

Disciplinary Hearing Procedure

1. INTRODUCTION

a. The parties to the complaint situation will be the "Complainant" who has referred the matter to the Club and the "Respondent" who is answering to the allegations.

c. There is no restriction on the evidence that can be presented, provided it is relevant and that it is fair to allow it. Evidence in support of the complaint may include material that was not supplied in accordance with Paragraph 7 of the Club Disciplinary Rules if such further evidence is provided to the Respondent prior to the Disciplinary Hearing.

d. The standard of proof applied by the Disciplinary Committee will be on the basis of balance of probabilities rather than any complaint having to be proved beyond any reasonable doubt.

2. PRELIMINARY PROCEDURES

a. The Chair will conduct the hearing and introduce the members of the Disciplinary Committee. The Complainant will introduce those witnesses to be called in support of the complaint. The Respondent will then introduce those witnesses who will be called in response to the complaint.

b. The Chair will outline the procedure to be adopted at the hearing. It is not a Court of Law but an enquiry into the incident and no legal representation is allowed.

c. The Respondent will be asked whether the allegations made are admitted or denied before the hearing proceeds in the manner set out.

3. THE HEARING

a. The evidence supporting the complaint shall be presented. Any witnesses called may give oral evidence in support of any written statements. The witnesses may be asked questions by members of the Disciplinary Committee and thereafter, the Respondent will be able to do likewise. The witness will then be asked to leave the meeting. The next witness, if any, will do the same. No witness will be allowed to ask questions of the Respondent.

b. After the evidence in support of the complaint has been given, the Respondent will have the opportunity to produce evidence in response to the complaint. Members of the Disciplinary Committee and then the Complainant may ask questions of any witnesses called.

c. At the conclusion of the evidence in response to the complaint, each of Complainant and the Respondent may make a closing statement, before each is asked to leave the hearing to enable the Disciplinary Committee to deliberate and consider their decision.

d. The Disciplinary Hearing may be adjourned if the Disciplinary Committee consider it appropriate.

4. THE DECISION

a. The Disciplinary Committee will first of all reach a decision on the complaint based on a majority.

b. The Complainant and Respondent will be invited back into the hearing and the decision of the Committee will be given.

c. If the complaint is proved, the Respondent will be given an opportunity to address the Disciplinary Committee Club on the penalty to be imposed. The Complainant and the Respondent may be asked to leave the room while the Disciplinary Committee considers the penalty to be imposed. The Respondent will be invited back into the hearing to be informed of the penalty, if any, to be imposed.

e. The Chair will inform the Complainant or Respondent of the right of appeal and the steps that need to be taken.

d. The Chair will close the meeting and will not allow any further submissions or comments either about the decision, penalties imposed or any other matter.

5. ATTENDANCE OF THE RESPONDENT

The hearing may take place in the absence of the Respondent for all or any part of it. If the Respondent does not intend to attend the Disciplinary Hearing, he or she may make written representations on the complaint or on the penalty to be imposed.