



## DISCIPLINARY AND APPEALS PROCEDURES

### 1. General

- 1.1 The consideration and disposal of cases by the Universities Pool Council (UPC) Disciplinary Committee (henceforth referred to as the "Committee") takes place over two stages.
- 1.2 Stage one is termed the "Preliminary Investigation" and stage two is termed the "Disciplinary Hearing".
- 1.3 All dates referred to below shall be those on which the communication was sent.
- 1.4 For a decision to be carried, voting must be unanimous. The quorum will be two.
- 1.5 The Committee will normally meet three times a year. These three occasions will be at the BUCS-UPC Nine-Ball event, the BUCS-UPC Eight-Ball event, and at the summer Annual General Meeting.
- 1.6 An emergency meeting of the Committee may also be arranged if it is deemed appropriate in addition to meetings set out in 1.6.
- 1.7 If the complaint originates from a UPC event, the tournament director of that event will not be allowed to form part of the Committee presiding over the case. This is to guarantee the fairness of the Committee presiding over the case. In such cases, the Tournament Director may be asked to give a submission to provide the Committee with evidence pertaining to a case.
- 1.8 If the complaint concerns members of the Disciplinary Committee then such members will be not allowed to preside over the case. If the complaint originates from the Chair of this Committee, the Committee will elect an Interim Chair that will be appointed for that case.
- 1.9 The Committee as of the beginning of the 2018-19 season is composed of Ben Hubbard (Chair), Daniel Turner, Laurence Shaw and Kevin Leavey. The Chair can be contacted at the following e-mail address: [ben.hubbard@upc-pool.org.uk](mailto:ben.hubbard@upc-pool.org.uk).

## 2. Preliminary Investigation

- 2.1 The role of the Preliminary Investigation is to consider any complaints regarding breach of discipline and decide whether they will be referred to a full Disciplinary Hearing.
- 2.2 Complaints may originate from UPC staff or third parties. If they come from third parties, a complaint form must be completed by the complainant(s). The form will have the name and contact details of the complainant(s), the details of the complaint and must be signed and dated. To be admissible, complaints must be specific to an incident from a player or institution. This is also the case for complaints raised by UPC staff.
- 2.3 In the event that the complaint originates from a UPC event, the tournament director of that event will not be allowed to form part of the Committee presiding over the Preliminary Investigation. This is to guarantee the fairness of the Committee presiding over the case.
- 2.4 The Preliminary Investigation will be conducted in private and no submissions will be considered.
- 2.5 Notice that a case will undergo a Preliminary Investigation will not be served to either the complainant(s), or the subject(s) of the complaint (henceforth referred to as the "subject").
- 2.6 The Preliminary Investigation will conclude with a verdict of no further action, or will refer the case to a Disciplinary Hearing. The Preliminary Investigation will also detail any evidence that will be needed for the Disciplinary Hearing.
- 2.7 The outcome of the Preliminary Investigation will be communicated to the complainant(s) no later than fourteen days from when the incident occurred.

### **3. Disciplinary Hearing**

- 3.1 The Disciplinary Hearing will decide whether the subject has a case to answer, and, if so, apply sanctions according to the Constitution.
- 3.2 Notice will be served to the subject and complainant(s) no later than fourteen days from when the incident occurred. The burden of responsibility of ensuring that the UPC holds the correct addresses will fall on the subject.
- 3.3 The notice will state the date, time and venue of the Disciplinary Hearing. The notice will also state the charge(s) under consideration and include information about attending the Disciplinary Hearing or making a written submission. The notice will also enquire as to whether the subject wishes to make any special needs known to the Committee in advance for the purposes of reasonable adjustment.
- 3.4 The Disciplinary Hearing will be held at the next meeting of the Committee as given in 1.6, or at an emergency meeting of the Committee if deemed appropriate.
- 3.5 The venue will be at the discretion of the Committee.
- 3.6 The subject must communicate whether or not they will attend the Disciplinary Hearing within twenty-eight days of the notice. A maximum of two persons, who must be connected to the club, may attend to give an oral submission. The communication must state the names and connection to the club of those attending. The Committee retains the right to refuse admission to any persons it deems not connected to the club.
- 3.7 Should the subject decide not to attend, they may make a written submission. Such a written submission must also be made within twenty-eight days of the notice. Any further evidence from witnesses should also be submitted in writing within twenty-eight days of the notice.
- 3.8 If the subject fails to communicate within the stated period, the Disciplinary Hearing will be conducted in absentia.
- 3.9 The Disciplinary Hearing will proceed by detailing the charge(s) followed by asking for an oral submission. The Disciplinary Hearing may then engage in cross-examination of the subject to elicit further information.
- 3.10 The Disciplinary Hearing will then adjourn to discuss in private whether a sanction be imposed or no further action will be taken. If a sanction is to be imposed, a preliminary sanction will be decided. Invoking any suspended sanctions should also be decided at this point.
- 3.11 The Disciplinary Hearing will reconvene and the decision communicated to the Subject together with the reasons for the decision. Should it be decided that a sanction be imposed, the preliminary sanction will be relayed to the subject who will then be asked if they wish to make an oral plea for mitigation.
- 3.12 The Disciplinary Hearing will then adjourn to consider in private the past behaviour of the subject and any plea before reaching a final decision.
- 3.13 The Disciplinary Hearing will reconvene and the final decision communicated to the subject together with the reasons for the decision.

- 3.14 Should the subject not be in attendance, the case will be discussed and any written submission considered. The Disciplinary Hearing will then decide whether a sanction be imposed, including invocation of suspended sanctions, or if no further action will be taken. If a sanction is to be imposed, a preliminary sanction will be decided. The Disciplinary Hearing will then consider any written mitigation and the past behaviour of the subject before reaching a final decision.
- 3.15 Irrespective of the attendance or otherwise of the subject, the decision will be communicated in writing to the subject and complainant(s) within fourteen days of the conclusion of the Disciplinary Hearing. The decision will also detail the appeal procedures and applicable fees. A subject not attending may apply for the reasons behind the decision. Such an application must be made within fourteen days of the date of the decision.
- 3.16 A Disciplinary Hearing may be postponed at the request of an attending subject but such a request must be made in writing and be accompanied by proof thereof. Should the request fall within forty-eight hours of the time of the meeting, the written request must follow within seven days of the request. If the request is accepted, the Disciplinary Hearing will be rescheduled at the discretion of the Committee. Should the request not be accepted, or written evidence not be submitted following a late postponement, the Disciplinary Hearing will be heard in absentia. The decision of whether or not to accept a request will be communicated in writing to the subject and complainant(s).
- 3.17 In the event of the Disciplinary Committee needing to postpone a Disciplinary Hearing, it will make every effort to contact the subject prior to the meeting.
- 3.18 Subject to the requirements of a fair Disciplinary Hearing, the Committee may alter these procedures subject to the just and expeditious determination of the proceedings.

## 4. Appeal Procedures

- 4.1 An appeal by the subject must be made in writing to the Chair of the Appeals Panel within twenty-eight days of the decision of the Disciplinary Hearing being communicated to the subject in writing and must include the appropriate appeal fee. The grounds of the appeal must also be included.
- 4.2 The Appeals Panel will convene no earlier than twenty-one days and no later than ninety days following receipt of the appeal.
- 4.3 If the complaint concerns members of the Appeals Panel then such members will be not allowed to preside over the case. If the complaint originates from the Chair of this Panel, the Panel will elect an Interim Chair that will be appointed for that case.
- 4.4 Notice will be served to the subject and Chair of the Disciplinary Committee detailing the date, time and venue of the Appeals Hearing. The notice will also enquire as to whether the subject wishes to make any special needs known to the Appeals Panel in advance for the purposes of reasonable adjustment.
- 4.5 The appellant must attend the Appeals Hearing or the appeal will be lost and appeal fee forfeit. A member of the Disciplinary Committee must also attend the Appeals Hearing.
- 4.6 The Appeals Hearing will proceed by the appellant making the case for appeal and this will be followed by the representative of the Disciplinary Committee making the case for the sanction imposed. The Appeals Panel may then engage in cross-examination.
- 4.7 The appeal must show improper conduct in the original Disciplinary Hearing such that it affected the decision reached.
- 4.8 The Appeals Panel will adjourn to discuss in private and reach its decision. The Appeal Panel may dismiss the case, impose a lesser sanction, uphold the original sanction or increase the sanction. The Appeal Panel will also have the power to impose costs as it sees fit.
- 4.9 The Appeals Panel will reconvene and the decision communicated to those present.
- 4.10 The decision will also be communicated in writing to the appellant and to the Chair of the Disciplinary Committee no later than fourteen days following the Appeals Hearing.
- 4.11 The Appeals Panel as of the beginning of the 2018-19 season is composed of Jon Shapland (Chair) and Tom Laycock. The Chair can be contacted at the following e-mail address: [jon.shapland@upc-pool.org.uk](mailto:jon.shapland@upc-pool.org.uk).