



Welsh Boxing

Disciplinary Procedures

OVERVIEW

Members of the Welsh Amateur Boxing Association (WABA) need to know what is expected of them in terms of standards of behaviour and expect rules to be applied consistently and appropriately.

WABA will not allow problems to persist or develop into potentially damaging issues and will act at the earliest possible stage if a potential problem arises. Ambiguity or misunderstanding of rules can lead to them being broken so WABA will endeavour to be clear and transparent in all its activities and ensure good communication with its members.

Nevertheless most organizations, however well managed, will sooner or later encounter problems with the conduct or behaviour of small numbers of individuals. WABA will deal with these problems consistently using clear written procedures that everyone knows about and understands.

Initial Procedures

- Establish facts before taking action and decide if informal or formal route is required.
- Always deal with cases of minor misconduct or unsatisfactory performance informally.

Informal Route

- Invite the person to a meeting and suggest they be accompanied.
- Where discipline is unsatisfactory, explain to the person the improvement required, the support that will be given and when and how discipline will be reviewed.
- Tell the person why and how they need to change, the consequences of failing to improve including that formal procedures may follow.
- Follow up the meeting with a written notification of all agreed actions.

Formal Disciplinary Route

- Follow all procedures diligently.

Appeals

- Deal with these as promptly as possible using set procedures.

Records

- Keep written records for future reference of all instances whether formal or informal.
- Records will be kept in line with Data Protection regulations.

Policy and Procedure Amendments

- The Disciplinary Policy of WABA is subject to change from time to time as recommended by the Board. The Disciplinary Policy applies only to disciplinary matters and not general dispute resolution, or grievances which are dealt with according to the separate WABA Member Grievance Policy.

1. **EMPHASIS OF THE POLICY AND PROCEDURES**

- 1.1 Wherever possible and appropriate WABA will seek early resolution of disciplinary issues with a minimum of cost and formality.
These regulations set out a process by which WABA can adjudicate disciplinary matters being an Allegation of Misconduct in a fair and timely manner, allowing all parties proper rights to be heard and to put their case.
- 1.2 A Misconduct Event may proceed to resolution by one of three pathways. Either: (A) the Allegation of Misconduct should not proceed; or (B) resolution of the Allegation of Misconduct should proceed via the Informal Route; or (C) the Allegation of Misconduct should proceed to a Formal Disciplinary Hearing.
- 1.3 Where the Allegation of Misconduct should not proceed in accordance with the Disciplinary Regulations, the CEO of WABA must in a timely manner notify the Complainant and the Respondent in writing of the determination of the Chair of the Disciplinary Panel and disclose the reasons given for the decision.
- 1.4 Where resolution of the Allegation of Misconduct should proceed via the Informal Route in accordance with the Disciplinary Regulations, the CEO of WABA must:
 - Invite the Respondent to a meeting at the offices of WABA, at a mutually convenient date and time. Suggest they may be accompanied by a representative, legal, technical or otherwise, if they so choose.
 - Where behaviour is unacceptable such as to amount to a breach of the Disciplinary Regulations, to explain to the Respondent the changed behavior which is required, the support which will be given, and when and how future behavior will be reviewed.
 - Tell the Respondent why and how their behaviour needs to change, the consequences of failing to change behaviour, including the formal disciplinary procedures may follow.
 - Seek agreement of the Respondent to agreed changes, and action to be taken.
 - Follow up the meeting with a written confirmation to the Respondent of all agreed actions, and the timetable for implementation.
 - Keep a record within WABA of the written confirmation sent to the Respondent.
- 1.5 Where resolution of the Allegation of Misconduct should proceed to a Formal Disciplinary Hearing in accordance with the Disciplinary Regulations, the CEO of WABA must in a timely manner institute the appropriate process as set down in these Disciplinary Procedures.
- 1.6 Acceptable means of delivery for the service of Notices and/or documents relating to any WABA Disciplinary Process or Appeal and deemed dates of receipt are:
 - By Hand – received on the day of delivery
 - By Standard first class Royal Mail – deemed to be received 2 days after the date of posting
 - By Email – received on the day of sending where no ‘message undeliverable’ notice is returned to the sender
 - By Fax – received on the day of sending
 - By SMS Text – received on the day of sending
- 1.7 For the avoidance of doubt, and for the purposes of the Disciplinary Procedures, the service of notices, documents or other communications on WABA shall only be valid if served on the CEO of WABA at the postal address being WABA, Sport Wales National Centre, Sophia Gardens, Cardiff CF11 9SW, or the email address, fax number or SMS Text number, given to persons by the CEO of WABA for such purposes. Where the method of delivery is as set out in clause 1.6, but the Notices and/or documents and/or any other communication is received outside of office hours being 9.00am to 5.00pm on a working day, then they shall be deemed to have been received at WABA only on the next immediate

working day.

