region nor the member are entitled to legal representation at the Disciplinary Hearing.

5.3. The Disciplinary Committee shall conduct the Disciplinary Hearing in such manner as it sees fit in accordance with the principles of procedural fairness and natural justice and may in its absolute discretion:

a) consider any evidence, and in any form that it deems relevant;

b) question any person giving evidence;

c) reasonably limit the number of witnesses presented to those who provide any new evidence and so as to limit inconvenience to witnesses, allow evidence to be given by telephone or videoconference; and

d) act in an inquisitorial manner in order to establish the truth of the issue/case before it.

5.4. Each party is responsible for their own costs associated with the Disciplinary Hearing.

5.5. If the Disciplinary Committee determines that the alleged breach is made out, it may impose any one or more of the penalties set out in clause (insert clause number) of the Constitution.

5.6. If the Disciplinary Committee determines that the alleged breach is not made out, the matter is dismissed.

5.7. The Disciplinary Committee should notify the Board of the outcome of the hearing within 24 hours.

6. Penalties

6.1. If the Disciplinary Committee determines that the alleged breach is made out, the Disciplinary Committee may impose any one or more of the following penalties set out in clause (insert clause number) of the Constitution:

a) expel the member from the Club; or

b) suspend the member from membership of the Club, or accessing certain privileges of membership for a specified period; or

c) fine the member; or

d) impose such other penalty, action or educative process as the Disciplinary Committee sees fit.

7. Appeal to Board

7.1. Where the Disciplinary Committee makes a determination against a member, either party may appeal any part of that determination by providing the Chief Executive/President (if a Chief Executive/President has not been appointed by the Board, all references to Chief Executive/President in these guidelines are taken to refer to the Board) with notice setting out that they wish to appeal the determination to the Board (Notice of Appeal).

7.2. A Notice of Appeal must be provided to the Chief Executive/President within 48 hours of the member receiving the determination of the Disciplinary Committee.

7.3. Where the Chief Executive/President receives a Notice of Appeal in accordance with clause (insert clause number) the Board shall convene a Board Meeting, to be held within 21 days (or a longer period if the Board requires) of the date on which the Chief Executive/President receives the notice.

7.4. At the Meeting convened to hear the appeal:

a) no business other than the question of the appeal shall be transacted;

b) the Disciplinary Committee may place before the meeting details of the grounds for its determination and the reasons for the passing of the determination;

c) the member shall be given an opportunity to be heard; and

d) the Board members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

7.5. If at the Board Meeting:

a) two-thirds of the members present and entitled to vote do vote in favour of confirming the Disciplinary Committee's determination, that determination is confirmed; and

b) in any other case, the determination is revoked.

8. Notification to Bowls Victoria

8.1. The Club must notify Bowls Victoria within 7 days of the outcome of any Disciplinary Hearing or Board Meeting that hears an appeal if the outcome includes suspension.

8.2. Where the Disciplinary Committee imposes a suspension penalty on a member, all Bowls Victoria clubs shall be notified, and the member will have their name and the Club's name published on the Bowls Victoria website until the penalty has expired.

9. Appeal to Bowls Victoria

9.1. If, after exhausting the right of appeal to a Club or Region Board Meeting, a decision imposed on the member results in suspension or expulsion, the member may appeal the decision to Bowls Victoria in writing within 7 days of the date of the Board Meeting confirming the suspension or expulsion. The appeal should be made in writing to bowlsvic@bowlsvic.org.au. The applicant must pay a fee of $300 when applying for appeal.

9.2. Any such appeal must be heard and determined in accordance with the relevant Bowls Victoria Constitution, Regulations or policy.

9.3. The Bowls Victoria Board shall have the discretion to refund the fee at any time and must do so where the applicant is successful.

9.4. All decisions of the Bowls Victoria Disciplinary Committee are final and there is no appeal.

10. Appeal Procedure

10.1. In circumstances where these regulations or Bowls Victoria's Constitution or policies allow an appeal or review by the Board, the applicant must pay a fee of $300 when applying for appeal or review.

10.2. Any such appeal must be heard and determined in accordance with the relevant Bowls Victoria Constitution, regulations or policy.

10.3. The Board shall have the discretion to refund the fee at any time and must do so where the applicant is successful.

10.4. All decisions of the Bowls Victoria Disciplinary Committee are final and there is no appeal.