

## DISCIPLINARY AND GRIEVANCE REGULATIONS - CLUBS & REGIONS

### 25. Club and Regional Disputes

- 25.1. A dispute that does not directly involve British Rowing is referred to as either a 'Club Dispute' or a 'Regional Dispute', depending on the parties involved in the dispute.
- 25.2. The terms 'Club Dispute' and 'Regional Dispute' are defined in Appendix 6 to these Regulations.
- 25.3. Club Disputes and Regional Disputes must be resolved according to the process specified in Appendix 6 to these Regulations.

## Appendix 6

### CLUB DISPUTES AND REGIONAL DISPUTES: PROCEDURAL GUIDELINES

#### 1. Club Disputes and Regional Disputes

- 1.1. A **Club** Dispute is a dispute that involves:
  - 1.1.1. Two or more members of a Club or a Competition; or
  - 1.1.2. One or more members of a Club or a Competition on the one side, and a Club or a Competition on the other;
  - 1.1.3. One or more Individuals (meaning a Registered Individual or a person who is not a member of a Club but has a reasonable cause to raise a complaint with a Club or Competition) on the one side, and a Club or a Competition on the other.
- 1.2. A **Regional** Dispute is a dispute that involves:
  - 1.2.1. A Club or a Competition and another Club or a Competition;
  - 1.2.2. One or more members of a Club and a Regional Rowing Council;
  - 1.2.3. A Club or a Competition and a Regional Rowing Council

#### 2. Resolving the Club or Regional Dispute: Informally

- 2.1. The parties to a Club or Regional Dispute should use reasonable means to settle the issues between them informally and amicably.
- 2.2. If such a resolution cannot be achieved, the dispute shall be resolved according to these Procedural Guidelines.
- 2.3. In these Procedural Guidelines the term 'independent' as applied to a person mean a person who has not had any direct or indirect involvement in any relevant Club or Regional Dispute Dispute.

### 3. **Resolving a Club Dispute: Independent Panel**

- 3.1. References to 'Club' in this Paragraph 3 should be read as encompassing 'Competition' if the context so requires.
- 3.2. Clubs should resolve disputes in the manner set out in this Paragraph 3. If a Club has its own disciplinary measures, those measures should comply in all material respects with this Paragraph 3.
- 3.3. Club Disputes shall be referred to the chair of the relevant Club (or if that person is a party to the dispute to another officer of the Club) who should appoint an independent person to act as a mediator between the parties. The mediator may be a member of the Club or a member of another Club.
- 3.4. If the mediator is unable to bring about a satisfactory settlement, the Club shall appoint an independent panel (the 'panel') to determine the dispute.
- 3.5. The panel shall consist of up to three persons who have not been involved in the dispute. The parties shall be given the opportunity to object (on reasonable grounds) to any of the members of the panel within seven days of their appointment.
- 3.6. The panel members shall appoint one of their number to act as the chair of the panel and either appoint another of their number, or alternatively appoint an additional person without any other powers, to act as the clerk of the hearing.
- 3.7. The chair of the panel shall arrange the date of the hearing and notify the parties of the arrangements at least fourteen days in advance of the date set. The notified date shall not be changed unless one or more of the parties has a compelling reason for not being able to attend on the notified day or time.
- 3.8. The procedure shall be flexible and it shall be the responsibility of the chair of the panel to ensure the orderly, fair and effective conduct of the hearing.
- 3.9. Each party must have a reasonable opportunity to give and call evidence, address the panel and present their case. The chair of the panel shall have the discretion to limit the number of witnesses that would otherwise have been called.
- 3.10. The panel shall come to a decision as soon as reasonably practicable after the hearing and if possible announce its findings and decisions orally to the parties.
- 3.11. The chair of the panel shall notify the parties and, if the Club was not a party to the dispute, the Club in writing of the findings and decisions within five days of the hearing.

### 4. **Resolving a Regional Dispute: Independent Panel**

- 4.1. References to 'Club' in this Paragraph 4 should be read as encompassing 'Competition' if the context so requires.
- 4.2. Regional Disputes shall be referred to the chair of the relevant Regional Rowing Council (or if that person is a party to the dispute to another officer of the Regional

Rowing Council) who should appoint an independent person to act as a mediator between the parties.

- 4.3. If the mediator is unable to bring about a satisfactory settlement the Regional Rowing Council shall appoint an independent panel (the 'panel') to determine the dispute.
- 4.4. The panel shall consist of three persons who have not been involved in the dispute.
- 4.5. The parties shall be given the opportunity to object (on reasonable grounds) to the appointment of any of the members of the panel within seven (7) days of notification of their appointment.
- 4.6. The panel members shall appoint one of their number to act as the chair of the panel and either appoint another of their number, or alternatively appoint an additional person without any other powers, to act as the clerk of the hearing.
- 4.7. The chair of the panel shall arrange the date of the hearing and notify the parties of the arrangements at least fourteen (14) days in advance of the date set. The notified date shall not be changed unless one or more of the parties has a compelling reason for not being able to attend on the notified day or time.
- 4.8. The procedure shall be flexible and it shall be the responsibility of the chair of the panel to ensure the orderly and effective conduct of the hearing.
- 4.9. Each party must have a reasonable opportunity to give and call evidence, address the panel and present his case. The chair of the panel shall have the discretion to limit the number of witnesses that would otherwise have been called.
- 4.10. The panel shall come to a decision as soon as reasonably practicable after the hearing and if possible announce its findings and decisions orally to the parties.
- 4.11. The chair of the panel shall notify the parties in writing of the findings and decisions within five (5) days of the hearing.