2. JURISDICTION

- 2.1 These Disciplinary Procedures together with the Disciplinary Regulations provide uniform procedures for the resolution of disciplinary issues being an Allegation of Misconduct arising from within the sport of boxing governed by WABA.
- 2.2 The Disciplinary Regulations apply to and bind all Members.
- 2.3 As a condition of membership of WABA, Members agree to be bound by, and abide with, the Disciplinary Regulations, Disciplinary Procedures, and all decisions made under them.
- 2.4 These Disciplinary Procedures are made by the Board of Directors under the powers conferred by, and in accordance with the procedures set out in, Articles 18.2 and 18.3 of the Articles of Association
- 2.5 The conduct of any disciplinary hearings held under these Disciplinary Procedures shall be determined by the Chair of the Disciplinary Panel.
It should be noted that a Disciplinary Panel is not governed by rules of court or legislative provision however; chairpersons must ensure at all times that common sense, fairness and natural justice prevails.
- 2.6 Unless otherwise delegated, the CEO of WABA shall be responsible for ensuring due notice is provided to all parties in all proceedings of all times, dates and venues.

3 PROCEDURE FOR DEALING WITH A COMPLAINT

- 3.1 Where the decision in accordance with the Disciplinary Regulations is that the Allegation of Misconduct should proceed to a Formal Disciplinary Hearing, the Disciplinary Procedures will be followed diligently. The CEO of WABA will inform the relevant Divisional Secretary, that a complaint has been received relating to a matter within its boundary authority.
- 3.2 If the Chair of the Disciplinary Panel believes the complaint is of sufficient gravity or concern, the Respondent may be suspended from all WABA activities in accordance with clause 4 Interim Sanctions until the disciplinary hearings are completed.
- 3.3 If it is recommended that there is a prima facie case to answer which is to proceed to a Formal Disciplinary Hearing, the CEO of WABA shall draw up a Disciplinary Notice Form which details the Allegation of Misconduct and any relevant rule(s) that have allegedly been breached.
- 3.4 Where clause 3.3 applies, a Disciplinary Panel shall be constituted in accordance with clause 5 to determine the Allegation of Misconduct.

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5 CONSTITUTION OF THE DISCIPLINARY PANEL

- 5.1 The Disciplinary Panel shall be made up of three people. This will comprise two independent persons of appropriate expertise and/or experience and/or qualification, one of whom will act as the Chair of the Disciplinary Panel, and a third person who will be a current WABA Board member. The WABA Board shall appoint the Chair of the Disciplinary Panel annually, and a previous Chair can be reappointed.
 - 5.1.1 At the constitution of each Disciplinary Panel, the CEO of WABA on behalf of the Chair of the Disciplinary Panel will invite the Disciplinary Panel members who are to sit, and the CEO of WABA will act as the Recorder to record panel proceedings.
 - 5.1.2 For the avoidance of doubt, the persons appointed to sit on the Disciplinary Panel can be any

appropriate person, whether or not a Member.

- 5.2 The names of the Disciplinary Panel members will be notified to the Respondent at the time of service of the Notice of Hearing.
- 5.3 Members of the Disciplinary Panel shall so far as possible have no connection with the Respondent or the Complainant, they shall not be involved in the complaint and shall be unbiased, and treat all matters with confidentiality.
 - 5.3.1 If there is a case when one of the above named individuals either has a conflict of interest or is involved directly with the complaint, then a substitute will be found to ensure there are always three decision makers. The substitute will be in agreement between the remaining decision makers, if there is no agreement, then the Board will nominate the third person.
 - 5.3.2 If there is a case when two of the above named individuals either have a conflict of interest or are involved directly with the complaint, then the third individual will ask the Board to nominate two new members.
 - 5.3.3 If there is a case when all three of the above named individuals either have a conflict of interest or are involved directly with the complaint, then the Board will nominate three new members.
- 5.4 Formation of Disciplinary Panel. The Disciplinary Notice shall be served on the Respondent by the CEO of WABA, if possible, within 14 days of the decision that resolution of the Allegation of Misconduct should proceed to a Formal Disciplinary Hearing.
 - 5.4.1 The CEO of WABA shall then ensure that a Disciplinary Panel is formed.
 - 5.4.2 The CEO of WABA shall then serve a Notice of Hearing on the Respondent and Complainant when notified of the date by the Chair of the Disciplinary Panel.

