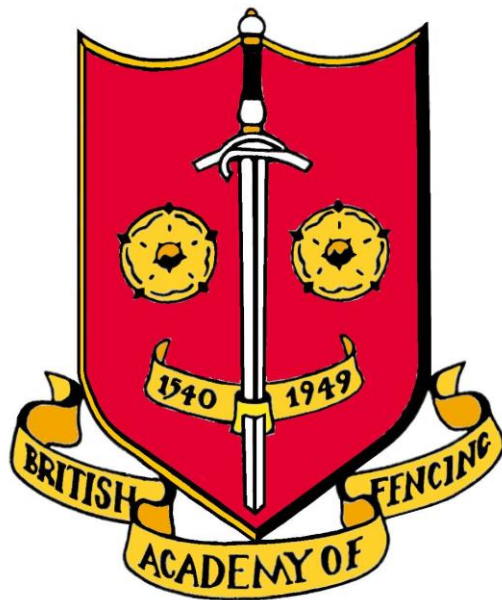


# The British Academy of Fencing



## Disciplinary, Grievance And Appeals Procedure August 2016

# **Disciplinary, Grievance and Appeals Procedure of the British Academy of Fencing (hereinafter the “Academy”)**

Notes: References to the masculine gender also include the feminine

All references to the “Committee” in this document refer to the full Committee of the Academy. The Disciplinary Sub-Committee shall be referred to as the DSC.

All Committee and Sub-Committees of the British Academy of Fencing shall treat all information and correspondence in the strictest confidence. Failure to comply will be considered a breach of the British Academy of Fencing’s Code of Ethics and Conduct and shall be dealt with accordingly

The Procedure should be used in conjunction with Appendix 1

## **1. Introduction and Application of this Disciplinary, Grievance and Appeals Procedure (hereinafter “Code”)**

- 1.1. This Code applies to all Academy members as defined in the Academy’s Articles of Association
- 1.2. This Code also applies to those who attend any Academy activity

In addition, in relation to any matter to which the Rules for Competitions apply (under rule t.81 of those Rules), this Code applies to all persons, including spectators who took part in or attended the Fencing Activity at which the matter arose.

### **Rules for Competitions: Book 1**

- t.81. 1.** The regulations laid down in this Part apply to **all persons** who take part in or attend a fencing competition, including the spectators.
- 2.** In the following articles, all these persons are referred to as **fencers**.

- 1.3. This Code also applies to any other person who voluntarily submits to the disciplinary jurisdiction of the Academy.
- 1.4. The Academy makes and enforces this Code to ensure compliance with the Academy’s Articles of Association and the Code of Ethics and Conduct is enforced fairly and in accordance with the principles of natural justice.
- 1.5. Complaints and/or grievances will only be considered when made in writing and addressed to the President and/or Secretary of the Academy. No action will be taken where the complaint is made anonymously.
- 1.6. On receipt of a complaint, the Chairman of the DSC will provide copies of the complaint, including all relevant details (names of the parties involved, names of potential witnesses and the name and address of the complainant) to the President of the Academy and members of the DSC. The Chairman of the DSC shall maintain a file (hereinafter the “log”) containing all correspondence, details of conversations, witness statements and any other relevant information including a record of all decisions made by the DSC.
- 1.7. In the event of a complaint made against a member of the DSC, that member will take no further part in the investigation and the Committee will appoint a replacement member of the DSC, who has no involvement with the incident.
- 1.8. In the event of a complaint made against the President or Secretary of the Academy, then the Committee will appoint one of the two Vice-Presidents to carry out the tasks in the Disciplinary Procedure that would normally be performed by the President or Secretary.
- 1.9. The Chairman of the DSC will provide a summary of the complaint at the next Committee meeting this should include the name of the member concerned and brief details of the nature of the complaint. The Chairman shall also be responsible for communicating with all parties involved.
- 1.10. The DSC shall undertake any investigation it deems appropriate in order to fully consider the complaint.

