

THE ENGLISH PÉTANQUE ASSOCIATION

DISCIPLINARY PROCEDURES

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1. INTRODUCTION

- 1.1 The purpose of these Disciplinary Procedures is to provide uniform procedures for the resolution of disciplinary issues arising from within the sport of pétanque across all regions and all disciplines with

the exception of anti-doping violations which shall be dealt with under the UK Anti-Doping Rules (as amended from time to time).

- 1.2 These Disciplinary Procedures apply to and bind
- (a) each member of the EPA,
 - (b) each licensee of the EPA, and
 - (c) each individual who participates in an Event.
- and each of the above (a 'Person') will be deemed to have accepted these Disciplinary Procedures and agreed to be bound and abide by these Disciplinary Procedures and all decisions made under them.
- 1.3 While these Disciplinary Procedures are primarily intended to address acts of Misconduct by Persons, the EPA reserves the right to take disciplinary action against entities affiliated to or recognised by the EPA such as Regions, Affiliated Leagues and Registered Clubs. Accordingly, these Disciplinary Procedures also apply to and bind all such entities who will be deemed to have accepted these Disciplinary Procedures and agreed to be bound and abide by these Disciplinary Procedures and all decisions made under them.
- 1.4 References to the masculine (he/his/him etc.) include the feminine (she/her etc.)
- 1.5 A summary of these Disciplinary Procedures is provided at Appendix 4. If there is an inconsistency between any of the provisions of these Disciplinary Procedures and Appendix 4, the provisions of these Disciplinary Procedures shall prevail.

2. INTERPRETATION

- 2.1 In these Disciplinary Procedures, the following terms shall have the following meanings:

Affiliated League	means a league which is affiliated to the EPA in accordance with its constitution;
Appeal Committee	means a tribunal appointed to perform that role by the Head of the Disciplinary Panel;
Appeal Panel	comprises the presidents/chairs of each region of the EPA;
Appellant	means the Defendant appealing a decision of a Disciplinary Committee in accordance with clause 6 of these Disciplinary Procedures

Case file	has the meaning given to that term in clause 6.9 of these Disciplinary Procedures
Code of Conduct	means the Members' Code of Conduct of the EPA as amended from time to time;
Competition Official	means a competition organiser or umpire appointed to officiate at an Event;
Defendant	means a person or entity against whom disciplinary charges have been made;
Disciplinary Charge	means a charge brought by the Disciplinary Officer for an act (or alleged act) of Misconduct in accordance with clause 3.7 of these Disciplinary Procedures;
Disciplinary Clerk	means the individual appointed by the Head of the Disciplinary Panel in accordance with clause 5.2 of these Disciplinary Procedures to provide administrative assistance to the Disciplinary Committee and any consequent Appeal Committee;
Disciplinary Committee	means a tribunal appointed to perform that role by the Head of the Disciplinary Panel;
Disciplinary Officer	means the individual approved by the MC to act on behalf of the EPA in matters arising under these Disciplinary Procedures (or his designee);
Disciplinary Panel	means a number of individuals with the appropriate skills and experience that sit on its standing disciplinary panel. The Disciplinary Panel will ordinarily include up to 2 County Region Management Committee members nominated by each region. Regardless of the above clauses, to avoid conflicts of interest, members of the MC shall not be permitted to be members of the Disciplinary Panel.
EPA	The English Pétanque Association;
Equity Policy	means the Equity Policy issued by the EPA, as amended from time to time;

Event	means a single, match or competition (or a series of, matches or competitions) organised, licensed, convened, authorised or recognised by the EPA or any of its Regions, Members, affiliate organisations or Licensees wherever held;
Head of the Disciplinary	means the individual appointed by the MC to act in that role (or his designee);
Panel	
Licence	means a licence issued by the EPA {of whatever nature, grade or duration};
Licensee	means any individual who holds a licence issued by the EPA;
MC	means the Management Committee of the EPA;
Member	means an individual granted Membership of the EPA;
Members' Code of Conduct	means the EPA Members' Code of Conduct as amended from time to time;
Membership	means being a Member of the EPA, granted in accordance with the Constitution;
Notice of Appeal	has the meaning given to that term in clause 6.5(a) of these Disciplinary Procedures;
Parties	means the Disciplinary Officer and the Defendant;
Person	has the meaning given to that term in clause 1.2 of these Disciplinary Procedures;
Protection of Children And Vulnerable Adults Policy	means the Policy and Procedures for the Protection of Children and Vulnerable Adults issued by the EPA as amended from time to time;
Region	means a Region which is recognised as such by the EPA MC;

Registered Club	means a club which has registered as such pursuant to the EPA Constitution;
The Rules of Pétanque	means the Official Rules of the Game of Pétanque as adopted by the EPA and the Fédération International de Pétanque et Jeu Provençal from time to time;
Specified Sanction	means a sanction specified by the Disciplinary Officer and set out in writing in accordance with clause 4.3 of these Disciplinary Procedures;
Standing Orders	Means the Standing Orders of the EPA for the convening and conducting of meetings, as amended from time to time;