6 NOTICE OF HEARING

- 6.1 Once the Disciplinary Panel has been constituted, the Chair of the Disciplinary Panel shall notify the CEO of WABA of a suitable date, time and place for the hearing. The CEO of WABA shall, in turn, immediately notify the Complainant and the Respondent of these details. Whilst the needs of the Respondent will be considered, the primary consideration when deciding a venue for a hearing will be based on the operational needs of WABA.
- 6.2 The Respondent should wherever possible be given at least 28 days' notice of the date and time of the hearing.
- 6.3 The Notice of Hearing shall name the three individuals on the Disciplinary Panel, specifically identifying the Chair. The Respondent has 7 days from the receipt of the Notice of Hearing in which to lodge with the CEO of WABA in writing, any objection to any member of the Disciplinary Panel stating the grounds for the objection.
- 6.4 The CEO of WABA shall immediately forward any objection received in relation to the Disciplinary Panel members to the Chair of the Disciplinary Panel who shall consider them, unless 6.5 applies. If in the opinion of the Chair of the Disciplinary Panel, the grounds for objection to any member of the panel are frivolous, unfounded or ill-informed, the Chair shall reject such grounds.

If the Chair of the Disciplinary Panel is in agreement with the objection he/she shall have power to make an alternative appointment forthwith and the date of the hearing shall be postponed to a date no less than 14 days after the date of any such alternative appointment. His/her decision shall be final albeit he/she shall identify the grounds for rejection when requested. Wherever possible this process shall not prolong the time scales outlined within these procedures.

It should be clearly understood that all appointed members of the Disciplinary Panel are deemed to be unbiased, fair and fully conversant with the principles of natural justice unless it is proved to the contrary.
- 6.5 After informing the Chair of the Disciplinary Panel of the receipt of an objection relating to his/her chairing the Panel, the CEO of WABA, shall forward the objection to any single member of the Board having no interest in the proceedings, personal or otherwise, whose decision on whether the Chair of the Disciplinary Panel should stand down or not, shall be final.

- 6.6 The Notice of Hearing shall be accompanied by copies of all relevant documents which have been submitted to and/or which the CEO of WABA or Complainant has within his possession or control relating to the Disciplinary matter.
- 6.7 It is the responsibility of the CEO of WABA to ensure that everyone who is providing evidence should complete a 'statement of evidence form' in order that such evidence can be sent to the Respondent.
- 6.8 Within the Notice of Hearing the Respondent must be asked whether the allegations are admitted. If the allegations are being disputed, he is informed in the Notice of the need to identify any witnesses, provide brief details regarding their evidence and arrange for their attendance at the Hearing. The CEO of WABA once notified of the names and addresses of any witnesses will send them a 'statement of evidence form' for completion and return.

