

# DISCIPLINARY PROCEDURE FOR CPGA CIO

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The following disciplinary procedure, in conjunction with the attached flow charts, details the actions the CPGA will follow in matters referred to the Association relating to individual or club related disciplinary issues. In all cases the CPGA will expect the club and individuals involved to recognise they are responsible for their actions; follow and comply with their relevant constitution and policies relating to the matter or matters raised. When this procedure is fully exhausted then the complaint may be considered by the Association.

## **1. PURPOSE**

- a. To provide a fair method of dealing with alleged failures to observe the standards of sportsmanship expected by the CPGA.
- b. To promote fairness and set standards of conduct to support the CPGA CIO's constitution, code of conduct and equity policy for all members.

## **2. WHEN ACTIVATED**

- a. The CPGA's disciplinary procedure should be used only after a complaint has been fully dealt with within the club concerned using their own disciplinary procedure.
- b. Members who fail to observe the policies of the CPGA may be subject to disciplinary action
- c. Disciplinary action is at the discretion of the CPGA trustees / committee and they will endeavour to exercise common sense and fairness in all matters relating to the complaint / allegations and any action taken.
- d. These procedures are without prejudice to the right of any person to refer the matter to the CPGA's governing body (if so entitled). However, efforts to resolve the issue at local level must be exhausted before the governing body is engaged in attempts to resolve the matter.

## **3. INVESTIGATION-PROCEDURE**

- a. In the event of information or a complaint being received in writing to the secretary of the CPGA about member club or individual of the CPGA, the trustees / committee will require, in writing a full and detailed explanation of all actions to date. This will include a timeline and all policies referred to, as well as all communications between all parties.
- b. The complaint must be received within a reasonable time limit of the alleged incident.
- c. The trustees / committee will inform the club/individual that a complaint has been received.
- d. If it is judged that further investigation is needed no further action will be taken until the investigations are completed.
- e. The trustees / committee will inform the club/individual that they are under investigation in writing
- f. The investigation will be undertaken by an (impartial) person appointed by the CPGA trustees / committee.
- g. If the club member concerned is under 18 years of age, all correspondence, at all times, shall be addressed to his/her parents /guardians. At no stage under any circumstances will such club member be interviewed or spoken to pursuant to the investigation of a complaint except in the presence of his/her parent/guardian.
- h. The aim of the investigation is to ascertain all the facts which might have a bearing on any subsequent disciplinary action.
- i. It will be the investigating officers (person) responsibility to establish if there is any substance in the allegation made by fully investigating the case for and against the allegation.
- j. The investigation must be taken fairly, thoroughly and impartially and may take some time.
- k. On completion of the investigation the findings will be brought to the disciplinary panel.

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#### **4. DISCIPLINARY PANEL**

- a. The disciplinary panel will consist of five people, four trustees of the CPGA committee and the investigating officer. The panel and possible appeals panel will consist of different people.
- b. A sixth person, secretary, will attend but only to take minutes and deal with correspondence and will have no voting rights.
- c. They will decide on any action deemed necessary by a majority vote.
- d. They will elect a chairperson whose responsibility it will be to make sure the meeting is run fairly.
- e. Minutes of the meeting will be kept and be available to the club/individual involved if requested.
- f. Should they find that a breach of the CPGA polices has occurred the following options are available:
  - a. A verbal warning.
  - b. A written warning
  - c. Suspension from racing / coxing. This will be from the date contained in the letter informing the club/individual of the suspension
  - d. Expulsion from CPGA.
- g. A written statement will be sent within 10 days to the club / individual involved and will contain the following:
  - a. The disciplinary panel's decision and reasons for that decision stating rules broken.
  - b. All time limits pertaining to that decision.
  - c. The right of appeal and the appeals procedure.
- h. All warnings and suspensions will normally be disregarded for any future disciplinary purposes after a period of two years.