3. MISCONDUCT

Types of Misconduct

- 3.1 For the purposes of these Disciplinary Procedures, **'Misconduct'** means any conduct that is unsporting and/or has the potential to bring the sport of pétanque, other Persons, Competition Officials or the EPA into disrepute.
- 3.2 While it is not possible to set out a definitive list of types of conduct that may constitute Misconduct, each of the following types of behaviour, without limitation is an example of Misconduct:
- (a) a breach, or multiple breaches of the Rules of Pétanque or of the EPA Competition Rules which an Official Umpire or EPA Competition Organiser considers may be sufficiently serious to constitute an act of misconduct.
 - (b) a breach or multiple breaches of the Constitution or Standing Orders of the EPA;
 - (c) a breach or multiple breaches of the EPA Members' Code of Conduct;
 - (d) a breach or multiple breaches of the EPA Code of Conduct for Coaches;
 - (e) serious or repeated disobedience of the reasonable directions of a Competition Official
 - (f) dangerous play or compromising the safety of another Person
 - (g) verbal or physical abuse of any kind

- (h) fixing or contriving in any way or otherwise influencing improperly the result, progress or conduct of any Event in which the Person is participating and/or can influence;
- (i) placing, accepting or laying a bet in relation to the result, progress or conduct of any Event in which the Person is participating and/or can influence;
- (j) breaching the terms of any suspension imposed by a Disciplinary or Appeal Committee;
- (k) hindering, or otherwise disrupting the course of a Disciplinary Investigation or Hearing;
- (l) carrying out any acts and/or making any statements that are discriminatory and/or acting in contravention of the EPA Equity Policy
- (m) in respect of any Person in a position of trust or authority over another Person either directly (including any coach, doctor, physiotherapist or otherwise) or indirectly (including any organiser, club, regional or national official);
 - (i) abusing that trust or authority in any way;
 - (ii) failing to observe confidentiality of such Person;
 - (iii) failing to act with respect towards such other Person by, for example engaging in bullying or conduct that may induce feelings of fear and/or harassment;
 - (iv) acting in contravention of the Protection of Children and Vulnerable Adults Policy
 - (v) failing to act in a professional manner and/or acting in a way that gives rise to a conflict of interests

Reporting Misconduct

- 3.3 All Persons must report any matter that may constitute Misconduct to the Disciplinary Officer as soon as reasonably practicable.

The general obligation set out in clause 3.3 should not discourage teams, clubs, Persons and/or other individuals (whether they be relatives or friends of Persons, spectators or otherwise) from reporting matters that may constitute Misconduct to the relevant club, league or Region, where appropriate, in addition to reporting such matters to the Disciplinary Officer.

3.4 These Disciplinary Procedures are not intended to replace the powers given to Competition Officials to penalise breaches of any Competition Rules or the Rules of Petanque committed by persons at Events. For the avoidance of doubt a person may be sanctioned under these Disciplinary Procedures for Misconduct that relates to an Event even if a Competition Official has, or has not, already penalised one or more Persons for that conduct in accordance with the relevant Rules.

Investigations

3.5 The Disciplinary Officer shall be entitled to undertake any investigations he considers necessary . Any wilfull obstruction of an investigation may itself constitute Misconduct on the part of the person responsible and will entitle adverse inferences to be drawn from that obstruction.

3.6 The Disciplinary Officer will conduct an initial enquiry into and assessment of each reported allegation of Misconduct to determine what further action if any should take place. He will report his findings to the MC as soon as practicable and the MC will either instruct the Disciplinary Officer to take no further action or If he decides to conduct further investigation into the allegations. he will notify the subject of the proposed investigation within 7 days of the decision.

3.7 Where the Disciplinary Officer carries out a further investigation he shall report his findings to the MC and the MC shall instruct the Disciplinary Officer to:-

- (a) Take no further action, or
- (b) Take any further actions to attempt to resolve the matter without recourse to a Disciplinary Charge - this may include further investigation, helping to resolve conflicts between any parties, or issuing informal warnings; or
- (c) Bring a Disciplinary Charge against one or more Persons.

4. THE DISCIPLINARY CHARGE

Interim Suspension

4.1 Where the MC instructs the Disciplinary Officer to bring a Disciplinary Charge which is serious and there is an identifiable risk to participants, the reputation of the EPA or the conduct of its competitions it may also impose an interim suspension of the Defendant's licence until the Disciplinary Proceedings have been concluded. Where an interim suspension is made notice of the suspension must be given to the Defendant, his club and his region within 7 days of the decision.

Notice

4.2 Upon being instructed to bring a Disciplinary Charge, the Disciplinary Officer shall, as soon as practicable and ordinarily within 7 days of receiving the instruction, provide a written copy of the Disciplinary Charge to the Head of the Disciplinary Panel and the Defendant. A proforma Disciplinary Charge is provided at Appendix 1 and should usually contain:

- (a) the name of the Defendant;
- (b) details of the alleged act of Misconduct;
- (c) information regarding any Specified Sanction proposed; and
- (d) any other information that the Disciplinary Officer considers appropriate

4.3 The Disciplinary Officer may offer a Specified Sanction to the Defendant, giving him an opportunity to:-

- (a) admit the Disciplinary Charge;
- (b) forgo his right to a hearing before the Disciplinary Committee and his right to an appeal, and
- (c) fully accept the terms of a Specified Sanction.