## **2. Disciplinary Matters**

- 2.1. Any Academy Member or person subject to the disciplinary jurisdiction of the Academy by virtue of paragraph 1.2 or 1.3 above shall be liable to disciplinary action in accordance with this Code if their conduct is inappropriate, incorrect, improper, unlawful or unsporting and/or has the potential to bring the sport of fencing or the Academy into disrepute. The following non-exhaustive list are examples of conduct which may constitute a breach of this Code:-
  - 2.1.1. Refer to Appendix 1
  - 2.1.2. Failing to comply with the Academy's Articles of Association and/or Code of Ethics and Conduct;
  - 2.1.3. Doing anything which could harm the Academy or bring the sport of fencing or the Academy into disrepute;
  - 2.1.4. Failing to comply with a written agreement with or a written undertaking given to the Academy;
  - 2.1.5. Making an untrue written statement to the Academy or a person or organisation acting on behalf of the Academy;
  - 2.1.6. Committing a breach of the Code of Ethics and Conduct (save where the application of specific sanctions under the Code of Ethics and Conduct have been delegated to the President);
  - 2.1.7. Failing to treat others in the sport with dignity and respect;
  - 2.1.8. Taking any part in doping;
  - 2.1.9. Acting in a way that directly or indirectly adversely affects the welfare or safety of a person under 18 or places them at risk;
  - 2.1.10. Acting in a way that directly or indirectly adversely affects the welfare or safety of a Vulnerable Adult or places them at risk;
  - 2.1.11. Assisting or encouraging any person, to breach this Code.

## **3. JURISDICTION AND POWER**

- 3.1. The Committee delegates power and jurisdiction to act in relation to any Disciplinary Matter, to the DSC in accordance with the procedures in this Code except that:-
  - 3.1.1. Allegations relating to doping as defined within the BF Anti-Doping Regulations as approved by the Board of BF shall be dealt with by the UK National Anti-Doping Panel, in accordance with the provisions of the UK Anti-Doping Rules;
  - 3.1.2. Allegations that a person has engaged in conduct which directly or indirectly adversely affects the welfare or safety of a person under 18 and/or places them at risk (including any Appeal) shall be dealt with in accordance with the policies adopted from time to time by the Academy in respect of Child Protection and Safeguarding; and
  - 3.1.3. Allegations of a breach of the Code of Ethics and Conduct, shall, where the Code of Ethics and Conduct so allows, be dealt with by the Committee who may in turn delegate, in their absolute discretion, dealing with such allegations to either the DSC Chairman or may refer such allegations to be dealt with under this Code.
- 3.2. Disciplinary Action and any resulting sanction under this Code shall be separate from and may be additional to:-
  - 3.2.1. Disciplinary action by an Associated Body;
  - 3.2.2. Any sanction specifically authorised by regulations (other than this Code) established by the Committee;
  - 3.2.3. Action or investigation by the police or statutory authorities in accordance with criminal law or other statutory regulations, whether or not resulting in a conviction, but any action under this Code may be stayed until the outcome of any criminal or external investigation is concluded save to the extent that a Member may be precluded from participating in Fencing

Activities pending determination of any criminal or external investigation.

- 3.3. The Committee delegates power to the President to modify, from time to time and on a non-binding case specific basis, the administrative and investigative procedures only in this Code in circumstances where the President in his/her absolute discretion determines that such modification is necessary to ensure the efficient operation of this Code.

#### **4. DISCIPLINARY SUB-COMMITTEE**

- 4.1. The Committee shall appoint no fewer than three individuals, one of which should act as Chairman and Secretary
- 4.2. Each member of the DSC shall have a single vote and the decisions of the DSC shall be by majority vote
- 4.3. Unless they resign, DSC members shall serve until the end of the first Annual General Meeting following their appointment and thereafter until their successors are appointed. Casual vacancies shall be filled by the Committee.
- 4.4. A DSC member having an interest in a matter to be discussed must declare that interest as soon as he is aware of it and must have no involvement in his capacity as a member during the transaction of that business.

#### **5. DISCIPLINARY SUB-COMMITTEE CHAIRMAN**

- 5.1. The Committee shall appoint a member of the Academy to be Chairman of the DSC
- 5.2. The DSC Chairman shall implement and administer this Code in accordance with the directions of the President and/or the Secretary.
- 5.3. The DSC Chairman may, with the approval of the President and/or the Secretary, delegate any function in a particular case to another suitable person.

#### **6. APPLICATION FOR INVESTIGATION**

- 6.1. A complainant (the 'Applicant') may make a written application to the President and/or Secretary that an alleged Disciplinary Matter involving an Academy Member, Associated Body or person who is subject to this Code by virtue of paragraph 1.2 or 1.3 above (the 'Respondent') be investigated
- 6.2. The written application shall be in the form specified by the President and/or Secretary and shall include the name of the Respondent, the nature and approximate date of the alleged Disciplinary Matter and signed statements by the Applicant and any witnesses.

#### **7. INTERIM SUSPENSION**

- 7.1. The Committee may suspend a Member or Associated Body from any or all of the privileges of affiliation ('interim suspension') on receipt of either of the following:-
  - 7.1.1. A written application for investigation of an alleged Disciplinary Matter involving an Affiliated Member or Associated Body. Such interim suspension may remain in force until not later than the final conclusion of the Disciplinary Action;
  - 7.1.2. Notification by the statutory authorities that a Member is under investigation in relation to an alleged offence under the Sexual Offences Act 2003 and any subsequent related legislation. Such interim suspension may remain in force until not later than the legal outcome becomes known.
- 7.2. An interim suspension shall only be imposed if and for as long as the Committee is satisfied it is necessary in the best interests of the Academy or the sport.
- 7.3. The DSC Chairman shall review an interim suspension at least monthly and report any concern that it might be continuing unnecessarily to the President and/

or Secretary.

- 7.4. Interim suspension shall be a neutral action and shall not imply any prejudgement of the substantive issue.

## **8. INVESTIGATION**

- 8.1. On receipt of a written application for an alleged Disciplinary Matter to be investigated the DSC Chairman shall inform the President and/or Secretary. The President and/or Secretary may seek an informal resolution to the Disciplinary Matter or request an investigation by the DSC.
- 8.2. The President and/or Secretary may appoint as Investigator any person or organisation that does not have an interest in the case other than a Director, a DSC member or the DSC Chairman. The Investigator may be internal or external to the Academy.
- 8.3. When allocated to the DSC and/or an Investigator, he will inform the Applicant that they are dealing with the matter and inform that the details of the application will be disclosed to the Respondent. They will also inform the Respondent that they are the subject of an application, provide an outline of the allegation, identify who made the complaint (but only when the identification of such person is not confidential for safeguarding reasons) and seek a brief response to the complaint. Such response should include a brief factual response to the allegation.
- 8.4. The DSC Chairman and/or the Investigator will then conduct an investigation that is thorough, proportionate, relevant and fair to all parties. Contact with the Applicant, the Respondent and all witnesses will usually be via telephone or email but may be by face to face meetings. The Applicant, the Respondent and any witnesses shall give the Investigator all reasonable assistance, including promptly supplying signed statements if necessary, making themselves available for interview, answering any questions and supplying documentary or other information
- 8.5. The DSC Chairman and/or the Investigator shall make a written report which shall include the documentary evidence and a recommendation as to whether the Respondent has a case to answer.
- 8.6. The DSC's and/or the Investigator's report shall be submitted to the President and/or Secretary who shall either confirm the recommendation or arrange for further investigation by the same or a different Investigator.
- 8.7. If the President and/or Secretary confirms a recommendation that there is no case to answer the DSC Chairman and/or Investigator shall inform the Applicant and the Respondent accordingly. There shall be no appeal against a decision that there is no case to answer but a case may be re-examined if further evidence is later forthcoming.
- 8.8. If the President and/or Secretary confirms a recommendation that there is a case for the Respondent to answer the DSC Chairman and/or Investigator shall then be responsible for presenting the case to answer to the DSC as set out below.

## **9. DISCIPLINARY PROCEEDINGS**

- 9.1 If the President and/or Secretary confirms a recommendation that there is a case to answer the DSC Chairman shall give the Respondent written notice together with the Investigator's report and copies of the complaint. Not later than 21 days after the sending of the notice the Respondent shall send to the DSC Chairman a written answer thereto, together if desired with signed statements from any witnesses. At the same time the Respondent may request a personal hearing.
- 9.2 If the Respondent does not request a personal hearing within the prescribed time, the DSC shall adjudicate the matter, taking into consideration the report of the Investigator, the written statements of the Applicant, Respondent and witnesses and any other evidence it thinks appropriate. The DSC may decide to adjudicate a case by correspondence.