#### **5. APPEALS**

- a. The individual/club has the right to lodge an appeal against the decision of the disciplinary panel.
- b. The individual/club should commence this appeal by notifying the sectary of the CPGA within 10 days from the date of the letter sent detailing the panel's decision setting out full details of the basis on which they wish to appeal.
- c. The individual/club appealing has the right to a fair and proper opportunity for their appeal to be heard by an impartial and open minded panel independent of the disciplinary panel.
- d. The purpose of the appeal will be to review the decision taken by the disciplinary panel and ensure procedures have been followed correctly.

#### **6. APPEALS PANEL**

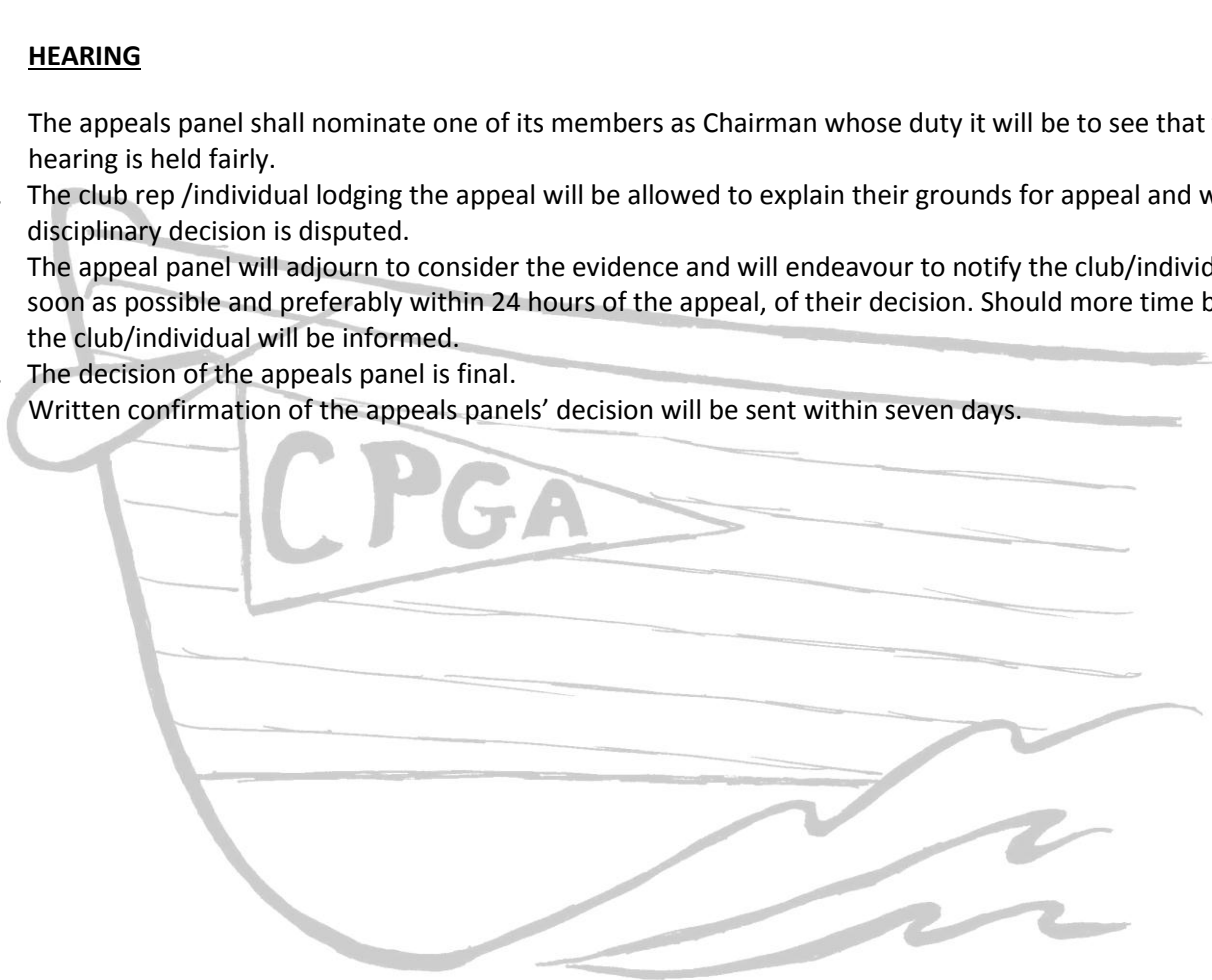
- a. The CPGA trustees / committee shall nominate three people to sit on the appeals panel. Two members of the CPGA trustees / committee and one independent person who would be a member of any CPGA member club but not a member of the CPGA committee and is not connected with the case. The panel and possible appeals panel will consist of different people.
- b. When constituting the panel, the Chairman shall have regard to the principle that the panel should be and be seen to be impartial and open- minded.
- c. The identity of the panel shall be made know to the club/ individual involved and they have the right to challenge the appointment of any member of that appeals panel.
- d. The appeals panel shall have the power to confirm, set aside or change any findings or sanctions imposed by the disciplinary panel.