## 5. Appeals: Club Disputes

- 5.1. An appeal may be made in respect of the findings of a Club Dispute as provided below.
  - 5.1.1. An appeal may be made to a second independent panel established by the relevant Club.
  - 5.1.2. The appeal may be made on one or more of the following grounds:
    - 5.1.2.1. Relevant information was ignored or not considered by the original panel
    - 5.1.2.2. The procedure was tainted by unreasonable bias or conflict of interests
    - 5.1.2.3. Relevant provisions of any procedures or the Regulations were not adhered to
    - 5.1.2.4. The first panel exceeded its jurisdiction
    - 5.1.2.5. The findings of the first panel were irrational or were findings that would not be reached by a reasonable panel.
- 5.2. A further second appeal may be made to a Regional Rowing Council.

- 5.2.1. The grounds of a further second appeal to a Regional Rowing Council are limited to an appeal made on the basis that these Terms of Reference were not observed.
- 5.2.2. The Regional Rowing Council will form an appeal panel adopting the same provisions as those in these Terms of Reference at paragraph 4.

## 6. Appeals: Regional Disputes

- 6.1. References to 'Club' in this Paragraph 6 should be read as encompassing 'Competition' if the context so requires.
- 6.2. An appeal may be made in respect of the findings of a Regional Dispute as follows:
  - Member of Club vs Regional Rowing Council*
    - 6.2.1. If the dispute involves a member of a Club and a Regional Rowing Council, an appeal may be made to the British Rowing Disciplinary and Grievance Panel.
    - 6.2.2. The appeal may be made on one or more of the following grounds:
      - 6.2.2.1. Relevant information was ignored or not considered by the original panel;
      - 6.2.2.2. The dispute resolution procedure was tainted by unreasonable bias or conflict of interests;
      - 6.2.2.3. Relevant provisions of any dispute resolution procedures or the Regulations were not adhered to;
      - 6.2.2.4. The first panel exceeded its jurisdiction; and/or
      - 6.2.2.5. The findings of the first panel were irrational or wrong in law.
  - Club vs Regional Rowing Council*
    - 6.2.3. If the dispute involves a Club and a Regional Rowing Council, an appeal may be made to the British Rowing Disciplinary and Grievance Panel.
    - 6.2.4. The appeal may be made on one or more of the following grounds:
      - 6.2.4.1. Relevant information was ignored or not considered by the original panel;
      - 6.2.4.2. The dispute resolution procedure was tainted by unreasonable bias or conflict of interests;
      - 6.2.4.3. Relevant provisions of any dispute resolution procedures or the Regulations were not adhered to;
      - 6.2.4.4. The first panel exceeded its jurisdiction; and/or
      - 6.2.4.5. The findings of the first panel were irrational or wrong in law.
  - Club vs Club*
    - 6.2.5. If the dispute involves a Club and another Club, an appeal may be made to a second independent panel established by the Regional Rowing Council.
    - 6.2.6. The appeal may be made on one or more of the following grounds:
      - 6.2.6.1. Relevant information was ignored or not considered by the original

panel

- 6.2.6.2. The procedure was tainted by unreasonable bias or conflict of interests
- 6.2.6.3. Relevant provisions of any procedures or the Regulations were not adhered to
- 6.2.6.4. The first panel exceeded its jurisdiction
- 6.2.6.5. The findings of the first panel were irrational or were findings that would not be reached by a reasonable panel.
- 6.2.7. The Regional Rowing Council will form an appeal panel adopting the same provisions as those in Article 4 of these Terms of Reference.
- 6.2.8. A further second appeal may be made to the British Rowing Disciplinary and Grievance Panel pursuant to the British Rowing Regulations save that any such appeal may be made solely on the basis that these Terms of Reference were not observed.

## 7. Minors

- 7.1. If any party to a Club or Regional Dispute is a Minor the following special considerations apply:
  - 7.1.1. A Minor shall only attend a hearing if they wish to and the chair of the relevant panel has consulted with the Minor and their parent/guardian and is satisfied that they both understand the nature of the hearing and what will happen and that the Minor is competent to attend.
  - 7.1.2. Any Minor shall normally be accompanied to a hearing by a parent, guardian or a suitable adult. The chair of the panel shall have sole discretion as to whether a Minor is permitted to present or defend a case or be questioned and may order that the Minor be accompanied or represented by an adult. Questions and responses may be relayed by a panel member. If a Minor appears distressed the panel shall rely only on written evidence.
  - 7.1.3. If a Minor does not attend the hearing in person their evidence shall normally be given as a written statement with the assistance of the Club Welfare Officer or other person acceptable to the Minor or the Minor's parent/guardian.
  - 7.1.4. After the hearing the chair of the panel shall inform the parent/guardian of the panel's findings and decisions and shall agree who shall inform the Minor of the findings and decisions.

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