4.4 In fixing the terms of a Specified Sanction the Disciplinary Officer will be required to apply a sanction within the range of sanctions set out in Appendix 3, having regard to any of the aggravating or mitigating circumstances set out in clause 5.27 below, which may apply

4.5 If the Defendant fails to accept fully the terms of a Specified Sanction within 14 days of receipt, or explicitly notifies the Disciplinary Officer that he rejects the Specified Sanction, the Disciplinary Officer will notify the MC and the Head of the Disciplinary Panel accordingly and the Disciplinary Charge will proceed to a hearing in accordance with clause 5 below.

4.6 If the Defendant fully accepts the terms of a Specified Sanction within 14 days of receipt no hearing will be held.

5. DISCIPLINARY COMMITTEE PROCEDURES

Pre-hearing

5.1 The following provisions set out guidelines for the conduct of proceedings before Disciplinary Committees. In each case, the Disciplinary Committee may depart from these guidelines as it sees fit in the circumstances of the case. Any such departure will not invalidate any finding or decision of the Disciplinary Committee unless it is shown to render that finding or decision unreliable.

- 5.2 Where the Disciplinary Charge is to proceed to a hearing in accordance with clause 4.5 above the Head of the Disciplinary Panel shall appoint three members of the Disciplinary Panel to hear the matter and will designate one of those members to act as chairman of that Disciplinary Committee. The Head of the Disciplinary Panel shall also appoint a Disciplinary Clerk to provide administrative assistance to the Disciplinary Committee and any consequent Appeal Committee appointed under Clause 6.12 of these Procedures, and to keep a record of the Disciplinary Hearing and any Appeal Hearing.
- 5.3 No person on the Disciplinary Committee may have a close interest in the matter under consideration.
- 5.4 If one or more members of the Disciplinary Committee are unable or unwilling, for whatever reason, to hear the matter referred to the Disciplinary Committee, then the Head of the Disciplinary Panel may:
- (a) appoint another member of the Disciplinary Panel as a replacement; or
 - (b) appoint a new Disciplinary Committee
- 5.5 Disciplinary Committees will be entitled to seek specialist advice (including legal advice, medical advice and advice on pétanque matters) as they deem appropriate.
- 5.6 The Head of the Disciplinary Panel shall send a written notice to the Defendant and the Disciplinary Officer with a copy to the members of the Disciplinary Committee:-
- (a) Setting out the identity of the members of the Disciplinary Committee and giving the Defendant not less than 7 clear days from receipt of the notice in which to make any challenge to the composition of the Disciplinary Committee;
 - (b) Setting out the date, time and place at which the Disciplinary Charge will be heard;
 - (c) Specifying a deadline by which requests for the attendance of witnesses should be made;
 - (d) Specifying a deadline by which the Defendant must submit a written reply to the Disciplinary Charge and any other evidence upon which he intend to rely in his defence;
 - (e) Informing the Defendant that he is required to attend the hearing in person, and that he is entitled to be represented at the hearing by a representative to assist him; and
 - (f) Advising the Defendant that he should notify his club and region of the pending disciplinary hearing.
- 5.7 At the time of (or after) sending the written notice referred to in clause 5.6 above, the chairman of the Disciplinary Committee may send to the parties written directions governing the conduct of the proceedings.

- 5.8 Copies of all relevant evidence and lists of any witnesses to be called should ordinarily be sent to the Head of the Disciplinary Panel by post or email to arrive at least 7 days in advance of the hearing. Evidence not submitted by that deadline may not ordinarily be relied on unless the Disciplinary Committee is satisfied that there was reasonable excuse for the failure to meet the deadline. The Disciplinary Clerk will circulate copies of the evidence provided as soon as practicable after the deadline; this will ordinarily be sent to the Disciplinary Committee, Disciplinary Officer, Head of the Disciplinary Panel and the Defendant.
- 5.9 Nothing in these Disciplinary Procedures prevents the individual from competing or participating in Events pending the hearing of the Disciplinary Committee unless an interim suspension has been made by the MC pursuant to Rule 4.1 above.

Hearing

- 5.10 All hearings before Disciplinary Committees will be held in private, unless otherwise ordered by the Disciplinary Committee.
- 5.11 At the beginning of the hearing, the chairman of the Disciplinary Committee will introduce himself and the other members of the Disciplinary Committee, state the purpose of the hearing, outline the procedure to be followed and establish that the person present is the Defendant named in the Disciplinary Charge.
- 5.12 The absence of the Disciplinary Officer and/or the Defendant at any hearing before the Disciplinary Committee will not, in itself, prevent the Disciplinary Committee from proceeding to a decision in the matter, provided that the Disciplinary Committee is satisfied that the relevant party received notice of the hearing. The Disciplinary Committee will have discretion in such circumstances, where good cause is shown:-
- (a) to consider written submissions by or on behalf of such absentee and/or
 - (b) to adjourn the proceedings to a date when the absentee is able to attend.
- 5.13 The Disciplinary Officer will ordinarily ensure that the relevant evidence is put before the Disciplinary Committee and he may also make submissions. The Disciplinary Committee may ask questions of any witness and may invite the Defendant to cross-examine witnesses.
- 5.14 Once the Disciplinary Officer has put the relevant evidence before the Disciplinary Committee (and made submissions, if appropriate), the Defendant will then be invited to present evidence in his defence. The Disciplinary Committee may ask questions of any witness and may invite the Disciplinary Officer to cross-examine witnesses.