## **7. APPEALS PROCEDURE**

- a. The secretary of the CPGA will reply to the club/individual's letter of appeal within ten days advising them of the date, time and location of appeal hearing and the members of the panel.
- b. The secretary of the CPGA will, as early as possible prior to the date of the appeal, inform the appeals panel of all the information concerned with the disciplinary action.
- c. All efforts will be made to keep all information concerned confidential.
- d. The club/individual is entitled to legal representation at their own expense.
- e. The club/individual lodging the appeal may be accompanied by one other representative/ witness.

## **8. HEARING**

- a. The appeals panel shall nominate one of its members as Chairman whose duty it will be to see that the hearing is held fairly.
- b. The club rep /individual lodging the appeal will be allowed to explain their grounds for appeal and why the disciplinary decision is disputed.
- c. The appeal panel will adjourn to consider the evidence and will endeavour to notify the club/individual as soon as possible and preferably within 24 hours of the appeal, of their decision. Should more time be needed the club/individual will be informed.
- d. The decision of the appeals panel is final.
- e. Written confirmation of the appeals panels' decision will be sent within seven days.



## APPENDIX

CPGA CIO - Cornish Pilot Gig Association Charity Incorporated Organisation

CPGA event – event that is listed on the calendar of events published by the CPGA and run under CPGA rules.

2b. Policies of CPGA- Constitution. Code of Conduct. Equity policy. Racing Rules. General Rules.

3d. Investigating officer not to belong to area of incident/club involved.

3f. The investigation will be undertaken to establish;

- a. What specifically was the problem?
- b. What are the details?
- c. Where did the problem occur?
- d. Who are the people involved?
- e. Were there any witnesses?

4a. Trustees of the CPGA CIO are seven (7) in total. Graham Annear, Anne Curnow Care, Norma Edwards, Peter Fisher, Tich Preston, Claire Tripp, Shane Sullivan

4. f 1. Verbal Warning – When the misconduct involved is judged to be unacceptable but no unduly serious.

This warning will be noted and retained by the CPGA for future reference.

2. Written Warning – When the misconduct involved is judged to be too serious for a verbal warning, or has occurred whilst a verbal warning is in force. This warning will be noted and retained by the CPGA for future reference.

3. Suspension - In cases of gross misconduct and cases where there is a written warning in force or when the club must rectify documents or polices.

Club suspended from CPGA. Individual suspended from rowing/coxing at a CPGA event.

4. Expulsion – Depending on the severity of the incident the disciplinary panel will have the discretion to recommend that the club is expelled from the CPGA or the individual is expelled from taking part in any CPGA event for a set period of time.

6 a. CPGA trustee / committee to set up a list detailing name and phone number of one person from each area who could be called in to sit on the appeals panel.

Sliding scale of sanctions for suspensions; -

### Precedents.

28 days suspension from rowing/coxing at CPGA event for bringing sport of rowing into disrepute.

Suspension of club from CPGA , so not being allowed to take part in CPGA run events, for not having correct club polices in place.

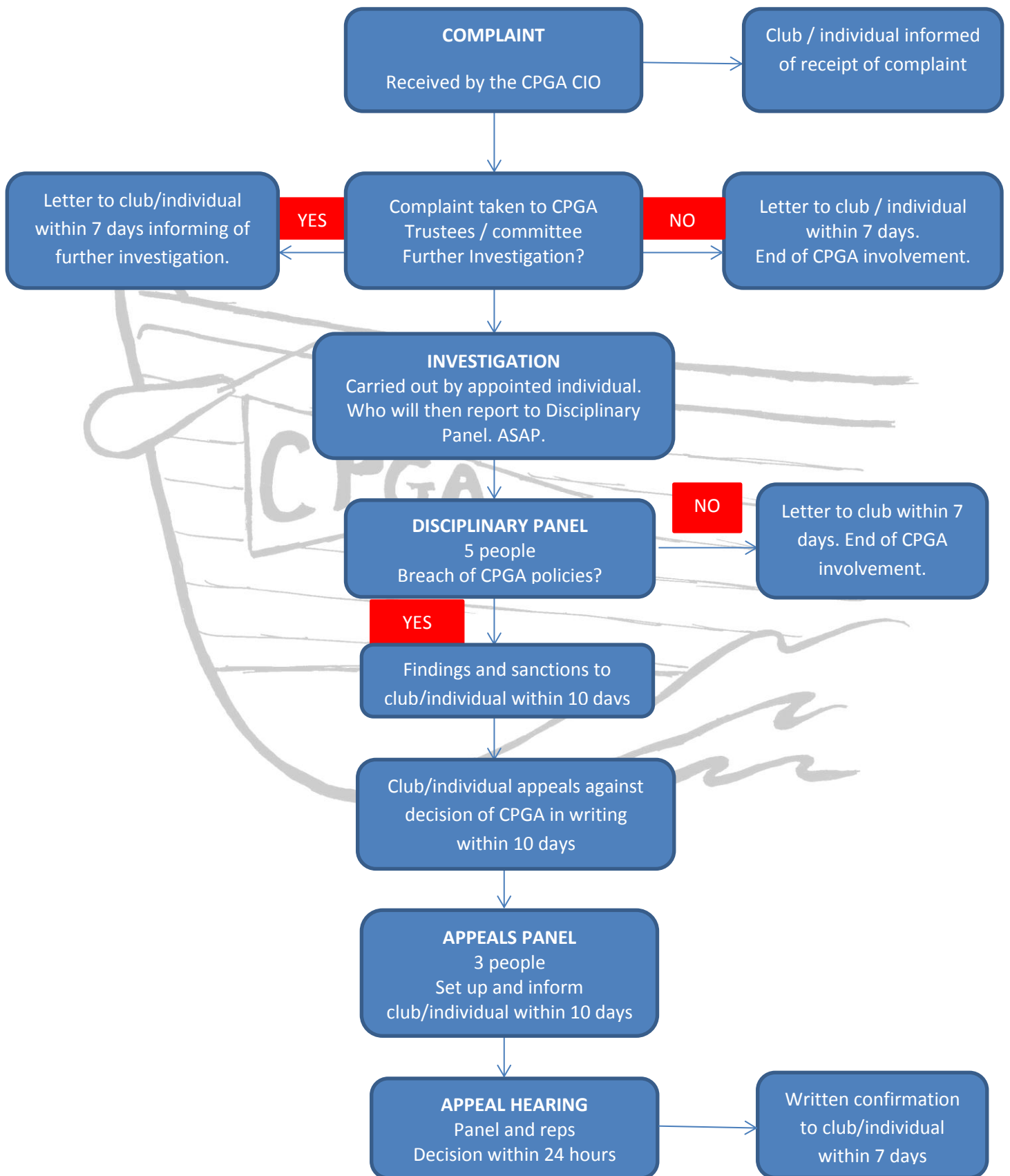
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# CPGA CIO Discipline Procedure – Flowchart