7 PRE-HEARING TIMETABLE AND PROCEDURE

- 7.1 It shall be the duty of the Complainant and Respondent to notify and arrange for the attendance of any witness they may wish to call and supply any evidence if required.
- 7.2 The Chair of the Disciplinary Panel may issue directions as he/she thinks fit relating to the procedural aspects in the period leading up to the hearing in order that the hearing of the case itself may be properly and fairly conducted. Directions may include, but shall not be limited to the procedure and timetable for:
- 7.2.1 the production, inspection and/or exchange of documents or property;
 - 7.2.2 the submission of the names and details of the witnesses the parties concerned wish to call; and
 - 7.2.3 the exchange of witness statements and skeleton arguments.
- 7.3 The CEO of WABA shall notify all the parties of any directions made by the Chair of the Disciplinary Panel.
- 7.4 The parties concerned may rely on written representations made prior to the hearing and / or appear in person. Parties must confirm whether they intend to attend the hearing.
- 7.5 Unless there is an order for directions by the appointed Chair of the Disciplinary Panel specifying differently, at least 14 days in advance of the hearing date, each party to the proceedings must provide the CEO of WABA, details of any witnesses he/she wishes to call together with copies of written statements and copies of any other documentary evidence he/she proposes to rely upon at the hearing. No further written evidence shall be accepted within 7 days of the Hearing without the prior written agreement of the Chair of the Disciplinary Panel.
- 7.6 All documents provided to the parties and to the members of the Disciplinary Panel shall be used only for the purposes of the disciplinary hearing and the determination of the Disciplinary Panel and any appeal against the findings of the Disciplinary Panel.
All documents must be kept strictly confidential and it shall amount to a disciplinary matter for anyone to make use of the material supplied under these Regulations for a purpose unconnected with the proceedings.
- 7.7 Whenever possible, at least 14 days in advance of the hearing date, the Respondent shall provide to the CEO of WABA, the name and status of any representative legal, technical or otherwise, who will be advising him/her at the hearing. It should be clearly understood that travel or other expenses will not be paid by WABA to Respondents, their legal/technical representatives or witnesses in these matters.
- 7.8 The CEO of WABA shall notify each of the parties to the proceedings of the names of the other party's witnesses and the name and status of any representative who will be acting as an advisor to the Respondent.
- 7.9 The CEO of WABA shall in advance of the hearing send to the Chair of the Disciplinary Panel the record of any previous offences of the Respondent. This shall be supplied in a sealed envelope which shall be opened only in the event that the Disciplinary Panel find that the charge is proven and they are considering the appropriate sanction.
- 7.10 The Respondent may request in writing an adjournment of the hearing within 7 days of being notified of the Hearing date, a detailed statement of the reasons for the request must be supplied. The request

should be sent to the CEO of WABA addressed to the Chair of the Disciplinary Panel for the Chair to open, he/she will consider the request and will make a decision that he/she, in his/her absolute discretion, shall consider fair and reasonable (although if any adjournment is ordered, this should, except where exceptional circumstances apply, be for a period not exceeding 14 days).

- 7.11 In making any order to adjourn, the Chair of the Disciplinary Panel shall bear in mind not only the interests of the party seeking the adjournment but the interests of any other party including the complainant, witnesses and WABA.
- 7.12 The Chair of the Disciplinary Panel will determine the date, time and place of any adjourned hearing.
- 7.13 The Chair of the Disciplinary Panel shall not be obliged to consider any second or further request by the Respondent for an adjournment, and shall have the power in such circumstances to order the Hearing to take place in the absence of the Respondent and/or his or her witnesses.

8 IMPROPER CONDUCT CONCERNING THE DISCIPLINARY PROCEDURES

- 8.1 Any improper contact, approach or attempt to influence or intimidate a Disciplinary Panel member, Complainant, Respondent, any witness or representative either in person, in writing or through an intermediary must be immediately reported to the CEO of WABA who will report it to the Chair of the Disciplinary Panel who may take such action as he deems appropriate. Such improper conduct may in itself form the subject of disciplinary action.

9 PROCEDURE AT A DISCIPLINARY HEARING

- 9.1 The hearing shall take place in private.
- 9.2 Disciplinary Hearings will be conducted under an inquisitorial procedure. Subject always to the provisions of clause 9.3, the hearing shall be conducted in accordance with the following:
 - The Disciplinary Panel shall perform an active role in determining the issues, witnesses to be called and the scope of the evidence to be considered.
 - The Respondent, Complainant and Witnesses shall tell their own story in narrative form, and it is primarily for the Disciplinary Panel to question such persons.
 - Examination in chief by a party, and cross-examination by the opposing party, or by their respective representatives under clause 7.7, is not permitted of any person in attendance at the hearing and shall not form any part of the procedure by which the Disciplinary Hearing is conducted.
 - A party to the proceedings, or their representative under clause 7.7, may through the Chair of the Disciplinary Panel ask questions of any person giving evidence at the hearing.
 - The Disciplinary Panel is not restricted to the evidence presented by the parties. It may inquire into, and inform itself on, any matter in such manner as it thinks fit, subject to the rules of natural justice.
 - Proceedings shall commence with a reading of the full Disciplinary Notice prepared under clause 3.3 and the Respondent will be asked whether the Allegations of Misconduct are admitted or denied.
 - The Chair of the Disciplinary Panel will then outline the basic procedure of the hearing going forward. He or she shall determine what witnesses to call and the order in which they are to be heard.
- 9.3 The procedure for the hearing shall be flexible and shall be at the discretion of the Chair of the Disciplinary Panel who may make such decisions as he/she feels necessary to ensure the orderly and effective conduct of the hearing.
- 9.4 The Disciplinary Panel will take into account the principles of Natural Justice which must be applied in any hearing and the principles of Proportionality which shall apply to the imposition of any sanction.

- 9.5 If he/she feels that it is necessary bearing in mind all the circumstances surrounding the case, the Chair of the Disciplinary Panel may, in his/her discretion, request an independent person to act as adviser to the Disciplinary Panel. The cost of this may be borne by WABA.

10 EVIDENCE

- 10.1 The Disciplinary Panel shall not be bound by the rules of court (or any legislative provision) governing procedure or the admissibility of evidence. All hearings shall be conducted in a fair and orderly manner.
- 10.2 The burden of proof in disciplinary and appeal hearings will be the civil standard, satisfaction on the balance of probabilities, subject to the caveat that the more serious the Misconduct Event the greater the degree of satisfaction required.
- 10.3 The Chair of the Disciplinary Panel has the discretion to adjourn the hearing for a maximum of 21 days if at any time he/she feels that the interests of justice require it (by way of example only and not limitation, to secure the attendance of a key witness or some other evidence that is relevant to the proceedings).
- 10.4 Any person who willfully misleads a Disciplinary Panel will be liable to disciplinary action.

11 FEES AND COSTS

- 11.1 The Chair of the Disciplinary Panel may, at his/her discretion, make an order for the costs of the hearing to be paid, in such proportion as he/she may decide, by any of the parties to the hearing. These costs may include expenses reasonably incurred in the preparation or holding of the hearing and in attending any hearing. In calculating the amount of such a sum, no legal representation or professional charges may be included in the costs.
- 11.2 Such orders for payments of costs shall not form any part of or influence any financial penalty imposed as a Sanction under the Disciplinary Regulations.
- 11.3 Failure to pay any costs and /or financial penalty within 28 days, will be a contractual debt due and owing to WABA for the purposes of recovery, and will be prima facie evidence of Misconduct for which further sanctions may be imposed on any party.
- 11.4 Unless awarded by the Disciplinary Panel, no expenses shall be payable concerning the attendance of the Respondent and/or witnesses. If WABA or the Chair of the Disciplinary Panel 'directs' any person excluding the Respondent to attend a hearing, WABA may consider the payment of incurred expenses.

12 PROCEDURE FOLLOWING A DISCIPLINARY HEARING

- 12.1 The Chair of the Disciplinary Panel shall report its findings to the CEO of WABA on a Disciplinary Hearing Record Form, as soon as reasonably practicable, but within 14 days of conclusion of the Hearing in all cases.
- 12.2 The Chair of the Disciplinary Panel in consultation with the CEO of WABA shall write to the Complainant and the Respondent setting out the decision and giving brief reasons thereof and any sanctions imposed.
- 12.3 WABA will be entitled to publish the decision of the Disciplinary Panel on the website of WABA at <http://www.welshboxing.org> and in such other manner as it considers appropriate.
- 12.4 The CEO of WABA shall maintain a record of all proven Allegations of Misconduct and sanctions imposed, and all correspondence, documents, witness statements and minutes of the hearing shall be kept in the event they are required at a later appeal or otherwise, in secure conditions.
- 12.5 Records will be kept in line with current Data Protection legislation and regulations, as amended from time to time.

13 RIGHT OF APPEAL AND PROCEDURE DEALING WITH AN APPEAL

- 13.1 The decision of a Disciplinary Panel may be appealed but not on the basis that any of the Complainant,

Respondent or Members do not agree with the Panel decision.

13.1.1 An appeal can be made only on the following grounds:

- 13.1.1.1 That relevant information or evidence either available at the time, or new relevant information or evidence, was not considered;
- 13.1.1.2 That information or evidence was considered in making a decision which should not have been;
- 13.1.1.3 That there was a significant failure in the administrative procedures, and which failure materially impacted upon the decision making process;
- 13.1.1.4 That no Disciplinary Panel acting reasonably could have reached the decision, and or imposed the sanction handed down at the original disciplinary hearing.

13.1.2 Where an appeal is made on any or all of the grounds set out in 13.1.1.2, 13.1.1.3, 13.1.1.4, then written submissions made by the appellant(s) shall be restricted only to matters relevant to those grounds, and the Appeal Committee shall be entitled in its absolute discretion to discount any submissions which are not relevant to an appeal hearing on such grounds.

13.2 The decision of the Chair of the Disciplinary Panel that the Allegation of Misconduct should not proceed may be appealed by the Complainant but not on the basis that the Complainant does not agree with the Chair of the Disciplinary Panel's decision.