- 5.15 The Disciplinary Committee will not be bound to apply formal rules of evidence, but instead will have the discretion to receive and consider such evidence as it thinks fit (including evidence in writing or videotape or photographs), and to attach such weight to that evidence as it sees fit.
- 5.16 Third party witnesses will not ordinarily be admitted to the hearing room prior to giving their evidence and after giving their evidence all such witnesses will ordinarily withdraw from the hearing room.
- 5.17 In any case in which a witness refuses or fails to attend before the Disciplinary Committee, the Disciplinary Committee may, in its discretion, allow or refuse to allow the evidence of that witness to be given in any other form.
- 5.18 The Disciplinary Committee will be entitled where the circumstances warrant, to adjourn or postpone proceedings as it thinks fit.
- 5.19 The Defendant may admit the Disciplinary Complaint at any time, in which case the Disciplinary Committee should review the relevant evidence that remains unheard and then proceed to hear submissions as to the sanction (if any) to be imposed.
- 5.20 Once the Disciplinary Committee is satisfied that it has heard all the relevant evidence on the issue of 'liability' or 'guilt', the Defendant and the Disciplinary Officer will be given the opportunity to make concluding submissions. The Disciplinary Committee will then retire to deliberate in private on the question of 'liability' or 'guilt'.
- 5.21 The Disciplinary Committee will consider whether or not it is satisfied, on the balance of probabilities (meaning more likely than not) that the Defendant committed the act of Misconduct alleged. If the Disciplinary Committee is so satisfied then the Disciplinary Charge will be upheld.
- 5.22 A decision of a Disciplinary Committee will be made by at least a simple majority of the members of the Disciplinary Committee. No member of a Disciplinary Committee may abstain from any decision.

Sanction

- 5.23 The decision of the Disciplinary Committee will be announced orally to the parties. Where the Disciplinary Charge has been upheld the parties will then be invited to make submissions regarding what sanction, if any should be imposed and what costs award, if any, should be made.
- 5.24 The Disciplinary Committee will again deliberate in private to determine what, if any, sanctions and costs awards should be made.
- 5.25 Subject to clause 5.27 below, in the event that a Disciplinary Charge is upheld, the Disciplinary Committee will be entitled to impose any one or more of the following sanctions as it deems appropriate, having regard to all of the circumstances of the case (all of which may be suspended)
- (a) words of advice and/or other appropriate management action;
 - (b) a caution, reprimand and/or warning as to future conduct;
 - (c) a fine;
 - (d) in the case of Misconduct at or in relation to an Event, disqualification from the Event (in which case all benefits obtained in connection with the Event will be forfeited);
 - (e) withdrawal of the Defendant's Licence for a specified period
 - (f) compensation payments to any person or entity affected by the Misconduct; and/or
 - (g) a suspension from competing and/or participating in future Events in accordance with clause 10.1 below.
- 5.26 In exercising its sanctioning authority against the Defendant, the Disciplinary Committee will (where applicable) be required to apply a sanction within the range of sanctions set out in Appendix 3, unless the Disciplinary Committee considers that the circumstances are exceptional and justify a sanction outside the range provided.
- 5.27 In order to determine the appropriate sanction that is to be imposed in each case, the Disciplinary Committee should first determine the seriousness of the conduct and then consider what factors:
- (a) Aggravate the conduct, namely
 - (i) a lack of remorse on the part of the Defendant;
 - (ii) the Defendant having previously been found guilty of similar conduct whether under these Disciplinary Procedures or the disciplinary regulations of any other governing body;
 - (iii) the need for a deterrent; and/or
 - (iv) any other aggravating factors that the Disciplinary Committee considers relevant and appropriate.
 - (b) Mitigate the conduct, namely:
 - (i) any admission of guilt (the mitigating value of which may depend upon the timing).
 - (ii) a good previous disciplinary record;
 - (iii) a young age and/or lack of experience;

- (iv) good conduct prior to and at the hearing;
- (v) demonstrable remorse for his actions and any victim; and/or
- (vi) any other mitigating factors that the Disciplinary Committee considers relevant and appropriate

5.28 Sanctions will be effective immediately, subject to the Disciplinary Committee's discretion to start the sanction on another date backdated to take account of any interim suspension imposed under clause 4.1 or otherwise.

5.29 The Disciplinary Committee will advise the parties of its decision as soon as reasonably practicable and the decision will take effect at that point. The Disciplinary Committee will confirm its decision in a written judgement to the parties and the MC that sets out the reasons for its findings. A proforma judgement is attached at Appendix 2.

