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Change History	See appendix		

Scottish Archery Discipline Policy

1 Introduction

- 1.1 The purpose of this Disciplinary Policy and Procedures (the "Rules") is to ensure justice and transparency in disciplinary proceedings and to provide a framework within which decisions relating to the Scottish Archery Association (Scottish Archery) can be made in a fair, consistent, independent and expeditious manner and in accordance with the requirements of natural justice. It is the policy of Scottish Archery to ensure that any disciplinary matters are dealt with fairly, that steps are taken to establish the facts and that there is an entitlement to a fair and reasonable hearing within a realistic time by an independent and impartial body.

This Policy aims to :-

- 1.1.a Allow complaints/potential infringements/conduct concerns to be resolved without formal disciplinary action if possible,
 - 1.1.b Resolve or determine complaints/potential infringements/conduct concerns within a reasonable period and
 - 1.1.c Provide a fair and rigorous process for those circumstances where formal disciplinary proceedings are necessary
- 1.2 While Scottish Archery shall operate in line with the Discipline Regulations of Archery GB, any member of Scottish Archery against whom an allegation of misconduct is alleged shall, in the first instance, be subject to the following disciplinary measures.

2 Definitions

- 2.1 For the purposes of this document the following general definitions will apply:

- 2.1.1 'Articles' means the Articles of Association of Scottish Archery in force at the time.
- 2.1.2 'Archery GB' means the trading name of the Grand National Archery Association a Company Limited by Guarantee, no. 1342150, registered in England
- 2.1.3 'Club' means a constituted Club, whose members have affiliated to Archery GB and Scottish Archery. Each Club will be administered by its own Committee.
- 2.1.4 'Director' means a person who has been elected on to the Board of Scottish Archery or a person who has been co-opted on to the Board and assumed the rights and privileges of a director prior to being confirmed as a Director at a General Meeting.
- 2.1.5 'Disciplinary Panel' or 'Panel' means a committee of 3 people and can consist of Scottish Archery members, staff, volunteers or independent persons appointed to inquire in to matters referred to them
- 2.1.6 'Disciplinary Infringement' refers to any act which has potentially breached the rules and/or guidelines of Scottish Archery and will be considered under this policy.
- 2.1.7 'Board' means the whole Board of Scottish Archery.
- 2.1.8 'Member' has the same meaning as defined in the Articles and Bye-laws of Scottish Archery as current from time to time
- 2.1.9 'Party' means the member who is under investigation.
- 2.1.10 'Scottish Archery' means the Scottish Archery Association, a Company Limited by Guarantee.
- 2.1.11 'Sport' means the sport of Archery (as defined in the Articles) over which Scottish Archery is the Scottish Governing Body (SGB)
- 2.1.12 'Suspension' means a temporary ban on any archery activity

2.2 Misconduct

2.2.1 The essence of misconduct under this policy is :-

1. Improper interference, harassment or obstruction
 - 1.1 with the functioning or activities of the Scottish Archery Association or
 - 1.2 of any person legitimately pursuing archery under the auspices of Scottish Archery or
 - 1.3 of any person who is engaged in any legitimate Scottish Archery administrative capacity.
2. Any dangerous conduct within an archery context which results in, or could possibly result in, harm to any person whomsoever.
3. Any action, intentional or reckless, which damages, or may damage, property belonging to Scottish Archery or any of the affiliated archery clubs and the grounds or premises in which they shoot.
4. Any conduct constituting a criminal offence which either
 - 4.1 damages the reputation of Scottish Archery or
 - 4.2 is itself of such a serious nature as to require exclusion from membership of Scottish Archery or
 - 4.3 is of such other nature determined by the Board as to require some form of penalty being imposed to reflect its consequences.
5. Any conduct which impinges on the activities of Scottish Archery or any person connected to Scottish Archery. This includes but is not limited to :-
 - 5.1 bullying, violent, indecent or intimidating behaviour whether in person or through the use of other communication or media
 - 5.2 sexual and non-sexual harassment or
 - 5.3 cheating at any archery event or
 - 5.4 any conduct which interferes with the normal activities of any person associated with Scottish Archery
6. Any breach of the Scottish Archery's Articles of Association, Bye Laws and Policies including but not limited to :-
 - 6.1 Conflict of Interest or
 - 6.2 Child Protection and Protection of Vulnerable Groups or
 - 6.3 Equality or
 - 6.4 Disability or
 - 6.5 Anti-bullying or
 - 6.6 Data Protection / GDPR or
 - 6.7 Anti-Corruption or
 - 6.8 any other such policies which are in force from time to time.
7. Any breach by a Director of the Directors Code of Conduct.

