The British Association of Sport and Exercise Sciences

Disciplinary Policy

1. **Interpretation**
   The following definitions and rules of interpretation apply in this Disciplinary Policy (unless the context requires otherwise).

1.1. **Definitions:**
   - **Association:** The British Association of Sport and Exercise Sciences.
   - **Appeals Panel:** The Committee formed in accordance with clause 9 of this Disciplinary Policy to hear appeals from decisions of the Investigating and Disciplinary Panel.
   - **Board:** The Board of Directors of the Association.
   - **Chair:** The Chair of the Board.
   - **Code of Conduct:** The Association’s Code of Conduct from time to time in place.
   - **Disciplinary Policy:** The procedure set out in the Disciplinary Policy.
   - **Equal Opportunities Policy:** The Equal Opportunities Policy of the Association from time to time in place.
   - **Final Appeal:** An appeal made in accordance with section 9 of this Appeals Process.
   - **Investigating and Disciplinary Committee:** The Committee constituted in accordance with clause 5 of this Disciplinary Policy to give effect to the Code of Conduct, the Equal Opportunities Policy and the Safeguarding and Welfare Policy.
   - **Member:** A member of the Association including Fellows.
   - **Safeguarding and Welfare Policy:** The Safeguarding and Welfare Policy of the Association from time to time in place.
   - **Secretary:** The Secretary appointed by the Board to oversee and administer the implementation of this Policy.
   - **Fellow:** A Fellow of the Association.

1.2. Reference to the singular includes references to plurals, and vice versa.

1.3. This Disciplinary Policy is binding on the Association and on Members whether or not they have previously indicated their acceptance of the Association’s Policies. A copy of this Disciplinary Policy will be made available on the BASES website www.bases.org.uk/Publications-Documents-and-Policies

2. **Introduction**
   2.1. Any person (whether or not a Member) may make a complaint that a Member has failed to comply with the Code of Conduct, the Safeguarding and Welfare Policy, the Equal Opportunities Policy and/or any other Policy of the Association from time to time in place.

2.2. Members are under an obligation to report all conduct which could reasonably be considered to amount to a breach of the Code of Conduct. The failure to report a breach of the Code of Conduct shall itself constitute a breach of the Code of Conduct.

2.3. Where a Member reports the conduct of another Member, the reporting Member shall be guaranteed anonymity (if requested and if, in all of the circumstances, it is possible to do so) and his/her identity shall not be disclosed to the Member who is under investigation.

2.4. A complaint shall in all cases be made in writing to the Chair of the Association. In the event that the complaint concerns the conduct of the Chair, the complaint shall be made to another member of the Board.

2.5. Upon receiving a complaint made in accordance with paragraphs 2.2 or 2.3 above, the Association will implement the Disciplinary Policy set out herein to investigate and deal with the complaint.

3. **Overview of the Disciplinary Policy**
   3.1. There are two main components to the Disciplinary Policy (as outlined in 3.2). A separate Committee is appointed for each stage of the disciplinary procedure, with each such committee comprising Fellows and Members.

   3.2. The two committees are the Investigating and Disciplinary Committee and the Appeals Panel (each a “Committee” and together the “Committees”). The Committees shall form a hierarchy and, broadly, shall carry out the following functions: Investigating and Disciplinary Committee. Shall carry out the initial investigation into any complaint made pursuant to this Disciplinary Policy to determine whether or not a complaint is upheld and, if it is, to determine the sanctions to be applied. Appeals Panel. Members who are found by the Investigating and Disciplinary Committee to have breached the Code of Conduct or have a right of appeal to the Appeals Panel in accordance with this Disciplinary Policy.

3.3. The Committees may include Members currently serving on other committees of the Association but Members shall first confirm that they have no conflict of interest in relation to the Member who is subject to the complaint or the subject matter of the complaint itself (a “conflict of interest”).

3.4. Full authority for determining the outcome of a complaint, including the imposition and implementation of any sanctions, will be delegated to the Committees.

3.5. The role of the Secretary is to administer and advise on the procedure to be followed by the Committees. The Secretary will be an employee of the Association but will not have a vote.

3.6. The Chair of the Board shall in each case convene the Committee and shall decide whether a Member who has declared a conflict of interest is able to sit on the Committee in question.

4. **Resignation of membership of the Association prior to conclusion of the Disciplinary Policy**
   4.1. In the event a Member against whom a complaint has been made attempts to resign his/her membership prior to the conclusion of the disciplinary procedure, the Association shall not accept the resignation until such time as the disciplinary procedure has been exhausted.

