



## **RULE 15 OF 2014: AWESBA: DISCIPLINARY PROCEDURE**

### **INTRODUCTION**

Disciplinary action is an unfortunate necessity and can be defined as the practice of training members to obey rules or a code of behaviour and using punishment to correct disobedience.

AWESBA sincerely hope that disciplinary action would be the exception rather than the rule. The Governing Body is however committed to deal with misconduct in a firm, fair and transparent manner.

In any social system, irrespective of its nature, it is important for the Association to determine a set of rules that will regulate the conduct of its members and should be observed in order to function successfully.

The Disciplinary Procedure is based on the following principles:

- The right of the Association to take appropriate disciplinary steps against any member, who acts in a manner conflicting with the interest of it;
- At the same time the Association recognizes the right of a member to a fair hearing as well as appropriate and just disciplinary action; and
- The emphasis of the disciplinary system is on prevention, justice and correction.

The disciplinary code is regarded as a guideline and its interpretation must be adequately flexible in order to adjust to various circumstances.

## **R15.1 Disciplinary Structures**

R15.1.1 The following disciplinary structures have been established in terms of the Constitution of the Association:

R15.1.1.1 A Disciplinary Committee established by the Governing Body, consisting of three members under the chairmanship of the Vice-chairman, to address alleged serious misconduct by Office Bearers, Judges, affiliated clubs and where appropriate members;

R15.1.1.2 The Judges Committee that is tasked to deal with alleged misconduct of judges;

R15.1.1.3 The Club Committees or where applicable the Disciplinary Committees of the respective clubs tasked to deal with alleged misconduct of their club members; and

R15.1.1.4 The appointed Show Committees of clubs and the Association tasked to deal with alleged misconduct matters at shows.

R15.1.2 Detailed knowledge of the Association's Constitution and Rules are essential to serve as a member of these structures.

R15.1.3 It is incumbent on members of the various committees to study the Constitution and the Rules of the Association and stay up to date with amendments.

R15.1.4 Members considering disciplinary matters must always be fair, objective and free from bias. If any member feels he/she is not able to do that in a particular instance he/she must recuse him/herself from that matter.

R15.1.5 The accused member shall at all times be afforded an opportunity to state his/her case and have the choice to handle the matter by himself / herself or appoint a representative of his/her own choice from within the AWEBBSA membership.

R15.1.6 Outside or external legal representation shall not be allowed while the matter is being dealt with internally.

R15.1.7 The bodies tasked to investigate allegations of misconduct shall have the power to impose the penalties set out in the Constitution and Rules.

## **R15.2 Scope of Disciplinary Actions**

Complaints, in writing as far as possible, may be lodged because of the following:

R15.2.1 Awards or conduct of an exhibitor at Shows – any complaints regarding awards or conduct must be directed to the Show Manager and dealt with at the show by the Show Committee;

R15.2.2 Improper conduct of judges – complaints in this respect must be directed to the Judges Committee;

R15.2.3 Any other actions by members – the complaint must in the first instance be dealt with by the Club's Disciplinary Committee, where established or alternatively the Club's committee, where the person is a member;

R15.2.4 Complaints against any Club and other matters referred to it by the Governing Body will be dealt with by the Disciplinary Committee of the Association;

R15.2.5 The Governing Body will be responsible to deal with all appeals against decisions by the various competent bodies:

- R15.2.5.1 Club Disciplinary Committee or Club Committee;
- R15.2.5.2 Show Committee;
- R15.2.5.3 Judges Committee; and
- R15.2.5.4 Disciplinary Committee of Association.

### **R15.3 Complaints**

R15.3.1 A complaint may be lodged by:

- R15.3.1.1 The Governing Body on its own initiative; or
- R15.3.1.2 The secretary of a club on behalf of its committee; or
- R15.3.1.3 A judge; or
- R15.3.1.4 Judges Committee; or
- R15.3.1.5 Show Committee; or
- R15.3.1.6 An appointed representative of the Association; or
- R15.3.1.7 Any fully paid up member (who is not suspended or disqualified).

R15.3.2 Any complaint lodged by an exhibitor or spectator at a show must be made to the Show Manager at the show and before the show is officially closed.

- R15.3.2.1 After the show there would be no remedy unless fraud and corruption are suspected; and
- R15.3.2.2 Such a complaint where fraud and corruption are suspected must be directed by the Show Manager to the Governing Body to instruct the Disciplinary Committee to investigate.