2.3 Dangerous Conduct

2.3.1 The essence of dangerous conduct under this policy is :-

1. Conduct involving the safety of any member or other person, during or whilst in the vicinity of any archery activity conducted by Scottish Archery or an affiliated club, whether or not actual injury was caused. It should be dealt with immediately using this policy.
2. Allegations of dangerous conduct may also be referred by the Board to Archery GB for its consideration.

3 Proceedings under this policy

3.1 All cases of alleged disciplinary infringement should be reported to the Chief Executive Officer, another appropriate employee, or appropriate Director who shall decide, in conjunction with the Chairperson of

the Board whether such the alleged infringement requires remedy, whether informal or formal proceedings, under this policy.

- 3.2 If it is deemed that the matter should be dealt with under this policy, then the matter will be dealt with by :-
- 3.2.a Means of advice, guidance or counselling on accepted conduct and/or training in any aspect of archery.
 - 3.2.b Investigation to gather further evidence
 - 3.2.c Referral to further Scottish Archery Disciplinary Procedures.
 - 3.2.d Referral to Archery GB Case Management Referral Panel if the matter is of such a serious nature that termination of Membership of Archery GB may be an option.
- 3.3 If counselling is offered under 3.2.a and this is accepted by the Party this will bring the infringement to a close and the matter will not be recorded.
- 3.4 If it is determined that an investigation is required then the Chief Executive Officer or appropriate Director or a substitute from the Board will then delegate two Investigators being:
- Scottish Archery members from a club or clubs to which the Party does not belong or
 - Independent Board Members, or
 - Independent persons from out with the sport of Archery or
 - Members of Scottish Archery staff
 - to investigate the infringement and, if necessary, take written statements from witnesses.
- 3.5 If a statement is taken from the party under investigation, he/she/they should be advised that it may be used in any disciplinary proceedings and that he/she/they is are not obliged to give any such statement.

4 Immediate Suspension

- 4.1 In certain cases, a Party may be suspended by Scottish Archery. Suspension will be considered appropriate in the following circumstances:
1. The alleged infringement is dangerous conduct during or whilst in the vicinity of any archery activity conducted by Scottish Archery or an affiliated club, likely to bring the safety of any person into question, or
 2. the alleged conduct is improper conduct likely to affect the physical or mental well-being of any person, or
 3. as a result of the alleged conduct Scottish Archery believes there is a risk to other members, children, young people or adults, or
 4. Scottish Archery believes that the Party may interfere with evidence and/or influence witnesses required for the investigation, or
 5. as a consequence of any actions or advice from an external agency such as, but not restricted to, Police Scotland, Children 1st and/or where it is the subject of an ongoing criminal investigation.
- 4.2 The Chief Executive Officer or appropriate Director has the right to suspend the membership of that member to allow a full investigation to be made. Such suspension shall exclude the member from participating in any Scottish Archery function and/or activity. The suspension shall be reviewed regularly and the investigation should be completed in a reasonable time frame. Should it prove to be not possible to complete such investigation, or where the suspension is as a consequence of 4.1 (5) above such suspension may be extended under advice to the member involved.
- 4.3 Such suspension shall commence on the instruction by the Chief Executive Officer or appropriate Director.
- 4.4 In the event of an allegation of dangerous or improper conduct, which has been referred to the Disciplinary Panel (as defined in para 11), the Chief Executive Officer or appropriate Director has the right to continue any suspension of membership until the matter has been resolved.
- 4.5 However, the Party shall be given the opportunity to make representation to the Chairperson of the Board against continued suspension. The Chairperson has the final decision in the event of a

disagreement.

5. Written Report

- 5.1 A written report stating time, place and nature of the infringement will be prepared by the Investigators using the witness statements to substantiate or counter any allegations made. This report should be concluded within an appropriate and reasonable timeframe of the alleged infringement being reported to the Chief Executive Officer or appropriate Director or their substitute. All parties involved will be kept updated on progress.