5.30 If no appeal is filed in accordance with clause 6 below, then the decision of the Disciplinary Committee will be final.

Costs

5.31 Ordinarily any costs incurred by the parties will lie where they fall. However, the Disciplinary Committee will have the discretion to order the Defendant to pay some or all of the costs of holding the hearing where the Disciplinary Charge is upheld (including any travel or accommodation costs incurred by members of the Disciplinary Committee and/or any costs incurred as a result of the Disciplinary Committee obtaining specialist advice in accordance with clause 5.5 above).

6. APPEALS

Pre-Hearing Procedure

6.1 The final, substantive decisions of a Disciplinary Committee may be appealed by the Defendant solely by an appeal to an Appeal Committee in accordance with this clause 6. There will be no separate right of appeal from any decisions, directions, orders or determinations made in respect of preliminary or other matters unless the Head of the Disciplinary Panel orders that such an appeal may be brought (which he will only do in truly exceptional circumstances).

Where a Defendant neither attends the hearing of the Disciplinary Committee in person, nor provides written submissions to the Disciplinary Committee in accordance with clause 5.12 above, he may not appeal the decisions of the Disciplinary Committee unless granted leave to do so by the Disciplinary Committee. When considering an application for leave to appeal in such circumstances the Disciplinary Committee will consider all of the circumstances of the case, including any explanation provided by the Defendant as to why he did not attend the hearing of the Disciplinary Committee and did not provide written submissions.

- 6.2 There will be no right of appeal where the Defendant admits a Disciplinary Charge and accepts the imposition of a Specified Sanction under clause 4.3, above
- 6.3 For an appeal to be valid, the individual making the appeal (the '**Appellant**') must comply with the following conditions:
- (a) The Appellant must file a notice of appeal (the '**Notice of Appeal**') complying in all respects with clause (b) below, with the Head of the Disciplinary Panel within 14 days of receipt of the written judgement in respect of the decision appealed against.
 - (b) The Notice of Appeal must be signed by or on behalf of the Appellant and must specify:
 - (i) the date of the decision appealed against
 - (ii) the time and date that the Appellant received the written judgement
 - (iii) the specific aspect of the decision being challenged on appeal (for example, whether the appeal relates to the finding of 'liability/guilt', or to the severity of the sanction, or both); and
 - (iv) the specific grounds of such challenge.
- 6.4 The grounds of appeal available to the Defendant shall be that the Disciplinary Committee whose decision is appealed against:
- (a) failed to give the appellant a fair hearing and/or
 - (b) misinterpreted or failed to comply with the rules and regulations relevant to its decision and/or
 - (c) came to a decision to which no reasonable Disciplinary Committee could have come and/or
 - (d) imposed a penalty, award or sanction that was excessive.
- 6.5 Where the conditions set out in clause 6.5 above, are not complied with in full, the appeal is invalid and will be dismissed by the Head of the Disciplinary Panel unless the Appellant demonstrates sufficient excuse to persuade the Head of the Disciplinary Panel to exercise his discretion to allow the appeal to proceed. If the appeal is dismissed in accordance with this clause the decision being challenged will be deemed to be final and binding.
- 6.6 Following the filing of a Notice of Appeal, the Disciplinary Clerk will as soon as reasonably practicable (and no later than 7 days) provide to the Head of the Disciplinary Panel a copy of all evidence that was

put before the Disciplinary Committee, as well as his record of the proceedings and the written judgement issued by the Disciplinary Committee in accordance with clause 5.29 above (the 'Case File')

Conduct of the Hearing

- 6.7 If an appeal is validly made or is otherwise allowed to proceed pursuant to clause 6.5 above
- (a) any fine, compensation or costs award made by the Disciplinary Committee will be postponed pending the outcome of the appeal hearing and
 - (b) any other sanction imposed by the Disciplinary Committee, including disqualification and the withdrawal of Licence/Membership or suspension will remain in place and have effect pending the outcome of the appeal hearing unless the Head of the Disciplinary Panel determines that the sanction be lifted pending the outcome of the appeal which he will not do unless the Appellant produces new evidence that casts a material doubt on the reliability of the decision such as mistaken identity or similar truly exceptional circumstances
- 6.8 The following provisions of this clause 6 set out procedural guidelines for the conduct of appeals before Appeal Committees. In each case, the Appeal Committee may depart from these guidelines as it sees fit in the circumstances of the case. Any such departure will not invalidate any finding or decision of the Appeal Committee unless it is shown to render that finding or decision unreliable.
- 6.9 On receipt of a valid Notice of Appeal or where the appeal is otherwise allowed to proceed pursuant to clause 6.8 above the Head of the Disciplinary Panel will appoint three members of the Appeal Panel to sit as an Appeal Committee to hear the appeal and will designate one of those members to act as chairman of that Appeal Committee. He will send copies of the Notice of Appeal and the Case File to the members of the Appeal Committee, the Appellant and to the Disciplinary Officer.
- 6.10 None of the members of the Appeal Panel who sat on the Disciplinary Committee that issued the decision being challenged on appeal may sit on the Appeal Committee hearing the appeal.
- 6.11 No person on the Appeal Committee may have a close interest in the appeal under consideration.
- 6.12 If one or more members of an Appeal Committee are unable or unwilling for whatever reason to hear the matter referred to the Appeal Committee, then the Head of the Disciplinary Panel may, at his absolute discretion;
- (a) appoint another member of the Disciplinary Appeal Panel as a replacement, or
 - (b) appoint a new Appeal Committee