- 9.3 Proceedings, findings or decisions of the DSC shall not be invalidated by reason of any minor defect, irregularity, omission or technicality unless it raises a material doubt as to the reliability of the proceedings, findings or decisions.

## **10. PERSONAL HEARING**

- 10.1. If the Respondent requests a personal hearing the DSC Chairman shall give the Respondent at least 21 days' notice of the date, place and time of the hearing, which shall be held as soon as practicable and wherever possible within 42 days of receipt of the application for a personal hearing.
- 10.2. The Respondent may be represented or accompanied at a personal hearing by one other person of the Respondent's choice, who shall not be a witness. This right shall be in addition to the right of a Respondent who is a Vulnerable Adult to be accompanied by a parent or carer.
- 10.3. The Investigator shall be responsible for presenting the case to answer and may:
- 10.3.11. Call evidence from witnesses;
- 10.3.12. Cross-examine the Respondent and witnesses who give evidence on the Respondent's behalf;
- 10.3.13. Address the DSC for up to ten minutes or such longer period as the DSC chairman decides is necessary to provide a fair opportunity to present the case.
- 10.4. The Respondent or the Respondent's representative shall have the right:
- 11.4.1. To call evidence from the Respondent and other witnesses to rebut the allegation;
- 11.4.2. To cross-examine any witness who gives evidence in support of the allegation;
- 11.4.3. To address the DSC to sum up the answer to the allegation for up to ten minutes or such longer period as the chair decides is necessary to provide a fair opportunity to sum up the answer.
- 10.5. Failure of any person to attend the hearing, or to answer any question, or to produce any necessary papers, shall not prevent the DSC from proceeding to a decision.
- 10.6. The DSC shall consider its decision in private. If the allegation is contested the DSC shall first decide whether or not it is proved on the balance of probabilities and inform the respondent accordingly.
- 10.7. If the allegation is admitted, or if the DSC finds the allegation proved, the Respondent or the Respondent's representative may speak for up to ten minutes in mitigation before the DSC decides on any sanction to impose.
- 10.8. The DSC is entitled absolutely to determine the procedures that will be adopted at any personal hearing.

## **11. SANCTIONS AND COST**

- 11.1 If the Respondent admits an allegation or if the DSC finds an allegation proved it may impose any one or more of the following sanctions:
- 11.1.1 Suspension from some or all of the privileges of affiliation either indefinitely or for a stated period;
- 11.1.2 A fine to be paid within 28 days;
- 11.1.3 Censure;
- 11.1.4 A requirement to give an undertaking in such terms as the DSC may decide; failure to give the undertaking within 14 days or a breach of it within two years shall be deemed a breach of this Code and upon such breach the offender shall be liable to a sanction in addition to the sanction for the original Disciplinary Matter;
- 11.1.5 In the case of a former Member or Associated Body which has subsequently resigned or otherwise ceased to be affiliated a stipulation that they may not re-affiliate without the express permission of the Committee.

11.1.6 The DSC shall have the power to require a Respondent to pay a contribution towards the costs of the hearing on term terms as the Committee deems appropriate.

## **12. RECORDS AND CONFIDENTIALITY**

- 12.1. A decision made by the DSC on whether or not a case is found proved and the sanction imposed shall not be confidential save where the Respondent is a Vulnerable Adult and the sanction imposed does not involve a suspension in which case the provisions of paragraph 12.3 below apply. A decision which is not confidential shall be publicised on the Academy website unless the DSC decides otherwise.
- 12.2. The DSC Chairman shall within seven days of the decision notify it in writing to the Respondent, the Applicant and any other Affiliated Member or Associate Body involved.
- 12.3. In a case of suspension, the DSC Chairman shall publicise the suspension to those likely to be affected.
- 12.4. The chair of the DSC shall procure that minutes of each hearing are taken. The minutes shall contain a record of the procedural business of the meeting and a record of each hearing (which shall be contained in a separate document) The chair of the DSC shall also provide written reasons for any findings made by the DSC including the sanction, if any, and the factors that were taken into consideration when imposing such sanction.
- 12.5. Records relating to a Disciplinary Matter shall be kept for five years after any investigation, proceedings and sanction imposed are all completed.