6 No Further Proceedings

- 6.1 If, after examination of the incident, the Investigators conclude that no further proceeding should be instigated, a recommendation on that basis should be made to the Board where the allegation will be formally dismissed, and any suspension lifted immediately.
- 6.2 However, even though a case has been established and both agree, the Investigators may feel that the matter could be resolved informally by the action suggested by them. Any recommended guidance or counselling following such a decision should be reported to the Board for its approval. If agreed, any suspension imposed will be lifted at this time.
- 6.3 Where a decision under 8.1 or 8.2 is reached and confirmed by the Board this fact will be notified to all relevant persons and the allegation(s) brought to a conclusion.

7 Further Proceedings

- 7.1 If it is decided by the Chief Executive Officer or appropriate Director there is a case to answer, they will make the final decision on future proceedings.
- 7.2 In the event of criminal investigations (at any time), a decision on proceedings under this policy may be deferred until their conclusion. Irrespective of the outcome of such investigations, Scottish Archery shall always retain the right to initiate proceedings under this policy.
- 7.3 The Chief Executive Officer or appropriate Director has the option of dealing with the infringement within the
- a) Recommendation of the investigating members or
 - b) Disciplinary Procedures and penalties of Scottish Archery and/or
 - c) Referring the misconduct to Archery GB with approval of the Board.
- 7.4 If the decision is reached to deal with the matter within the Discipline Policy of Scottish Archery, the following procedures require to be followed.

8 Notification to Party under Investigation

- 8.1 The Chief Executive Officer or Appointed Director will write to the Party under investigation within an appropriate timeframe of the report being made to them. A copy of this report including details of what misconduct is alleged, when and where it is alleged to have occurred will be provided to the party. The names of witnesses likely to be used to present evidence to support or rebut the complaint shall form part of this notification.

9 Appointing Disciplinary Panel

- 9.1 When a decision to take further action is realised, the Chief Executive Officer or appropriate Director shall appoint a Disciplinary Panel. The panel will consist of either one or more members of the Board, or an independent person unaffiliated to Scottish Archery. Either board members, or the independent individual will act as Chair of the panel. Up to two ordinary members of any Scottish Archery affiliated club or clubs to which the Party under investigation does not belong or shoot, will act as arbiters on the panel.

- 9.2 The names of the appointees shall be given to the Party and he/she/they have the right to challenge the inclusion of any 2 such appointees. The Party must provide good cause for the challenge. He/she/they have the right to suggest alternative appointees which, if acceptable to the Chief Executive Officer or appropriate Director, may be replacements. Similarly, the Chief Executive Officer or appropriate Director has the right to suggest alternatives to any names which have been opposed.
- 9.3 However, the Party should be permitted the right to object to 2 persons only unless good cause is shown and thereafter the Chief Executive Officer or appropriate Director appointees shall stand.

10 Sitting of Disciplinary Panel

- 10.1 The Disciplinary Panel shall sit within a reasonable timescale from the date of their appointment. Where the process is taking longer than expected, all parties involved will be updated.
- 10.2 The procedure to be followed at the hearing will be at the discretion of the Chair, provided always that the hearing is conducted in a fair and transparent manner.
- 10.3 The Disciplinary Panel shall have before them the written report of the Investigators and any written statements from witnesses. They may call such witnesses to give evidence required to substantiate the allegation. However, witnesses cannot be compelled to attend a Disciplinary Panel. Where witness evidence is presented in writing only, the Disciplinary Panel will specifically consider the weight to be given to that evidence in view of the lack of opportunity for the witness to be questioned.
- 10.4 Likewise, the Panel **should** call any witnesses who rebut the allegation. Similarly, such witnesses cannot be compelled to attend a Disciplinary Panel
- 10.5 However, if the Party admits the allegation(s) the Panel, after hearing any mitigating circumstances, may consider and impose an appropriate penalty as at Paragraph 13.1.
- 10.6 The Disciplinary Panel may seek advice from a member, or other person, who has specialist knowledge of the matter under investigation. Such specialist advice should be given specifically if it has a material effect on the allegation.
- 10.7 The Party may be assisted at the Panel by an advisor or friend who may give advice/assistance on an informal basis. If necessary, the Party may propose that the advisor or friend act on his/her/their behalf. In which case the advisor or friend has the authority to question witnesses and make statements in a manner similar to that afforded to the Party.
- 10.8 In the case of a Junior member being the Party, he/she/they **must** be accompanied by a parent/guardian. Another designated adult advisor or friend may also be present who, if necessary, may have the authority to act on his/her behalf if required.
- 10.9 Evidence will be taken on an informal basis using the witness statements. Questions may be put to the witnesses by the Panel with a similar opportunity being afforded to the Party who must be granted the final questioning of any witness. The Disciplinary Panel shall be entitled to require questions of witness to be put through the Chair, rather than directly, whether those questions are in chief or cross examination of the witness.
- 10.10 At the end of evidence, the Party must have the opportunity to explain his/her/their actions and rebut the allegations made against him/her/them.
- 10.11 The majority decision of the Disciplinary Panel shall be final although open to Appeal to the Board.