13.2.1 An appeal can be made by the Complainant only on the following grounds:

- 13.2.1.1 That relevant information or evidence either available at the time, or new relevant information or evidence, was not considered;
- 13.2.1.2 That information or evidence was considered in making a decision which should not have been;
- 13.2.1.3 That there was a significant failure in the administrative procedures, and which failure materially impacted upon the decision making process;
- 13.2.1.4 That no Chair of the Disciplinary Panel acting reasonably could have reached a decision that the Allegation of Misconduct should not proceed.

13.2.2 Where an appeal is made on any or all of the grounds set out in 13.2.1.2, 13.2.1.3, 13.2.1.4, then written submissions made by the Complainant as appellant shall be restricted only to matters relevant to those grounds, and the Appeal Committee shall be entitled in its absolute discretion to discount any submissions which are not relevant to an appeal hearing on such grounds.

13.3 Any appeal under clauses 13.1 or 13.2 should be sent in writing to the CEO of WABA within 7 days of the Disciplinary Panel decision or the decision of the Chair of the Disciplinary Panel, respectively. Any appeal must be accompanied by a cheque for £250.00 (or such higher amount as the Appeal Committee shall reasonably determine is appropriate from time to time). The amount of the cheque will be refunded only if the appeal is upheld. The Appeal Committee will hear the appeal no later than 28 days after the receipt of the appeal by the CEO of WABA.

13.4 The CEO of WABA will set up an Appeal Committee made up of three members. None of the members shall have sat on the Disciplinary Panel and or be the Chair of the Disciplinary Panel which made the original decision. The Appeal Committee shall appoint the Appeals Chair and appropriately qualified personnel and appoint a Recorder to record committee proceedings

13.5 Notice of the appeal hearing date, time and place and the names of the members of the Appeal Committee shall be sent to the appellant no later than 14 days prior to the date of the hearing.

13.6 The appellant(s) under 13.1.1 or Complainant under 13.2.1 shall be entitled, within 48 hours of being so notified, to lodge an objection with the CEO of WABA against any member of the Appeals Committee who can be shown to have a direct personal involvement or interest in the matter. The appellant(s) shall provide appropriate evidence in support of any such claim. The CEO of WABA will review the appointment and if in agreement with the objection (consulting as appropriate with other members of the Board) shall have the power to make an alternative appointment forthwith. The date of the Appeal hearing shall be postponed to a date no less than 14 days after the date of any such alternative appointment.

13.7 Not less than 14 days prior to the date of the Appeal hearing the chair of the original Disciplinary Panel

responsible for the decision which is the subject of the appeal shall provide to the CEO of WABA a written statement for the Appeals Committee, together with any relevant supporting documents, detailing (as appropriate):