- 6.13 Appeal Committees will be entitled to seek specialist advice (including legal advice, medical advice and advice on pétanque matters) as they deem appropriate.
- 6.14 Following the appointment of an Appeal Committee in accordance with clause 6.12 above, the Head of the Disciplinary Panel will send a written notice to the Appellant(s) and any other party involved in the proceedings before the Disciplinary Committee informing them:
- (a) of the identity of the appointed members of the Appeal Committee
 - (b) of the date, time and place at which the Appeal Committee will hear the appeal; and
 - (c) that they are required to attend the hearing in person and that they are entitled to be represented at the hearing by a representative to assist them.

Explanatory note: *The Appeal Committee hearing should ordinarily be held within 28 days of the decision of the Disciplinary Committee*

- 6.15 At the time of (or after) sending the written notice referred to in clause 6.17 above, the chairman of the Appeal Committee may send to the parties written directions governing the conduct of the proceedings.
- 6.16 Whether or not directions have been made, the chairman of the Appeal Committee may require any party, prior to the hearing, to identify its position and arguments in the appeal and/or to respond to the other parties' position and arguments. In addition, where practicable, written submissions and evidence will be provided to the Appeal Committee and exchanged by the parties prior to the hearing.
- 6.17 Where the Appellant appeals against the sanction alone, he may request that the Appeal Committee review the sanction without the need for a personal hearing. If the chairman of the Appeal Committee agrees that a personal hearing is not necessary, then the Appellant and any other party to the proceedings below shall be entitled to make representations in writing to the Appeal Committee.
- 6.18 All hearings before Appeal Committees will be held in private, unless otherwise ordered by the Appeal Committee.
- 6.19 The Appeal Committee will be entitled to conduct and regulate the appeal proceedings as it sees fit in the circumstances of the case,.
- 6.20 At the hearing, the Appellant may not, without the express consent of the Appeal Committee, advance any ground of challenge that was not specified in the Notice of Appeal.

- 6.21 The Appeal Committee may consider evidence not offered in the Disciplinary Committee proceedings provided that the party offering the evidence shows that it was not available on reasonable enquiry at the time of those proceedings.
- 6.22 The Appeal Committee will be entitled where the circumstances warrant (a) to adjourn or postpone proceedings as it thinks fit and/or (b) to issue directions prior to the hearing as to who should attend the hearing on behalf of the parties.
- 6.23 Save where otherwise directed by the Appeal Committee, all parties from the proceedings before the Disciplinary Committee should attend the hearing before the Appeal Committee. The absence of a party at any hearing before an Appeal Committee will not, in itself, prevent the Appeal Committee from proceeding to a decision in the matter. The Appeal Committee will have discretion whether to receive written submissions by or on behalf of such absentee.
- 6.24 The parties will have the right to make submissions to the Appeal Committee as to the procedures that it should follow in hearing the appeal. Subject to that, and to the Appeal Committee's ability to determine its own procedures, the following guidelines will apply:
- (a) the chairman of the Appeal Committee will introduce himself and the other members of the Appeal Committee to the parties and will ordinarily then read out the Notice of Appeal, or a summary of it, before explaining the procedure to be followed;
 - (b) the Appellant will be invited to make submissions and (where appropriate) call witnesses, who may be subject to cross-examination through the chairman of the Appeal Committee.
 - (c) the disciplinary officer will be invited to make submissions and (where appropriate) call witnesses, who may be subject to cross-examination through the chairman of the Appeal Committee;
 - (d) the parties will each be entitled to make concluding submissions; and
 - (e) the Appeal Committee will retire to deliberate in private.
- 6.25 In any case where a witness refuses or fails to attend before the Appeal Committee, the Appeal Committee may, in its discretion, allow or refuse to allow the evidence of that witness to be given in any other form.
- 6.26 A decision of an Appeal Committee will be made by at least a simple majority of the members of the Committee. No member of an Appeal Committee may abstain from any decision.
- 6.27 The Appeal Committee may:
- (a) affirm the decision appealed against
 - (b) set aside the decision appealed against and quash any sanction imposed;

- (c) set aside only part of the decision appealed against;
- (d) substitute for the findings of the Disciplinary Committee below its own decision on 'liability' or 'guilt' (e.g. finding a party culpable of a lesser or greater offence) and/or substitute for the sanction imposed below its own sanction; and or
- (e) take any steps it considers necessary to deal justly with the appeal.

6.28 The Appeal Committee will advise the parties of its decision as soon as reasonably practicable and the decision will take effect at that point. The Appeal Committee will confirm its decision to the parties in a written judgement that sets out its reason for the decision.

6.29 The decision of the Appeal Committee will be final and binding.

Costs

6.30 Ordinarily, any costs incurred by the parties will lie where they fall. However the Appeal Committee will have the discretion to order the Appellant to pay some or all of the costs of holding the hearing (including any travel or accommodation costs incurred by members of the Appeal Committee and/or any costs incurred as a result of the Appeal Committee obtaining specialist advice in accordance with clause 6.16 above).

7. NOTICES

7.1 All communications required to be made under these Disciplinary Procedures must be in English and must be sent by either email, or first class registered post, in accordance with clauses 7.2 and 7.3 below.

7.2 All communications required to be made to the Head of the Disciplinary Panel or the Disciplinary Officer shall be deemed served when transmitted by email to their email addresses as shown on the EPA website.

7.3 All communications required to be made to a Person shall be deemed served when transmitted to that Person by email. Where the email address of the Person is not known to the sender, notice to that Person shall be accomplished by sending the communications by first class post to the last known address of such Person. In that case, the communication will be deemed served upon the expiry of three working days after the date of posting.

8. PUBLICITY

- 8.1 The EPA will at the absolute discretion of the MC, publish the decisions of all Disciplinary or Appeal Committees and/or details of any sanctions imposed, unless there are exceptional circumstances in which it is considered inappropriate to publish.
- 8.2 Subject to clause 8.1, above, until such time as a decision and/or details of any sanctions imposed are published all parties and participants in the proceedings must treat such proceedings as confidential.

9. MULTIPLE INCIDENTS

- 9.1 Two or more parties may be dealt with at the same hearing where the proceedings arise out of the same incident or set of facts or where there is a clear link between separate incidents. In such a situation, the Disciplinary or Appeal Committee will modify the procedures adopted at the hearing as may be appropriate.

10. TERMS OF SUSPENSION

- 10.1 Where a suspension is imposed under clause 5.25 above, the Disciplinary or Appeal Committee will specify the precise terms and duration of the suspension.
- 10.2 Where an individual subject to a suspension imposed by a Disciplinary or Appeal Committee under clause 5.25, 6.30 and/or 11.3 above, breaches the terms of such suspension, this may constitute a separate act of Misconduct.
- 10.3 If a Disciplinary Charge against a recognised County Region, Registered Club or Affiliated league is upheld, the Disciplinary or Appeal Committee will be permitted to impose any sanction that it deems appropriate which may include any sanction (or any combination of sanctions) listed at clause 5.25 above.

11. FINANCIAL LIABILITY TO THE EPA

- 11.1 Fines, costs and/or compensation awards imposed by a Specified Sanction, Disciplinary Committee or Appeal Committee shall be payable within 28 days of the final decision.
- 11.2 All financial liabilities payable under these Disciplinary Procedures shall be sent to the EPA Treasurer,
- 11.3 If the total sum is not settled within 28 days, the Person shall be automatically suspended from membership of the EPA from the 28th day after the final decision was made until the day payment is received.

11.4 Any such automatic suspension shall apply immediately and run consecutively with any other suspension(s) imposed. The end date of such other suspension(s) shall therefore automatically be increased by the period of time the sum was outstanding for.

12. MISCELLANEOUS

12.1 Any deviation from any provision of these Disciplinary Procedures and/or any irregularity, omission, technicality or other defect in the procedures will not invalidate any finding, procedure or decision unless it is shown to render the proceedings unreliable or to have caused a miscarriage of justice.

12.2 In the event that a particular incident occurs for which there is no provision in these Disciplinary Rules then the Disciplinary Officer may either refer the matter to the MC or else take such action that he considers appropriate in the circumstances. All matters shall be dealt with in accordance with general principles of natural justice and fairness.

12.3 The Disciplinary Procedures may be amended by the MC from time to time, with such amendments coming into effect on the date specified by the MC.

12.4 Disciplinary and Appeal Committees may make recommendations to the Disciplinary Officer, including regarding amendments to these Disciplinary Procedures, which the Disciplinary Officer will, where applicable, refer to the MC for its consideration.

12.5 If any part of these Disciplinary Procedures is held invalid, unenforceable or illegal for any reason, these Disciplinary Rules will remain in full force apart from that part, which will be treated as if it had been deleted to the extent to which it is invalid, unenforceable or illegal.

12.6 These Disciplinary Procedures and all matters and proceedings arising out of or in connection with them (including any dispute or claim relating to non-contractual obligations) are governed by and construed in accordance with the laws of England & Wales and the courts of England and Wales have exclusive jurisdiction in relation to these Disciplinary Rules and any decision made hereunder.

Proforma Disciplinary Charge

Name of Defendant

Licence No.

Club

Region

Details of the Charge

Details of the incident(s) or circumstances giving rise to the Charge

Terms of Specified Sanction (if applicable)

Signed.....

Name of Disciplinary Officer

Date

Notes to Disciplinary Officer:

Reference to the specific provisions of clauses 3.1 and 3.2 should be made (where appropriate)

Any documentary evidence (witness evidence, competition report etc.) should be attached to the Disciplinary Charge)

Proforma Judgement

Name of Defendant

Licence No.

Club

Region

Date of Hearing

Disciplinary Committee: (Names of members making up the Disciplinary Committee, i.e. Chairman, followed by members)

In Attendance (List of those who attend the hearing, i.e. Disciplinary Officer, witnesses etc.)