R15.3.3 The Disciplinary Committee of the Association will have the power to enquire into and deal with any charge or complaint referred to it by the Governing Body.

R15.3.4 Any member of any committee considering a complaint, or a subsequent appeal, who bears direct knowledge of the occurrence that gave rise to the complaint shall recuse himself from that committee meeting whilst the complaint is being considered. Such a person can however be a witness in the matter.

#### **R15.4 Complaints Procedure**

R15.4.1 Any complaint shall be submitted in writing, where possible, to the appropriate body, setting out in full the nature and grounds of the complaint;

R15.4.2 The only exception to R15.4.1 would be at shows where the alleged misconduct would in all probability be brought to the attention of the Show Manager, verbally;

R15.4.3 On receipt of any complaint, the body charged with dealing with the matter shall firstly consider the complaint on the face of it and if in their opinion of the complaint is of a frivolous nature, it shall dismiss the complaint and shall inform the complainant thereof.

R15.4.4 Should the body charged with dealing with the matter be of the opinion that the complaint is one of substance they will take evidence and investigate the complaint;

R15.4.5 The body charged with dealing with the matter must complete the initial investigation within fourteen (14) days of receiving the written complaint, and in the case of shows on the day(s) of the show unless it is a matter falling outside the Show Committee's mandate such as alleged misconduct by the officiating judge(s) or the accused party is not present at the show;

R15.4.6 They shall summon the accused party to appear in defense of such complaint at the meeting of the body charged with dealing with the matter called to consider

- the same. The accused party must be given seven (7) days written notice as per the template attached to this Rule;
- R15.4.7 The accused must attend personally and can be represented by a representative who must accompany him/her to the meeting;
- R15.4.8 The body charged with dealing with the matter can also summon witnesses to the meeting, the complainant being the witness in chief and must be present;
- R15.4.9 The accused or when represented by a representative would have the right to question the witness(es) after they provided their version of the alleged misconduct to the body charged with dealing with the matter;
- R15.4.10 Should such an accused party and or representative fail to attend the enquiry and on being satisfied that notice has been received, the body charged with dealing with the matter shall proceed to enquire into the complaint and adjudicate thereon in the absence of the accused party against whom such complaint has been made;
- R15.4.11 The accused party must be informed of the sanction in writing within seven (7) days of the meeting and of his or her right to appeal;
- R15.4.12 The General Secretary will keep a register of all disciplinary matters received, rejected and concluded for reference and consistency purposes;
- R15.4.13 Outcomes of disciplinary matters will be published by the Association in the minutes of the Governing Body and on the official website of AWEBSA.

## **R15.5 Appeals**

- R15.5.1 An appeal must be lodged with the General Secretary of the Governing Body within a period of seven (7) days from the date of the act or decision complained of, i.e. the date of the letter notifying the member of the rejection of the complaint or the sanction;
- R15.5.2 No club or member who is still under prior disqualification or suspension and ratified by the Governing Body, shall have any right of appeal;
- R15.5.3 No decision of the body charged with dealing with the matter, subject to appeal, shall take effect until confirmed or set aside by the next meeting of the Governing Body;
- R15.5.4 No member hearing the disciplinary action may serve as a member of the Governing Body meeting when the appeal is heard;
- R15.5.5 An appeal to the Governing Body may be lodged by any person against whom disciplinary action has been taken and who may be aggrieved by the decision of the body charged with dealing with the matter;
- R15.5.6 Upon receipt of such appeal the General Secretary will ensure the matter is placed on the Agenda of the next ordinary meeting of the Governing Body for consideration;
- R15.5.7 The Governing Body may uphold or reject the decision of the body charged with dealing with the matter, however not before consulting with the relevant structures;
- R15.5.8 The Governing Body may in exceptional cases alter the sanction imposed only should it be consistent with previous sanctions and that fairness is always the main consideration;

R15.5.9 In the event of the Governing Body upholding the appeal of the accused person the Governing Committee may appoint a subcommittee to investigate the reasons therefore and make recommendations to it accordingly. The main reason is to ensure consistence of sanctions, to be a training aid as well as to ensure fairness to members at all times;

R15.5.10 In the event of the Governing Body upholding the decision of the body charged with dealing with the matter, then the penalty imposed will be effective from the date of the meeting and the appellant shall be required to bear any costs incurred to hear the appeal; and

R15.5.11 The Governing Body shall be the final tribunal of appeal.