- 13.7.1 The circumstances of the alleged breach or misconduct
 - 13.7.2 The decision taken
 - 13.7.3 Any appropriate justification or explanation
 - 13.7.4 The information that was considered in reaching the original decision (e.g. regulations, reports, correspondence)
- 13.8 The CEO of WABA shall ensure that all relevant information is provided to the appellant(s) under 13.1.1, the Complainant as appellant under 13.2.1, the person or body responsible for the original decision and to all members of the Appeals Committee, in good time prior to the Appeals Committee meeting (ideally at least seven days prior to the meeting, but if this is not possible by virtue of the short notification then as soon as practical, but at least 2 days prior to the start of the meeting).
- 13.9 Subject as provided in clauses 13.1.2 and 13.2.2 above, the appellant(s) under 13.1.1 or the Complainant as appellant under 13.2.1, may present to the Appeals Committee whatever written submission they consider appropriate. The appellant(s) or Complainant as appropriate, shall ensure that the members of the Appeals Committee receive this information at least 7 days prior to the Appeals meeting, to give them an opportunity to study the submission.
- 13.10 The appellant(s) or Complainant as appellant shall not, under any circumstances, verbally address any member of the Appeals Committee, or enter into any discussion, either in person or through an intermediary, with any member of the Appeals Committee prior to the appeal being heard or during the course of the hearing other than by way of direct representation during the hearing. Any member of the Appeals Committee who is approached improperly is bound to notify the Chair of the Appeals Committee immediately and may be required to stand down as a member of the Appeals Committee at the discretion of the Chair of the Appeals Committee. Any willful breach of this clause by the appellant(s) or Complainant, shall be considered as misconduct, and may subsequently lead to disciplinary action, but such action should not be considered until the outcome of the appeal is heard.
- 13.11 When the appellant or Complainant as appellant is an individual they may be accompanied by one person of the appellant's or as appropriate the Complainant's choice. Where the appellant or Complainant is a club, Division or Association it may be represented by two of its members.
- 13.12 The Chair of the Appeals Committee should ensure that the appeal is heard in a manner that allows all parties to state their case fairly and the Appeals Committee may, if they so choose, invite a technical adviser (for example, a respected senior official, lawyer or accountant) to be present, if they consider that this would be of assistance to the hearing of the appeal.
- 13.13 It is not appropriate for the appellant(s)/ Complainant as appellant and the other parties to be present simultaneously. No form of cross-examination should be permitted.
- 13.14 If any of the parties do not attend the Appeal Committee hearing, the matter may be dealt with by the Appeal Committee in the absence of that party taking into account any written representations that may have been received from that party
- 13.15 Once the appeal has been heard, the Appeals Committee will withdraw to consider its decision and will, upon the making of the decision, recall the appellant(s)/ Complainant as appellant into the meeting and advise the appellant(s)/ Complainant of that decision. No further discussion is permitted at that time, and the appellant(s) / Complainant will then leave the meeting. In certain circumstances the Appeals Committee may decide that they are unable to reach a decision at the time and decide to reconvene to consider further on a subsequent occasion.
- 13.16 Following the Appeal Hearing, the Appeal Committee shall have the power to:
- 13.16.1 decide that the allegations against the Appellant are upheld, in which case following a review of the record of sanctions (if any) previously imposed at any time on the Appellant by a Disciplinary Panel, may determine to reduce, increase, quash, or confirm the sanction imposed by the Disciplinary Panel and/or may substitute for it any other sanction which would have been available to the Disciplinary Panel; and/or
 - 13.16.2 make such other order or determination as it may think right or just; or

- 13.16.3 remit the matter to be determined by way of a full hearing, or as appropriate re-hearing, of the disciplinary issue by a differently constituted Disciplinary Panel.
- 13.17 The Appeal Committee may direct any party to the Appeal to bear the administrative costs of holding the Appeal and/ or a re-hearing of the disciplinary issue, where it in its absolute discretion considers it fair and just to do so.
- 13.18 The Appeals Committee should then advise other interested parties present of the decision. No further discussion is permitted related to the matter at that time.
- 13.19 The Appeals Committee will confirm to the appellant(s)/ Complainant as appellant and the other interested parties, including the CEO of WABA of the decision of the Appeals Committee in writing as quickly as possible, by facsimile, e-mail or post.
- 13.20 Where it is necessary to expedite the consideration of the appeal, the Chair of the Appeals Committee may vary certain of the above conditions but if this action is intended, then the appellant(s) Complainant as appellant should be advised and given an opportunity to lodge an objection to this proposal to modify the procedure. Normally, the modification should not be carried through against the wishes of the appellant(s) Complainant as appellant, except where the objection by the appellant(s) Complainant as appellant, is without just cause.
- 13.21 The decision of the Appeals Committee is final and there is no further right of appeal under the WABA rules and procedures.

14 CASES INVOLVING CHILDREN

- 14.1 ALL children and young people within WABA have equal rights to justice, fair play and protection. Such persons shall be entitled to the full protection of all our policies and procedures and their complaints shall be dealt with as thoroughly and rigorously as any other member.
- 14.2 It is vital that it is recognised that some children and young people may be more vulnerable than others and that some may encounter extra barriers due to their race, gender, age, religion, disability, sexual orientation, social background and culture, chairs of hearings must at all times be mindful of the pressures of such vulnerability where appropriate.
- 14.3 All matters concerning Child Protection including 'poor practice' shall be referred to the WABA Lead Child Protection Officer.
- 14.4 Interviews of children and young people shall only be conducted by suitably trained and experienced nominated persons.
- 14.5 Wherever appropriate, such matters will be dealt with under these procedures and whenever possible, the acceptance by the respondent / appellant of a child's evidence by a third party or in statement form should be sought by the Chair.
- 14.6 Where a child or young person is a respondent / defendant extreme care should be taken when dealing with the proceedings.
- 14.7 Chairs of hearings involving children or young persons must at all times be patient, understanding and ensure that the child or young person fully understands the process taking place at each stage.
- 14.8 In appropriate cases where children under 18 years are witnesses, care should be taken regarding the provision of evidence. Under no circumstances should the Chair allow undue pressure or any form of hostility to take place at the hearing at or in the presence of a child witness.
- 14.9 In all such cases, permission must be obtained from the parent or guardian before a child is asked to provide evidence and / or attend a hearing.
- 14.10 Parents, guardians or chaperones are encouraged to attend with any child authorised to attend a hearing.
- 14.11 Always be mindful that miss handling of a child's experience of giving evidence can in itself be distressful and in some cases abusive.
- 14.12 Under no circumstances will a child be requested to provide evidence concerning abuse matters identified and appealed as a result of a DBS Disclosure Review Panel hearing