   4.2. A Member subject to the provisions of clause 4.1 above shall remain a Member and shall maintain any award of the Association that he/she may hold until such time as the Investigating and Disciplinary Committee has reached its decision. If the decision is that the Member be removed from the membership, her/his deemed membership will allow the same to be recorded on the records kept by the Association should the Member ever wish to re-join the Association.

4.3. The Committees may include Members currently serving on other committees of the Association but Members shall first confirm that they have no conflict of interest in relation to the Member who is subject to the complaint or the subject matter of the complaint itself (a “conflict of interest”).

4.4. Full authority for determining the outcome of a complaint, including the imposition and implementation of any sanctions, shall be delegated to the Committees.

4.5. The role of the Secretary is to administer and advise on the procedure to be followed by the Committees. The Secretary will be an employee of the Association but will not have a vote.

4.6. The Chair of the Board shall in each case convene the Committee and shall decide whether a Member who has declared a conflict of interest is able to sit on the Committee in question.

A. **The Investigating and Disciplinary Committee**

5. **Constitution of the Investigating and Disciplinary Committee**
   5.1. The Investigating and Disciplinary Committee shall be formed as and when a complaint is made pursuant to this Disciplinary Policy.

   5.2. The Investigating and Disciplinary Committee shall at all times include at least the following: all of whom must declare no interest, relationship or knowledge of the complainant or the accused before being allowed to form part of the committee: (a) one Fellow (b) two Members; and (c) the Secretary.

5.3. The most senior Member shall be elected as Chair of the Investigating and Disciplinary Committee.
6. **Provision of evidence**

6.1. On receipt of a complaint, the Investigating and Disciplinary Committee will request that the complainant or the Member subject to the complaint will submit any documents or evidence requested by the Committee (if such evidence has not already been provided by the complainant at the time the complaint is made) within a reasonable period to be determined by the Investigating and Disciplinary Committee. Members, whether the complainant or the subject of a complaint, shall use all reasonable endeavours to provide the Investigating and Disciplinary Committee with all evidence that they wish to be taken into consideration to assist in the fair and full investigation of ant complaint.

7. **Decision-making**

7.1. The Investigating and Disciplinary Committee shall review the evidence and the complaint and shall determine within 28 days, in its absolute discretion, whether:

(a) the Member(s) who is/are subject to the complaint has a case to answer; or

(b) the complaint should be dismissed.

7.2. Decisions of the Investigating and Disciplinary Committee shall be by majority vote.

7.3. If the Investigating and Disciplinary Committee determines that the complaint is dismissed, no further action shall be taken by the Association in relation to the complaint.

7.4. If the Investigating and Disciplinary Committee determines that the Member subject to the complaint has a case to answer, the Investigating and Disciplinary Committee shall determine what, if any, further evidence it requires to properly decide the complaint.

7.5. When it is satisfied that it has sufficient evidence to dispose of a complaint fairly, the Investigating and Disciplinary Committee shall call a hearing (the "Disciplinary Hearing") on not less than 14 days' written notice to the Member subject to the complaint. Notice of the Disciplinary Hearing must be sent to the Member's last known address. At the same time as providing notice of the Disciplinary Hearing in accordance with this clause, the Investigating and Disciplinary Panel shall provide the Member with a summary of the allegations against him/her, together with a complete copy of the evidence available at the time notice is given.

7.6. The Member subject to a complaint is entitled to be represented at the Disciplinary Hearing by one other individual (including a legal advisor) who may speak on his/her behalf if the complainant wishes.

7.7. The Chair of the Investigating and Disciplinary Committee shall, in their absolute discretion, determine how the Disciplinary Hearing is to be conducted. Proceedings at the Disciplinary Hearing will usually be conducted as follows:

(a) opening statement from the Chair of the Investigating and Disciplinary Committee explaining the allegations against the Member and explaining the evidence submitted in support of the complaint.

(b) rebuttal of the evidence and cross examination of any witnesses by the Member (or his/her representative) who is the subject of the complaint.

7.8. Notwithstanding the provisions of clause 7.4 above, the Chair of the Investigating and Disciplinary Committee must in all cases allow the Member subject to the complaint an opportunity, not exceeding 30 minutes in length, to address the Investigating and Disciplinary Committee.

