

E.S.M.B.A. DISCIPLINARY PROCEDURE

1. This procedure may be activated by the receipt in writing of a formal complaint, an allegation of misconduct or breach of the Rules or By-Laws of a League, Club, Team or individual player registered with the English Short Mat Bowling Association.
2. With the minimum of delay, the Secretary or designated official of the Association shall convene a meeting of the appropriate body to undertake a disciplinary hearing. No person involved in the complaint/alleged offence or with direct connections with the complainant/alleged offender shall sit on this body.

Both the complainant and the alleged offender shall be afforded the opportunity to attend the hearing personally and /or submit a written statement. This should be made in writing, sent by Royal Mail Special Delivery with allowance made for receipt to be made at least 14 days prior to the case being heard. The notification to the alleged offender should also include a copy of the statement outlining the allegation and stating the time, date and place of the hearing.

3. Both the complainant and the alleged offender shall be offered the opportunity to submit evidence and call witnesses to support their case or character. Third party evidence must be submitted via a signed statement. The body hearing the case also has the right to call independent witnesses should they consider it appropriate.
4. It is fundamental to the procedure that a complainant must be prepared to provide evidence or statements, either written or in person, at the hearing to support the complaint. Should the complainant be unwilling to provide such support then the disciplinary body may dismiss the complaint and consider whether the circumstances justify seeking redress from the complainant for the expenses incurred in setting up the hearing.
5. Prior to the hearing, copies of all pertinent documents and signed statements should be supplied to every member of the appointed disciplinary body. Witness statements should also be sent to the complainant and the alleged offender, either of which may request that the witness attend the hearing for cross-examination.
6. The hearing should proceed as follows:
 - (a) Members of the disciplinary body to meet in closed session in order to review the main points of the case placed before them, familiarise themselves with the witnesses who are to appear and to determine the order in which these witnesses are to be called.
 - (b) Witnesses will be called separately before the disciplinary body. Before interviewing commences, they should be informed that they are subject to cross-examination and recall.

- (c) After interview, and cross examination if requested, a short period should be allowed between witnesses to allow members to share notes and views.
 - (d) After all witnesses have been heard, any written statements which have been submitted should be read and accepted as evidence.
 - (e) All presented evidence is to be reviewed. In order to resolve anomalies it may be necessary at this point to recall witnesses for further cross-examination by the disciplinary body.
 - (f) A verdict should be reached preferably by consensus. If consensus cannot be achieved, the verdict is to be decided on a majority vote. The major factors which decide the final decision are to be agreed and recorded. This record is not to be published but held on file together with all the presented written evidence pending appeal.
 - (g) All relevant antecedents and precedents should be considered.
 - (h) The members of the disciplinary body should agree the exact wording of the verdict to be delivered.
 - (i) Announce the verdict to the complainant and the alleged offender separately by reading the agreed statement. Inform the appropriate party of their right to appeal.
 - (j) Within 14 days after the hearing, confirm the verdict in writing, sent by Royal Mail Special Delivery, to both the complainant and the alleged offender. Inform the appropriate parties of their rights to appeal.
7. Both the complainant and the alleged offender shall have the right to appeal. Notice of the appeal to be made in writing within 21 days of the hearing.
8. If the verdict involves a term of suspension it shall commence 21 days after the hearing unless an appeal has been made. If that appeal shall subsequently fail the term of suspension will commence 21 days after the appeal hearing unless a further appeal is made to the next higher level of administration. This guideline may be disregarded in instances where the disciplinary body considers that the seriousness of the offence requires immediate suspension.
9. A final point of guidance to all members sitting on disciplinary bodies: As far as possible it is intended that you should employ what is commonly known as “Natural Justice”. That assumes that any person is innocent until guilt is proved beyond a reasonable doubt. Therefore the benefit of any doubt must always be given to the alleged offender.

E.S.M.B.A. APPEALS PROCEDURE

1. This procedure may be activated by an appeal made against disciplinary action taken at a lower level or by the disciplinary committee of the E.S.M.B.A. In all cases the relevant documents pertaining to the original hearing shall be retained and made available to the appeals body.
2. With a minimum of delay, the General Secretary or designated official of the Association shall convene a meeting of the appropriate body to undertake an appeal hearing.

No person involved in hearing the complaint/alleged offence or with direct connections with the complainant/alleged offender shall sit on this body.

Both the complainant and the alleged offender shall be afforded the opportunity to attend the appeal hearing personally and/or submit a written statement. This should be made in writing, sent by Royal Mail Special Delivery with allowance made for receipt to be made at least 14 days prior to the appeal being heard.

A representative of the disciplinary body who made the judgement at the lower level or from the disciplinary committee of the E.S.M.B.A. may be afforded the opportunity to attend and/or submit a written statement.

3. Both the complainant and the alleged offender shall be offered the opportunity to submit evidence and call witnesses to support their case or character. The body hearing the case also has the right to call independent witnesses should they consider this appropriate. In the case of an appeal, new witnesses may be called upon or fresh evidence submitted at any point in the chain of appeal but the same right of cross examination as the original hearing will apply.
4. Prior to the hearing, copies of all pertinent documents and signed statement should be supplied to every member of the appointed appeals body.
5. The hearing should proceed as follows:
 - (a) Members of the appeals body to meet in closed session in order to review the main points of the case placed before them, familiarise themselves with the witnesses who are to appear and to determine the order in which these witnesses are to be called.
 - (b) Witnesses will be called separately before the appeals body. They should be informed that they might be subject to cross-examination and recall.
 - (c) After interview, and cross examination if requested, a short period is to be allowed between witnesses to allow members to share notes and views.
 - (d) After all witnesses have been heard, any written statements which have been submitted should be read and accepted as evidence.

- (e) All presented evidence to be reviewed. In order to resolve anomalies it may be necessary at this point to recall witnesses for further cross-examination by the appeals body.
 - (f) A verdict should be reached preferably by consensus. If consensus cannot be achieved, the verdict is to be decided on a majority vote. The major factors which decided the final decision are to be agreed and recorded. This record is not to be published but held on file together with all the presented written evidence pending further appeal.
 - (g) All relevant antecedents and precedents should then be considered.
 - (h) The members of the appeals body should then agree the exact wording of the verdict to be delivered.
 - (i) Announce the verdict to the complainant and the alleged offender separately by reading the agreed statement. Inform the appropriate party of their right to appeal to a higher authority.
 - (j) Within 14 days after the hearing, confirm the verdict in writing, sent by Royal Mail Special Delivery, to both the complainant and the alleged offender. Inform the appropriate parties of their rights to appeal to a higher authority.
6. Both the complainant and the alleged offender shall have the right to appeal. However, only one appeal may be made to the governing body and their decision shall be final.

Notice of the appeal is to be made in writing within 21 days after the appeal hearing, unless a further appeal is made to the next higher level of administration.

7. If the original verdict involved a term of suspension and the appeal subsequently fails, the term of suspension will commence 21 days after the appeal hearing, unless a further appeal is made to the next higher level of administration.
8. Appeals against any decision reached by a disciplinary body must not be heard before any member of that body. Appeals can only be considered by the next level of administration up from the level at which the original decision was made:
- e.g. Decision at Team level – appeal to County Association
 - Decision at County Association level – appeal to E.S.M.B.A.