11 Fails or Refuses to Attend Hearing

- 11.1 If the Party fails or refuses to attend the Hearing without substantive reason, the Disciplinary Panel will continue in their absence and, after due consideration of the evidence presented (irrespective of it being verbal or solely written), may arrive at a decision concerning the matter in hand.

12 Conclusion of Proceedings and Penalties

- 12.1 If, at the conclusion of disciplinary proceedings, the misconduct has been established, the Disciplinary Panel will recommend to the Board one of the following penalties:-
- a) An admonition; or
 - b) A written censure;
 - c) Suspension of membership of the Scottish Archery Association for a period not exceeding three months provided the total period of suspension, including suspension prior to the Disciplinary Panel, shall not exceed six months - such suspension shall exclude the party from participating in any Scottish Archery function and/or activity for that period; or
 - d) Cancellation of membership of the Scottish Archery Association - such expulsion shall exclude the party from participating in any Scottish Archery function and/or activity.
- 12.2 The Party shall neither be present nor take part in this decision making. Intimation of the penalty imposed shall either be at the meeting or in writing as soon as possible thereafter.
- 12.3 Under penalties (c) and (d) no refund of membership fees will be considered.
- 12.4 The majority decision of the Disciplinary Panel shall be final although open to appeal as noted below in section 15.

13 Report from Disciplinary Panel

- 13.1 After the conclusion of proceedings, a written report to the Board will be prepared by a member of the disciplinary panel, detailing the evidence heard, the determination and the penalty recommended. The Board will consider the recommendation and, if agreed, the recommendation will be imposed accordingly. The Board does not have the power to increase any penalty recommended by the Disciplinary Panel although it may reduce any such penalty.
- 13.2 Notwithstanding the foregoing, in circumstances detailed in paragraph 17.1, a penalty increase may be necessary.
- 13.3 This report shall be retained by the Chief Executive Officer or appropriate Director and, if necessary due to the serious nature of the misconduct, a copy of it may be forwarded to Archery GB.

14 Appeal against Proven Misconduct to Board Meeting

- 14.1 Where misconduct has been found proved by the Disciplinary Panel, the Party has the right of Appeal to the whole Board. The composition of such Board Meeting will however exclude any Board member who has had a previous involvement in that case.
- 14.2 Intimation of an Appeal must be made in writing to the Board of Scottish Archery within 14 days of the decision of the Disciplinary Panel and must include the grounds on which the Appeal is being based.
- 14.3 The grounds on which an appeal can be pursued are:
- the decision was wholly unreasonable (the Disciplinary Panel upheld the Complaint when no Disciplinary Panel acting reasonably would have);
 - there has been a major procedural error which has led to an unsafe decision; or
 - the interests of justice require an appeal to be heard.
- 14.4 The Board shall be entitled to regulate its own procedure in accordance with the principles outlined above for first instance proceedings.
- 14.5 The appeal may be determined by way of written representations and without the need for a personal hearing at the discretion of the Board.
- 14.6 Appeals shall ordinarily proceed by way of review. At all times the Board shall have regard to and respect the wide margin of discretion that the Disciplinary Panel has in making determinations at first instance.

- 14.7 A re-hearing (de novo) of the case considered at first instance shall not be permitted unless (a) an application is made in writing by the party pursuing the appeal; (b) the Appeal Committee is satisfied that there was an error in the decision of the original disciplinary panel and that error requires the case to be re-heard de novo; and (c) the circumstances are exceptional and there are compelling reasons to hear the case de novo.
- 14.8 During such an Appeal Meeting, the whole proceedings will be under the control of the Chairperson of the Board, or in the case of the Chairperson being excluded from proceedings, a Board member appointed by the Chairperson.
- 14.9 The Party may be assisted at the Board Meeting by an adult advisor or friend, who will have the same rights as under Disciplinary Panel proceedings. Similarly, a Junior member being the Party **will** be accompanied by a parent/guardian. However, another designated adult advisor or friend may additionally be present who may have the authority to act on his/her/their behalf.
- 14.10 At the end of evidence, the Party, or their advisor, must be offered the opportunity to explain his/her/their actions and rebut the allegations made against him/her/them.
- 14.11 The majority decision of the Board Meeting shall be final.

15 Appeal against Penalty

- 15.1 Where a Party is aggrieved with the penalty imposed by the Disciplinary Panel, he/she/they have the right of Appeal to the Board. The composition of such a Board meeting shall exclude any member who has had an investigative or disciplinary role in that case.
- 15.2 Intimation of an Appeal must be made in writing to the Board within 14 days of the decision of the Disciplinary Panel and must include the grounds on which the Appeal is based.
- 15.3 If considered appropriate by the Board, the meeting shall conduct an examination of the grounds of Appeal. This may be from the investigating members report and witness statements or such other evidence presented by the Party.
- 15.4 The Board meeting, after considering the Appeal, may confirm the original penalty or replace it with any one of its own choosing from those detailed in Paragraph 12.1
- 15.5 The majority decision of the Board meeting shall be final. The Chairperson of the Board will have a casting vote in the event of an equality decision.

16 Concomitant Appeals

- 16.1 If the party wishes to appeal both the proven misconduct and the penalty, these appeals should be submitted concomitantly.
- 16.2 Where Appeals are made against proven misconduct and penalty, the Appeal procedures shall be heard simultaneously at the same Board Meeting with the majority decision of the Board on both grounds being final.

17 Failure to Comply with Penalty Decision

- 17.1 Where a penalty has been properly applied, either on initial hearing or on subsequent appeal and the party has failed to comply with that decision, membership termination of the party will be considered by the board as detailed in 11.3 in the Articles of Association.

18 Duration and Review

- 18.1 This policy will remain in force until such time as it is reviewed and agreed by the Board or appropriate staff member.

18.2 Review of this policy should be undertaken on a three yearly cycle or earlier if required by any enactment of law or if an amendment to the process is required. This policy will be reviewed by the Chief Executive Officer, senior member of staff or an appropriate Director.

Appendix 1 – Record of Changes

Version Number	Date Updated	Updated by	Comments/changes	Review Date
V1	Created 2014	Allistair Paton	Created	
V2	October 2018	Vincent Bryson	Administrative Changes	2021
V3	August 2023	Lyndsay Noon/support from Harper MacLeod	<p>Strict/specific timelines have been removed as these have proven not to be achievable given the size of the organization (small staff and volunteer team means a disciplinary is a huge resource).</p> <p>Investigations/Suspension – Previous policy jumps between the starting of an investigation and suspension. These sections have been simplified.</p> <p>Sets of circumstances when suspension would be considered has been widened.</p> <p>Disciplinary process - amended to allow chair of the disciplinary procedure at any hearing to decide on the format - this is in line with Archery GB's policy. It avoids potential dispute where the procedure deviates from the set format and allows flexibility so long as it is still a fair process.</p> <p>Witnesses might be able to provide statements in writing instead of in person, and to allow the chair to question witnesses instead of it being done by the parties. It can be intimidating if witnesses are required to attend and face the prospect of questions from an individual they have accused of wrongdoing, so this allows for non-attendance.</p> <p>Appeals – the appeal process in the policy previously allowed for a full re-hearing of the initial complaint. This would be unusual in the sporting context. Usually appeals are limited to specific grounds, for example there is a major procedural error, or the disciplinary panel made an unreasonable decision.</p>	Ongoing/August 2026

			<p>The ability for a full re-hearing has been retained, but only in certain circumstances. Again, there's flexibility for the board to hear the appeal in the manner they wish to do so, it could be done via written submissions only instead of a requirement for a full hearing.</p> <p>Reformatting of sections.</p>	