7.9. The Complainant will not normally be invited by the Chair to attend the Disciplinary Hearing but this remains a matter for the Chair to determine, on a case by case basis and in accordance with clause 7.7 above.

7.10. Once the Investigating and Disciplinary Committee has considered the complaint and the evidence before it, the Investigating and Disciplinary Committee shall decide by vote whether or not the Member has breached the Policy in question. It shall be a matter for the Chair to decide whether or not such a vote is conducted at the conclusion of the Disciplinary Hearing or at some later date (in which case the vote shall take place within 14 days of the conclusion of the Disciplinary Hearing).

8. **Sanctions**

8.1. In the event the Investigating and Disciplinary Committee decides that the Member has not breached the Code of Conduct or policy in question, no further action will be taken by the Association in relation to the complaint.

8.2. In the event the Investigating and Disciplinary Committee decides that the Member has breached the Code of Conduct or Policy in question, the Investigating and Disciplinary Committee shall, in its absolute discretion, determine what sanction(s) to impose. Sanctions may include, but are not limited to:

(a) cautioning the Member in writing;

(b) stipulating how a Member must behave in the future;

(c) revoking a Member's membership; and

(d) revoking any Accreditation Award made by the Association.

8.3. Within 14 days of the conclusion of the Disciplinary Hearing, the Investigating and Disciplinary Committee shall inform the Member that they have made a decision. The Board shall, within 14 days of receipt of the notice of the decision, inform the Member (and where appropriate, the Complainant) subject to the complaint of the Decision and any sanctions that have been imposed.

8.4. If the Disciplinary Hearing is not completed within the time frame as outlined in clauses 7.6 above, the Investigating and Disciplinary Committee will request that the complainant or the Member (and where appropriate, the Complainant) subject to the complaint of the Decision and any sanctions that have been imposed.

8.5. The right to appeal

9. **Appeals**

9.1. Any Member aggrieved at the Decision of the Investigating and Disciplinary Committee may seek leave to appeal the Decision.

9.2. A Member wishing to appeal must, within 14 days of receiving written notice of the Decision (provided in accordance with clause 8.3 above) inform the Board in writing of his/her desire to appeal (the "Appeal Notice").

9.3. The Appeal Notice must set out in full the grounds on which the Member considers the Decision to be incorrect and, where the Member seeks to rely on new evidence (in accordance with clause 9.3.1 below) must include that evidence. An appeal shall only be allowed where the Member can demonstrate:

(a) that new evidence is available to the Member which was not available at the time the Investigating and Disciplinary Committee made its decision;

(b) the Association has in some material way failed to follow the procedure outlined in this Disciplinary Policy; or

(c) there has been an apparent injustice or a failure to follow the rules of natural justice, in reaching the Decision.

9.4. On receipt of an Appeal Notice, the Chair shall constitute an Appeals Panel. The Appeals Panel shall comprise Members who must declare no interest, relationship or knowledge of the complainant or the accused before being allowed to form part of the committee. The Appeals Panel shall constitute:

9.4.1. not less than two Fellows; and

9.4.2. not less than one Member; and

9.4.3. the Secretary.

9.5. The most senior Member shall be elected as Chair of the Appeals Panel.

9.6. The Appeals Panel shall consider the Appeal Notice, and the grounds and evidence set out therein, and shall inform the Member within 21 days of receipt of the Appeal Notice whether or not the Appeals Panel considers that the Member is entitled to appeal the Decision.

9.7. If the Appeals Panel is satisfied that the Member is entitled to appeal the Decision, it shall inform the Member and Chair of the Association in writing of the same within 14 days of making that decision. Within 28 days of providing the Association with notice in accordance with this clause, the Association shall take all necessary steps to reconstitute the Investigating and Disciplinary Committee in accordance with the provisions of section A of this Disciplinary Policy.

9.8. The reconstituted Investigating and Disciplinary Committee shall not include any individuals (other than the Secretary who has no vote) who sat on the initial Investigating and Disciplinary Committee.

9.9. The reconstituted Investigating and Disciplinary Committee shall follow the provisions of section A of this Disciplinary Policy and reach a decision on the complaint, considering the Members grounds of appeal as set out in the Appeal Notice.

9.10. In the event the Investigating and Disciplinary Committee again finds that the Member has breached the Code of Conduct, or policy in question, there shall be no further right of appeal and any decision of the Investigating and Disciplinary Committee shall bind the Member.

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