

**DISCIPLINARY PROCEDURE OF THE  
GUERNSEY BADMINTON ASSOCIATION (GBA)**

This Disciplinary Procedure (the Procedure), which is based on that adhered to by the Badminton Association of England (the Association), applies to:

- All badminton clubs which are members of or affiliated to the GBA;
- All coaches on the National Association's Register of Coaches contracted to the clubs or to the GBA;
- All members of the GBA playing squads;
- All other persons affiliated to the GBA or to the Association including members and individual members whether affiliated to the Association through the Oncourt/Courtside membership scheme or otherwise; and
- All officials, whether voluntary or employed directly by the GBA or by the clubs.

It will be applied in relation to all breaches of the Rules and Regulations of the Association and the regulations governing the playing of badminton (together "the Regulations"), the GBA and club rules and regulations ("the Rules") and the national coaching department's Code of Conduct and Ethics ("the Code").

Any complaint about a coach, player, official or other person received by the GBA will be dealt with in accordance with the Procedure.

- 1.1 The purpose of the Procedure is to ensure that the GBA behaves fairly towards all clubs, registered coaches, squad players, members and affiliated bodies, officials and other persons in investigating and dealing with alleged instances of unacceptable conduct or performance. Accordingly, the GBA reserves the right to depart from the precise requirements of the Procedure where it is expedient to do so and where the resulting treatment of the relevant person is no less fair and provided the result is consistent with the Association's objective of achieving harmonization in dealing with disciplinary matters.
- 1.2 All cases of disciplinary action under the Procedure will be recorded and placed in the GBA's records. A copy of the GBA's records relevant to the alleged unacceptable conduct or performance will be supplied to the person or body being disciplined upon that person's request in writing.
2. Offences under the Procedure fall into 4 main categories, namely:
  - i. minor breaches of the Code and the Regulations;
  - ii. serious breaches of the Code and the Regulations;
  - iii. any breaches of the Rules; and
  - iv. other disciplinary offences against any other rules and regulations of the GBA.
3. The disciplinary committee of the GBA ("Disciplinary Sub-Committee") shall be appointed by the GBA Governing Committee ("Committee") and shall consist of three members of the Committee together with the President of the Committee, or such other person as he / she may at his absolute discretion appoint as his alternate. Copies of all complaints against each person to whom the Procedure applies and who is subject to investigation as referred to below will, in each case, be made available to the Disciplinary Sub-Committee which shall follow the procedure set out below in determining how the matter should be dealt with and if it really needs to be dealt with.
4. Complaints must be made in writing to the GBA's Honorary Secretary (or a member of the Committee where the complaint is about the Honorary Secretary). Where a complaint is received by the GBA against a person to whom the Procedure applies, the following steps will be taken by the Disciplinary Sub-Committee, as appropriate:

- 4.1 The person complained about will be informed in writing of the substance of the complaint, but not the identity of the complainant, within seven days of receipt of such a complaint by the GBA. He will be given an opportunity to respond in writing to the Disciplinary Sub-Committee and must, if he wishes to refute or deny the complaint, do so in writing within seven days of his receipt of notification of the complaint from the GBA.
- 4.2 The Disciplinary Sub-Committee, at its absolute discretion, applying the rules of natural justice and fairness, will decide whether further action needs to be taken hereunder, and if it so decides, will proceed as set out below. Very serious matters, for example those affecting other County Associations, impacting on the Association or the subject of criminal investigation or prosecution, may be referred to the Association, but otherwise all complaints shall be dealt with by the Disciplinary Sub-Committee. In the event that the GBA has concerns as to whether the matter is sufficiently serious for the Association to be involved, written referral shall be made to the Chief Executive (CE) of the Association for clarification and guidance. The CE of the Association's decision as to whether a complaint should be heard in the first instance by the GBA or the Association shall be final and binding.
- 4.3 **Investigations:** An investigation of the matter complained of will be undertaken by the Disciplinary Sub-Committee and, if appropriate, the Disciplinary Sub-Committee may by written notice suspend the person complained of for a specified period during which time such an investigation will be undertaken. The decision to suspend such person will be notified to him by the Disciplinary Sub-Committee and confirmed in writing.
- 4.4 **Interim Action:** Following investigation of the matter complained of, the Disciplinary Sub-Committee shall be entitled to issue a written warning, impose a temporary suspension, impose a suspension pending investigation of the complaint or levy a fine in a sum not exceeding £50 without the need to hold a disciplinary hearing.
- 4.5 **Disciplinary Hearing:** If the Disciplinary Sub-Committee decides to hold a disciplinary hearing, the person complained of will be given details of the complaint against him within seven days of any such disciplinary hearing. At any disciplinary hearing he will be given an opportunity to state his case and may also be accompanied by a friend or adviser. The Disciplinary Sub-Committee reserves the right to have its own adviser present at any hearing. No disciplinary penalty (other than those referred to in 4.4 above) will be imposed without a disciplinary hearing. In the event that any of the members of the Disciplinary Sub-Committee shall be the complainant, another member of the Committee shall replace him.
- 4.6 As set out in 4.2 above, and after consultation with the CE of the Association and subject to the consent of the Association, the Disciplinary Sub-Committee may only refer complaints about very serious misconduct to the disciplinary panel of the Association ("Disciplinary Panel") for investigation and decision.
5. **Appeals:** Following any action taken under 4.3, 4.4, 4.5 or 4.6 the person complained of has a right of appeal against the decision of the Disciplinary Sub-Committee or, where appropriate, the Disciplinary Panel or the penalty imposed thereby to the Appeal Committee (as defined below). He should inform the Honorary Secretary of the GBA in writing of his wish to appeal and the reason therefor within seven days of the date of his receipt of the notification of the Disciplinary Sub-Committee's decision or, where appropriate, that of the Disciplinary Panel.
  - 5.1 The appellant's request for an appeal hearing must be accompanied by a deposit of £25 and payment of any fine levied by the Disciplinary Sub-Committee. These sums will be refunded in the event of the appellant's appeal being successful, but will be retained by the GBA in the event that the appellant is unsuccessful.
  - 5.2 The decision as to whether to allow the appeal to proceed is in the absolute discretion of the Appeal Committee applying the rules of natural justice. The Appeal Committee shall only grant leave to appeal in circumstances where the appellant can produce evidence which has not been produced before, through no fault of the appellant, or on the grounds that the penalty imposed was too severe in all the circumstances of the matter.

