



PORT NATAL BOWLS

DISCIPLINARY AND APPEAL POLICY AND PROCEDURES

NOVEMBER 2020

1 DISCIPLINE

1.1 Definitions

- 1.1.1 The Disciplinary Committee would either be the Port Natal Bowls Executive, hereinafter referred to as the Executive, and/or co-opted person(s), who are without prior knowledge of the incident in question that might unfairly influence any decision. The Disciplinary Committee will consist of three such persons. The Disciplinary Policy as laid down by Bowls South Africa hereinafter referred to as Bowls SA shall be acknowledged throughout.
- 1.1.2 Offending Member is the person/s against whom a written complaint has been lodged and who is a member of a Port Natal Bowls associated club who in the opinion of the Executive willingly:
- 1.1.2.1 commits a breach of the Constitutions or By-laws of Bowls SA, KwaZulu Natal Bowls, hereinafter referred to as KZN Bowls and/or Port Natal Bowls, hereinafter referred to as PNB;
- 1.1.2.2 or behaves in an unseemly manner in the precincts of any affiliated Club during any Bowls SA or PNB controlled event;
- 1.1.2.3 or brings the game of bowls, Bowls SA, KZN Bowls, PNB or their respective Executive and Standing Committee Members into disrepute.
- 1.1.3 Aggrieved Member is the person/s submitting the alleged complaint.
NOTE Individual Club members, shall direct their complaints through their Club Executive and not directly to the Executive.
- 1.1.4 The Executive shall have the power to conduct a hearing on receipt of a written complaint from any Executive Member, Affiliated Club, Executive Member of Bowls SA, a Provincial or District Executive affiliated to Bowls South Africa, Event Committee acting on behalf of Bowls SA or any Technical Official officiating on behalf of PNB.

1.2 Submission of Disciplinary Complaints

- 1.2.1 The written complaint shall be lodged with the PNB Administration Manager within seven (7) days after the occurrence of the alleged misdemeanour and the disciplinary hearing must take place within twenty-one (21) days of receipt of the written complaint.
Each and every complaint referred to by an aggrieved member shall be in writing and shall contain:-
- The name of the offending member.
 - The full particular of the alleged misdemeanour.
 - The date on which and the place where the alleged misdemeanour occurred. In the event of the alleged misdemeanour occurring outside of the district of the Association and its affiliated Clubs, the time restriction for referral to the Executive shall be extended to thirty (30) days.
- 1.2.2 The accused member is to be notified in writing of the complaint and receive a copy of such, including details of the clause of the constitution contravened and the date, time and place of the hearing.

- 1.2.3 Each of the parties to a dispute shall be entitled to call witnesses and present its case personally or through its duly accredited representative. That representative shall be confined to officials or members of PNB, except in the case where the severity of the dispute dictates that legal representation is deemed to be necessary and agreed to by both parties.
- 1.2.4 The Disciplinary Committee will hear all evidence viva voca (verbally and in person) and record such in writing. All evidence given is subject to examination and/or cross examination by the Disciplinary Committee and both parties.
- 1.2.5 In all hearings a majority vote shall decide the outcome, with the Chairman having a casting vote if necessary.
- 1.2.6 The Disciplinary Committee may decide to take no action against the offending member or impose the following penalties:
- A warning on such terms and conditions as it may deem fit;
 - A reprimand in writing or orally;
 - Suspend the offending member either from participating in district events or from participating in bowls at affiliated Clubs for such period as deemed fit for the misdemeanour;
 - Forfeiture of District Colours;
 - Impose a suspended sentence of any of the above;
 - Permanently terminate the offending member's membership in extreme cases.
- 1.2.7 The Disciplinary Committee shall, in writing, notify the offending member, the offending member's Club and the aggrieved member of the outcome of the hearing within five (5) days.
- 1.2.8 If, on receipt of notification of the result of the hearing, the accused/aggrieved or the aggrieved member feels dissatisfied by the decision of the Disciplinary Committee, he/she has the right to appeal in writing to the Executive within ten (10) days and the Executive will refer the matter to the Appeals Board within fourteen (14) days.
- 1.2.9 The Appeals Committee must hold a hearing within twenty one (21) days of receipt of notification from the Association.
- 1.2.10 The verdict and sentence passed by the Disciplinary Committee becomes effective at the completion of all available appeal hearings.
- 1.2.11 The sentence imposed by the Disciplinary Committee shall be binding on all PNB affiliated Clubs and any disciplinary action taken is to be reported to Bowls SA.
- 1.2.12 In the event of the accused being a member of the Executive or Appeals Board, that person will be suspended and will be temporarily replaced by the convener of one of the Standing Committees, nominated by the Executive, until the disciplinary process is completed. Should the member be found guilty his/her continued membership of either of these bodies shall be at the sole discretion of the Executive.