Charge

EVIDENCE

The Disciplinary Committee has considered:

i.e

- 1. Report and oral evidence from the competition organiser**
- 2. Oral evidence and written statement from the Defendant (name)**
- 3. Written witness statements from (names)**

DECISION

The Disciplinary Committee finds the Defendant guilty/not guilty. The reasons for their decision are...

AGGRAVATION / MITIGATION

The Disciplinary Committee took into account the following points...

SANCTION

The Defendant is .. (describe the precise terms of the sanction i.e. fine. Length of suspension).

COSTS

The Disciplinary Committee makes an award of costs against...

RIGHT OF APPEAL

The right of, and procedure on, appeal is set out in clause 6 of the Disciplinary Rules

(Signature)

Date

Chairman of the Disciplinary Committee

Table of Recommended Sanctions

	Act of Misconduct	Recommended Sanction Based on Scale of Seriousness
1	Serious or Multiple breaches of the EPA competition rules or the Rules of Pétanque not dealt with in these recommended sanctions	Caution, reprimand, warning as to future conduct. Suspension of licence and/or membership and/or from participation in Events for a specified period within the range of 3 to 12 months Monetary fine payable within 28 days Forfeiture of competition prizes
2	Serious or multiple breaches of the EPA Constitution or Standing Orders	Caution, reprimand, warning as to future conduct. Suspension of Licence and/or of Membership and/or from participation in Events for a specified period within the range of 3 to 12months Monetary fine payable within 28 days.
3	Serious or Multiple Breaches of the Members' Code of Conduct	Caution, reprimand, warning as to future conduct Suspension of Licence and/or of Membership and/or from participation in Events for a specified period within the range of 3 to 12 months Monetary fine payable within 28 days
4	Serious or multiple disobedience of the reasonable directions of a competition official	Minimum Sanction: <ul style="list-style-type: none"> - £25 fine; and/or - 3 month suspension of Licence and/or of Membership and/or from participation in Events Maximum sanction <ul style="list-style-type: none"> - £250 fine; and/or - 1 year suspension of Licence and/or of Membership and/or from participation in Events
5	Dangerous play and/or compromising the safety of another Person	Minimum sanction: <ul style="list-style-type: none"> - £25 fine; and/or - 3 month suspension of Licence and/or of Membership and/or from participation in Events Maximum Sanction <ul style="list-style-type: none"> - £250 fine; and/or - 1 year suspension of Licence and/or of Membership and/or from participation in Events.
6	Verbal abuse of Competition Officials	Minimum sanction <ul style="list-style-type: none"> - £25 fine; and/or - 3 month suspension of licence and/or membership and/or from participation in Events Maximum Sanction <ul style="list-style-type: none"> - £250 fine; and/or - 1 year suspension of Licence and/or of Membership and/or from participation in Events

7	Physical abuse of Competition Officials	<p>Minimum Sanction:</p> <ul style="list-style-type: none"> - £250 fine; and - 6 month suspension of Licence and/or of Membership and/or from participation in Events <p>Maximum Sanction:</p> <ul style="list-style-type: none"> - Unlimited fine; and - Lifetime suspension of Licence and/or of Membership and/or from participation in Events
8	Serious use of offensive or foul language	<p>Minimum Sanction:</p> <ul style="list-style-type: none"> - £25 fine; and/or - 1 month suspension of Licence and/or of Membership and/or from participation in Events <p>Maximum Sanction:</p> <ul style="list-style-type: none"> - £250 fine and/or - 1 year suspension of Licence and/or of Membership and/or from participation in Events
10	Physical Abuse of another	<p>Minimum Sanction:</p> <ul style="list-style-type: none"> - £50 fine and/or - 3 month suspension of Licence and/or of Membership and/or from participation in Events <p>Maximum Sanction:</p> <ul style="list-style-type: none"> - Unlimited fine and/or; - Lifetime suspension of Licence and/or of Membership and/or from participation in Events
11	Wilful obstruction of a Disciplinary Investigation or Hearing	<p>Sanctions will vary and it is not appropriate to establish a scale</p> <p>Sanctions shall be imposed at the absolute discretion of the Disciplinary Committee / Appeal Committee</p>
12	Breaching the terms of any suspension imposed by the EPA	<p>Minimum Sanction:</p> <ul style="list-style-type: none"> - 3 month suspension in addition to original suspension (to be imposed consecutively) <p>Maximum Sanction:</p> <ul style="list-style-type: none"> - One year suspension in addition to original suspension (to be imposed consecutively)
13	Acting in contravention of the Equity Policy	<p>Sanctions will vary and it is not appropriate to establish a scale.</p> <p>Sanctions shall be imposed at the absolute discretion of the Disciplinary Committee / Appeal Committee</p>
14	Misconduct relating to the abuse of a position of trust or authority	<p>Sanctions will vary and it is not appropriate to establish a scale.</p> <p>Sanctions shall be imposed at the absolute discretion of the Disciplinary Committee / Appeal Committee</p>

Appendix 4