- 5.3 The Appeal Committee will consist of three members of the GBA Committee and a Chairman from outside the GBA. Where any member of the Appeal Committee was involved in the complaint at an earlier stage, that person shall not sit on the Appeal Committee.
- 5.4 The Appeal Committee will conduct an appeal hearing as soon as possible after leave to appeal has been granted by it. At this hearing the appellant will be given the opportunity to produce any evidence not already produced to the Disciplinary Sub-Committee and/or to challenge the severity of the penalty imposed by the Disciplinary Sub-Committee. He will be entitled to be accompanied by a friend or adviser and the Appeal Committee reserves the right to have its own adviser present at any hearing. The Appeal Committee reserves the right to increase any penalty imposed by the Disciplinary Sub-Committee.
- 5.5 Subject to 5.6 and 6.2 below, the decision of the Appeal Committee will be notified to the appellant in writing within seven days and will be final and binding.
- 5.6 The appellant shall have the right of appeal from the decision of the Appeal Committee to the Disciplinary Panel in the event that the matter has not already gone before the Disciplinary Panel. In such cases, the Disciplinary Panel shall apply the procedure laid down in the Association's own procedures and its decision in the matter shall be final and binding on both the complainant and the GBA.

## **6. Minor Breaches**

- 6.1 The following offences are examples of minor breaches of the Code, the Rules and the Regulations:
  - Bad time-keeping
  - Inappropriate dress code on court
  - Smoking while coaching or playing
  - Failure to fulfill a coaching appointment
  - Minor damage to GBA or club property
  - Failure to observe GBA or club procedures
  - Misrepresentation of ability to coach and claiming higher level of coaching qualifications than actually possessed
  - Deliberate failure to play to the best of his ability
  - Negative and unhelpful attitude at matches or practices
  - Failure to arrive at a tournament or match without notification or with notification but without proper reason
  - Late arrival on court without proper reason

**These offences are not exclusive or exhaustive and offences of a similar nature will be dealt with under this Procedure.**

- 6.2 In the event of a minor breach of the Code, the Rules or the Regulations the GBA reserves the right either to impose a fine or a temporary suspension upon an offender or give to an offender a written warning. The offender shall be entitled to appeal to the Appeal Committee under 5 above provided he complies with the provisions of that section. Provided such breach is not repeated nor any other minor breach complained of within one year, the matter will not be taken further although a note of such breach will be made in the GBA's records. If such breach is repeated or any other minor breach committed and is reported to the GBA, the GBA will deal with it as a serious breach and shall, if it considers it appropriate, instigate the investigative process and, if it does not receive a satisfactory explanation from the offender, may require him to attend a disciplinary hearing as provided for in 4.5 above.

**7. Serious Breaches of the Code, the Rules and the Regulations**

7.1 The following offences are examples of serious misconduct:

- Abusive behaviour
- Theft or unauthorized possession of any property or facilities belonging to the GBA or any other player or coach
- Failure to play in a prearranged match for any reason other than verifiable illness, injury or other good cause
- Serious damage to GBA property
- Falsification of reports, accounts, expense claims or medical certificates
- Intoxication by reason of drink during a match in which he is playing, during coaching or when traveling to a match
- Possession of illegal drugs
- The use of drugs prohibited by the International Badminton Federation under its doping regulations
- Refusing to give a blood or urine sample when required for random testing for restricted drugs
- Giving a non-negative drug test result
- Abuse of the position of coach contrary to section 2.5 of the Code
- Violent, dangerous or intimidatory conduct
- Sexual, racial or other harassment of any player, coach or spectator
- Failure to attend at any disciplinary hearing when required to do so
- Any breach of the Regulations or Rules which the Disciplinary Sub-Committee considers to be of a serious nature.

**These offences are not exclusive or exhaustive and offences of a similar nature will be dealt with under this Procedure.**

7.2 In the event of a serious breach of the Code or the Rules or Regulations which cannot be explained to the satisfaction of the GBA, an offender may be required to attend a disciplinary hearing as provided for in 4.5 above.

8. The sanctions that may be applied by the Disciplinary Sub-Committee if the complaint(s) against the appellant prove to be well-founded and are upheld include the following:

**Minor Breaches of the Code, Rules and/or Regulations**

Fines;

Temporary suspension of membership of the relevant club;

Temporary suspension from a representative squad and the benefits that attach thereto, including support for training and competition;

Temporary suspension of the right to play in any matches, and to be entered in tournaments.

**Serious Breaches of the Code, Rules and/or Regulations**

Fines;

Temporary suspension of membership of the relevant club;

Temporary or permanent removal from a representative squad and the benefits that attach thereto, including support for training and competition;

Temporary or permanent suspension of the right to play in any matches, and to be entered in tournaments.