- 1.2.13 In the event of the accused being a member of one of the PNB Standing Committees, that person will be suspended until the disciplinary process is completed. Should the member be found guilty his/her continued membership of that body shall be at the sole discretion of the Executive.
- 1.2.14 On completion of any sentence or suspended sentence no discriminatory action shall be held against the offending party.
- 1.3 Disciplinary Action by Clubs**
- 1.3.1 Clubs must report to the Association's Executive, in writing, any disciplinary action taken against any of their members. Where such affects other clubs, the Executive is to notify all other clubs.
- 1.3.2 Complaints from an individual PNB affiliated member against member/s of their own Club will only be accepted if the complaint is, has been through a Club disciplinary and appeal process and wishes to appeal their appeal findings.
- 1.3.3 PNB affiliated Clubs may refer a decision of a Club heard appeal to PNB for appeal.
- 1.4 Legal Costs**
- PNB or its Executive shall not be responsible for legal costs incurred by either the offending party or the original aggrieved party, should they utilise such legal opinion during the disciplinary process.

2 APPEALS.

- 2.1 An Appeal Board consisting of three (3) persons (other than members of the Executive) and alternates, nominated by affiliated Clubs, shall be elected at each Annual General Meeting to serve until the next Annual General Meeting. In the event of insufficient nominations being received, those nominated shall be declared elected at such meeting, after which the remaining vacancies shall be filled by the Executive at their first Committee meeting or as soon as possible thereafter. In the election of members of the Board, the successful candidates shall be decided by ballot. No delegate shall vote for more or less than the number of vacancies to be filled.
- 2.2 Timing of appeal hearings are stated in Clause 1.2.1 and 1.2.2
- 2.3 No new evidence may be introduced at an appeal hearing. However, the appeal may be because of the denial of the use of evidence at the original disciplinary hearing, in which case the Appeals Board may decide to include new evidence as part of the appeal, and the subsequent reconsideration of the hearing's verdict and sentence.
- 2.4 Should either party be aggrieved by the decision of the Appeal Board, such party shall have the right to appeal to KZN Bowls through the Association within ten (10) days of receiving that decision.
- 2.5 The findings of KZN Bowls may be referred Bowls SA and in turn be referred to SASCOC, should the matter still be in dispute.
- 2.6 As is the case in clause 1.4 PNB or its Executive shall not be responsible for legal costs incurred during the Appeal process by either the offending party or the original aggrieved party, should they utilise such legal opinion.

3. ARBITRATION

- 3.1 The Executive is empowered to arbitrate on and determine any judgement which may be referred to it, in the event of disputes arising between affiliated Clubs, or between players of such Clubs, or between players and a Club, such Clubs and/or players may appeal to the Executive in writing for a ruling.
- 3.2 Except as provided above and in accordance with clause 4.2.2 of the Constitution, no individual member of an affiliated Club is permitted to correspond or deal with the PNB on any matters.

November 2020

NOTIFICATION OF A DISCIPLINARY ENQUIRY

MEMBERS NAME: _____

BSA NO: _____

Please be advised that you are requested to attend a Disciplinary Enquiry at the date and time stated below and kindly note the following:

TIME: _____ DATE: _____

VENUE: Offices of

ALLEGED OFFENCE/S:

MEMBER / PERSON LAYING THE CHARGE:

Name: _____

Designation: _____

CHAIRPERSON FOR THE ENQUIRY:

Name: _____ Designation: _____

Please note further that:

- You have the right to be represented by an an official or affiliated member of Port Natal Bowls
- You have the right to question witnesses.
- You have the right to call witnesses.
- You have the right to an interpreter who will be provided or arranged by agreement.
- You have the right to appeal against outcome of hearing within 3 working days.
- You do only have the right to legal representation should the severity of the dispute dictate that legal representation is deemed to be necessary and agreed to by both parties.
- You have the right to lodge written objection against the chairperson hearing the matter and that such objection must be lodged WITHIIN 3 DAYS of receipt of this Notice.

The procedure that will be followed is as follows:

1. The member / person laying the charge will lead evidence and call witnesses.
2. You will be entitled to respond and also question these witnesses.
3. You will then be entitled to present your response to the charges and call witnesses
4. The member / person laying the charges will be entitled to respond and also question these witnesses.
5. The chairperson may ask any witnesses questions for clarification.
6. The chairperson will then decide whether or not you are guilty or not guilty.
7. Should you be found guilty, you will be requested to make submissions on the appropriate sanction.
8. The chairperson will then decide on what sanction to impose and inform you in writing.

I ACKNOWLEDGE RECEIPT OF THE NOTIFICATION OF THE ENQUIRY TO BE HELD AND UNDERSTAND MY RIGHTS MEMBER CHARGED CLUB REPRESENTATIVE

Member's Signature
Representative's Signature

Club

Date _____

Time:

I HAVE WITNESSED THE ABOVEMENTIONED MEMBER BEING INFORMED OF THE ENQUIRY TO BE HELD AS WELL AS BEING INFORMED OF HIS/HER RIGHTS

Name _____

Signature _____

Date: _____ Time:
