



DISCIPLINARY AND APPEALS PROCEDURES

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1. General

- 1.1 The compliance procedures are for serious misconduct of individuals, institutions, or Universities Pool Council (UPC) staff members, which happened at either UPC events or brings the UPC into disrepute.
- 1.2 Complaints may originate from either UPC staff who refer incidents to UPC officials for consideration, or it may come from third parties who contact the UPC officials privately. All complaints are dealt with in confidence and seriously by the UPC if provided in a formal manner.
- 1.3 The Deputy Chair will lead the Committee. For individual cases where there is a conflict of interests when the Deputy Chair is directly involved in the complaint, an interim Chair for that individual case will be nominated by the Board. The Committee cannot contain the Executive Chair.
- 1.4 The Committee composition for individual cases will be decided by the Committee Chair and will precede over both the Preliminary Investigation and the Disciplinary Hearing if one is held. The Committee Chair may decide to change the Committee composition later in the process to ensure a fair case. The quorum will be at least three UPC Board members.
- 1.5 For a decision to be carried by the Committee, voting and decisions taken must be unanimous.
- 1.6 The Committee may alter these procedures dependent on the just and expeditious determination of the proceedings with reasons detailed to the relevant parties.

2. Preliminary Investigation

- 2.1 The role of a Preliminary Investigation is for the Committee to consider if there is a case to answer following the complaint. The complaint subject(s) can be individual players, a whole institution, or an UPC Board member. If there deemed to be a case to answer, the complaint will then be referred to a full Disciplinary Hearing.
- 2.2 If the complaint comes from a third party, this complaint must be provided in writing so it can be examined by all parties and given its full consideration by the Committee. This written complaint must have the name and contact details of the complainants as well as information about the complaint, although any personal details will be redacted when sending to other parties. To be admissible, complaints must be specific to incidents about an individual or institution or UPC staff member. For complaints coming from a UPC Board member on an individual or institution, a summary must be put into writing although the Committee Chair may also talk to the UPC Board member without any further written submissions being presented to gain further information.
- 2.3 Any conflicts of interest, such as relationships with the subjects of the complaint or the complainant, or involvement in the incident that took place, will need to be disclosed at this stage by the Committee to ensure the fairness of this process.

- 2.4 If Preliminary Investigation considered by the Committee concludes there is not a case to answer, the case will then be dismissed and the complainants will be informed of that decision without reasoning. This does not restrict the case being re-opened if new evidence comes to light after this decision is made.
- 2.5 If Preliminary Investigation considered by the Committee concludes there is a case to answer, the case will then be referred to a full Disciplinary Hearing.
- 2.6 The outcome of the Preliminary Investigation will be communicated to the complainants no later than fourteen days from when the Preliminary Investigation is conducted.

3. Notice given of Disciplinary Hearing

- 3.1 Notice of the Disciplinary Hearing will be served to the subjects of the complaint via e-mail. The burden of responsibility of ensuring that the UPC holds the correct e-mail addresses will fall on the subjects. If a reliable e-mail address cannot be found for the subjects for individual players, the correspondence will be sent to an institutions' Athletic Union or sports office as well as to any club e-mail addresses gathered from online sources for them to forward on.
- 3.2 The notice will state the charges under consideration under which Constitution regulations. The notice will give the subjects at least seven days to consider their formal responses with a clear deadline given in the notice. The notice will ask if the subjects wish to make any special needs known in advance for the purposes of reasonable adjustment.
- 3.3 Following notice of the Disciplinary Hearing, the subjects of the complaint have three options in their reply: The subjects can admit their guilt, they can admit their guilt but with mitigations which need to be considered by the Committee, or they can plead not guilty of the charge.
- 3.4 If the subjects admit their guilt without any mitigations expressed in their response the need for a full Disciplinary Hearing is then not required. The Committee will then decide the sanctions to be imposed in private.
- 3.5 If the subjects admit their guilt with mitigations, plead not guilty, or do not respond within the timeframes specified, the case will be referred to a full Disciplinary Hearing. The Committee Chair will then co-ordinate with the Committee and the subjects to organise a date and time to meet for the Disciplinary Hearing. While the subjects may state their preferred dates and times, the priority is on a date and time where all Committee members can attend rather than the subjects.

4. Full Disciplinary Hearing

- 4.1 At a full Disciplinary Hearing, all evidence will be considered to come to a determination of the case and if any sanctions should be applied according to the UPC Constitution.
- 4.2 Following notice of the date and time of the Hearing being communicated to the subjects, the subjects are required to let the Committee Chair know whether they will attend the Disciplinary Hearing at least 72 hours before the Hearing is set to take place.
- 4.3 For complaints relating to individuals, a maximum of two persons who must be connected to the individual may attend to give oral submissions. For complaints relating to an institution or body, a nominee who holds office should be appointed to be the main subject, and a maximum of two persons who must be connected to the institution or body may attend to give oral submissions. These additional people must state their names and the connection to the individuals/institution for them to attend the Hearing. The Committee retains the right to refuse admission to any persons it deems not connected to the individuals/institution.

- 4.4 Should the subject decide not to attend the Hearing, they may make a written submission instead. Such a written submission must be made 24 hours before the Hearing is set to take place. Any further evidence from witnesses or other individuals connected with the case should also be submitted in writing 24 hours before the Hearing is set to take place.
- 4.5 If the subject fails to attend the Hearing at the date set by the Committee or fails to make a written submission, the Disciplinary Hearing will then be conducted in absentia without any further evidence provided by the subjects.
- 4.6 A Disciplinary Hearing may be postponed at the request of the attending subjects, but such a request must be made in writing and be accompanied by proof thereof. If the request is accepted, the Disciplinary Hearing will be rescheduled by the Committee Chair. Should the request not be accepted, or written evidence not be submitted following a late postponement, the Disciplinary Hearing will be heard in absentia. 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.
- 4.7 The complainants will be asked to provide any additional evidence or information the Committee may like to consider for the purposes of the Hearing. This additional evidence may come from a third party.
- 4.8 The Disciplinary Hearing will proceed by the Committee Chair detailing the charges to the subject in full. This will be followed by asking for an oral submission from the subjects where the Committee will engage in cross-examination to elicit further information. This cross-examination will include any past behaviour incidents by the subjects. If the subjects do not attend the Hearing, any written submission will be considered by the Committee instead.
- 4.9 In exceptional circumstances, the Hearing may include oral submissions from the complainant, but the complainant and the subject of the complaint will not attend the Hearing at the same time.
- 4.10 The Committee Chair will then ask all third parties to leave the Hearing and the Committee will then discuss the case in private. The Committee will then decide whether the charges are upheld or not. If the charges are upheld, a proposed sanction will be decided by the Committee, where the sanction will include consideration of previous precedent for these cases and past behaviour of the subjects. The Committee may also decide at this stage that there is insufficient evidence presented at the Hearing to uphold the complaint, resulting in a 'not proven' verdict.

5. Outcomes

- 5.1 Following the Disciplinary Hearing, the decision will be communicated in writing to the subject within fourteen days of the conclusion of the Hearing. If the subjects admitted guilt without mitigation or did not respond to the notice, the decision will be communicated in writing to the subject within fourteen days of the deadline for initial response to the notice. The communication of the decision will detail the appeal procedures as set out in section 6.
- 5.2 The outcome of the Disciplinary Hearing is not provided to the complainants as the subjects have a right of confidence regarding any sanctions handed down to them.
- 5.3 Other parties like governing bodies, such as the British Universities & Colleges Sports (BUCS), may be informed of the sanctions delivered by the Committee.
- 5.4 If the Committee decides there is insufficient evidence presented at the Hearing resulting in a 'not proven' verdict, the Committee can re-open the Hearing at a future date, at the discretion of the UPC Executive Chair. This requires a clear and sufficient reason for why this evidence was not initially presented in the original Disciplinary Hearing.

6. Appeals procedures

- 6.1 There is a right of appeal for sanctions imposed following a full Disciplinary Hearing. The appeal must show there has been improper conduct or interpretation of the UPC Constitution in the original Disciplinary Hearing such that it affected the decision reached.
- 6.2 An appeal by the subjects must be made in writing to the UPC Executive Chair within 28 days of the decision of the Disciplinary Hearing being communicated to the subjects in writing. The grounds of the appeal must be included in this correspondence.
- 6.3 On receipt of this correspondence, the UPC Executive Chair will detail the steps in the appeals process. Any appeal is subject to a £50 administrative fee which must be paid before the continuation of the process.
- 6.4 For any incidents at a BUCS event, the primary pool and snooker BUCS Event Administrator will be asked to make a determination about the case and the merits of the appeal. This will consist of written correspondence between the UPC and BUCS and will include the grounds of the appeal made by the subject. If BUCS are willing to take a view of the incident and make a determination about it, this will be communicated to the UPC. UPC may ask for mitigation such as in cases where there is applicable previous past behaviour. The final determination from BUCS will then be communicated to the subject after this and will be final.
- 6.5 For any incidents at a non-BUCS event, or if BUCS are not willing to make a determination on the case, the Appeals Chair will normally be the UPC Executive Chair. For individual cases where there is a conflict of interests when the Executive Chair is directly involved in the complaint, an interim Chair for that individual case on the Appeals Panel will be nominated by the Board.
- 6.6 The Appeals Chair will then appoint an Appeals Panel containing UPC Board members that were not on the Committee for the Disciplinary Hearing. This Appeals Committee may contain life member representatives but will exclude any persons with a conflict of interest with the case. The quorum will be at least three UPC Board members.
- 6.7 The Appeals Panel will convene no later than thirty days following receipt of the appeal. The subject will be informed of this and will be asked to contribute any additional written submissions as they deem appropriate.
- 6.8 The Appeals Panel will discuss the case in full and will ask the Committee Chair of the Disciplinary Hearing to detail their findings and how they came to a final decision and sanction. The Committee Chair will then be asked to leave the meeting so the Appeals Panel can make a final decision on the appeals case.
- 6.9 The Appeals Panel will decide upon the following options: They may dismiss the case by upholding the appeal, they may impose a lesser sanction following mitigation displayed by the subjects, or uphold the original sanction from the Disciplinary Hearing. The Appeal Panel will also have the power to impose costs as it sees fit, although if the appeal is upheld then the administrative fee will be reimbursed to the subjects.
- 6.10 The decision will be communicated in writing to the subjects, the Chair of the Disciplinary Committee, and other third parties if applicable no later than 14 days following the Appeals Panel. The decision of the Appeals Panel will be final.