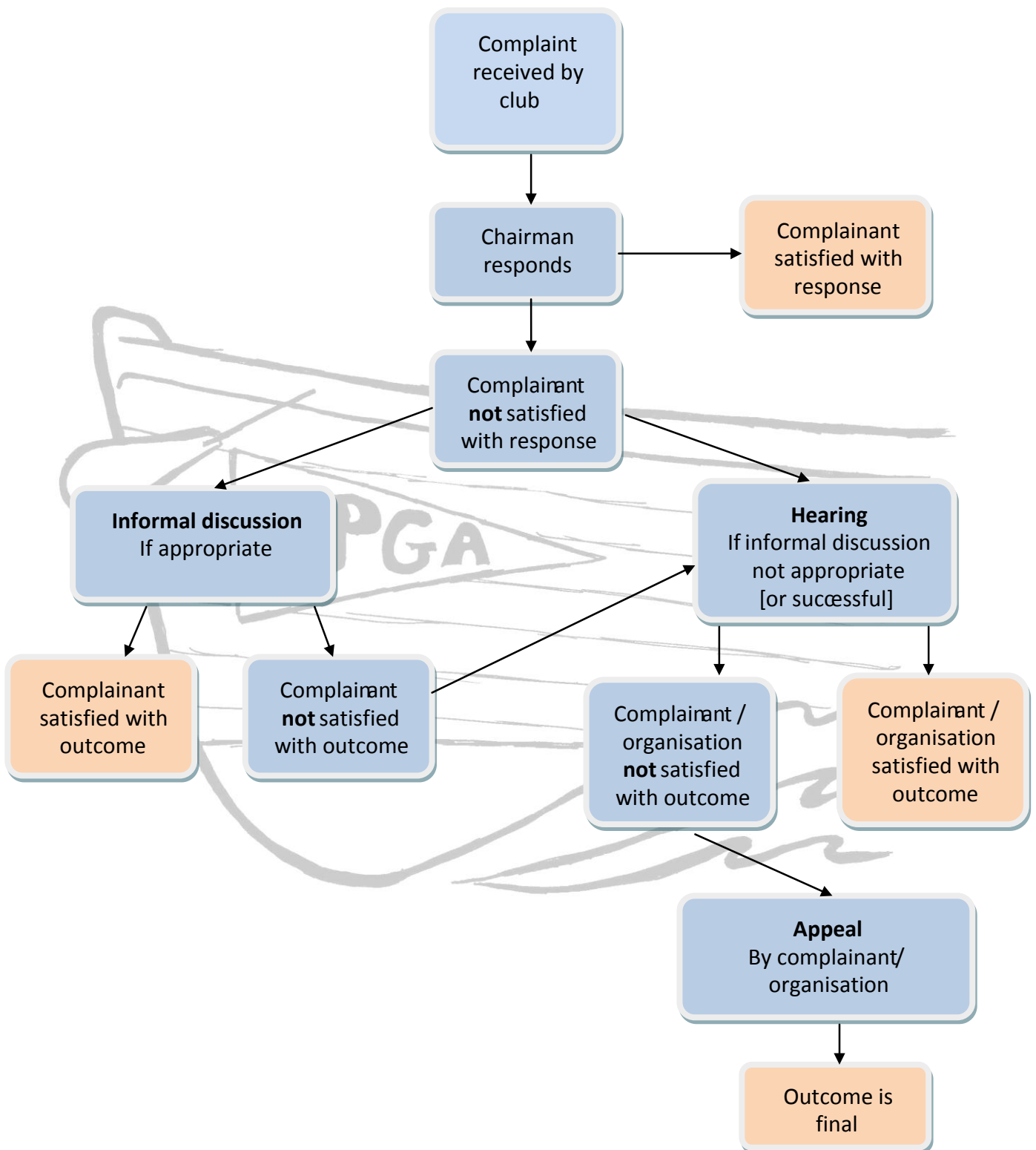
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# Possible Club Disciplinary Flowchart



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