APPENDIX 1

DEFINITIONS AND INTERPRETATION

The following terms used in the Disciplinary Procedures shall have the meanings set out below:

Affiliated Clubs means all boxing clubs who have applied for and have been granted affiliation to WABA

Allegation of Misconduct means the allegation made by a Complainant of a Misconduct Event

Appeal Committee means the committee appointed in accordance with the Disciplinary Procedures for the hearing and resolution by way of appeal of a Misconduct Event

Appropriate Adult means a child's parent or guardian (or local authority if he is the subject of a care order), a social worker, failing any of these another responsible adult aged 18 years or older

Articles of Association mean WABA's articles of association as updated after the September 2016 AGM, and thereafter as amended from time to time

Board means the Board of Directors of WABA from time to time

Boxing Contest means any boxing bout or competition for which WABA is the National Governing Body

CEO of WABA means the Chief Executive Officer of WABA from time to time

Chair of the Disciplinary Panel means the person appointed by the Board to act in accordance with the **Disciplinary Procedures** and to deal (together with others as appropriate) with the resolution of disciplinary issues under the Disciplinary Regulations arising from within or otherwise affecting the sport of boxing for which WABA is the National Governing Body

Complainant means the person who reports a matter to the CEO of WABA which may constitute Misconduct
Days means calendar days

Disciplinary Panel means the panel appointed in accordance with the Disciplinary Procedures for the hearing and resolution of a Misconduct Event

Disciplinary Procedures means this document being the procedures issued by WABA for the hearing and resolution of disciplinary issues arising from Misconduct Events, as amended from time to time

Disciplinary Procedure Recommendation means the course of action to be taken to resolve the disciplinary issue as recommended by the CEO of WABA following an appropriate and sufficient investigation into the Allegation of Misconduct, being either: (A) the Allegation of Misconduct should not proceed; or (B) resolution of the Allegation of Misconduct should proceed via the Informal Route; or (C) the Allegation of Misconduct should proceed to a Formal Disciplinary Hearing

Disciplinary Regulations means the Disciplinary Regulations, as amended from time to time

Domestic Rules means the rules controlling participation in the sport of boxing governed by WABA, as amended from time to time

Member means any member of WABA as defined in the Membership Regulations as amended from time to time

Membership Regulations means the regulations setting out the terms and conditions of membership of WABA, as amended from time to time

Misconduct means any behaviour act or omission set out in the Appendix to the Disciplinary Regulations, as amended from time to time

Misconduct Event means an allegation of Misconduct which act or omission contravenes the Disciplinary Regulations

Recorder means a person appointed to the Disciplinary or Appeals Panel to provide a full and accurate record by way of transcript of its proceedings

Respondent means each person, body or individual named by the Complainant in the Report to the CEO of WABA and against whom an Allegation of Misconduct is made

Report means an Allegation of Misconduct made by a Complainant

Rules means the Domestic Rules, Membership Regulations, WABA Articles of Association, WABA Memorandum of Association, Child Protection Policy and Procedures, Equity Policy, Disciplinary Regulations, Disciplinary Procedures, and all other rules, regulations, policies and procedures made in accordance with Articles 18.2 and 18.3 and adopted by the Board from time to time

Sanction means any sanction or interim sanction as set out in the Disciplinary Regulations as amended from time to time, which is imposed by the Disciplinary Panel or Appeal Committee or Chair of the Disciplinary Panel, respectively

Sport means the sport of amateur boxing

WABA means the Welsh Amateur Boxing Association Limited registered in England and Wales under company number 047991100 responsible as the National Governing Body for the governance of the sport of amateur boxing in Wales

WABA Child Protection Officer means the WABA Lead Child Protection Officer appointed by the Board.