### **13. APPEALS**

- 13.1 If the DSC finds an allegation proved the Respondent may appeal against the finding or the sanction imposed or both.
- 13.2 Any Appeal must be made within 28 days in writing to the President and/or Secretary and includes a £75 non-refundable administration fee.
- 13.3 The notification of Appeal must contain the grounds for the Appeal. The only grounds for an Appeal are:-
  - 13.3.1 That there was a material error, either factual or procedural in the original proceedings;
  - 13.3.2 That there is material new evidence that, had it been known at the time of the original proceedings, would have affected the decision of the DSC.
- 13.4 Any Appeal that does not meet one of the criteria in 13.3 above may be refused by the President and/or Secretary.
- 13.5 The Appeal shall be heard by an Appeal Panel shall be appointed by the President and/or Secretary and shall usually consist of a non-voting chairman and three members who were not involved in the original proceedings.
- 13.6 An Appeal is not a re-hearing of the original proceedings and whilst it will be necessary for the Appeal Panel to review the evidence by reading the statements and any reports, it will not involve the calling of new witnesses unless the Appeal is based upon the ground specified in 13.3.2 above only.
- 13.7 The Appeal Chairman shall determine the manner in which the Appeal is dealt with, including inviting representations either in writing or in person from the Investigator and/or the Respondent. Once the Appeal Chair is satisfied that the Appeal Panel has sufficient information on which to decide the appeal, they will retire to consider whether the Appeal is upheld or dismissed.
- 13.8 The Appeal Panel shall have the following powers:-
  - 13.8.1 To dismiss the Appeal;
  - 13.8.2 To alter or vary the original decision;
  - 13.8.3 To quash any sanction and/or substitute it for any other penalty; or
  - 13.8.4 To make any such other order or determination as it may think right or just.
- 13.9 The decision of the Appeal Panel will be communicated to the Appellant, the original Applicant and the President and/or Secretary by the Appeal Chair in writing within seven days of the Appeal Hearing.
- 13.10 The decision of the Appeal Panel will be final and binding and there lies no other form of Appeal.
- 13.11 The appellant shall be entitled to be heard at the appeal and to present information and/or call witnesses. The appellant may be accompanied by another (who should not be a witness) to speak on his or her behalf. The Appeals Panel may also hear from any other person in relation to the appeal as it thinks fit, provided that the appellant is entitled to be present while the Appeals Panel hears that person. The appellant shall have the right to re-address the Appeals Panel after the giving of such evidence.
- 13.12 The decision of the Appeals Panel shall be by a majority and each member of the Appeals Panel shall equal voting powers. In the case of equality of votes, the Chairman of the Appeals Panel shall refer the decision back to the Committee
- 13.13 The Appeals Panel, in making its decision, shall be entitled to amend, vary, quash or uphold the original decision of the DSC or of the Committee.
- 13.14 The Secretary of the Academy shall inform the appellant of the result of the appeal as soon as is reasonably practicable and in any event within 28 days of the date of the appeal hearing.
- 13.15 The Secretary of the Academy shall inform the Chairman of the DSC and members of the Committee of the decision of the Appeals Panel.
- 13.16 The President of the Academy shall ensure that any final disciplinary action is instigated.



**14. PEOPLE UNDER 18**

- 14.1 If an Applicant is under 18 at the date of the alleged Disciplinary Matter:-
- 14.1.1 The DSC Chairman shall consult the person nominated by the President and/or Secretary to act as Child Protection Officer to ensure their interests are protected;
  - 14.1.2 Any right or obligation under these regulations may be exercised on their behalf by their parent or carer;
  - 14.1.3 Any written communication with them under these regulations shall be copied to their parent or carer.
- 14.2 If an Applicant or witness is under 18 at the date of the alleged Disciplinary Matter they may be accompanied by a parent or carer at any meeting or proceedings.

**15. VULNERABLE ADULTS**

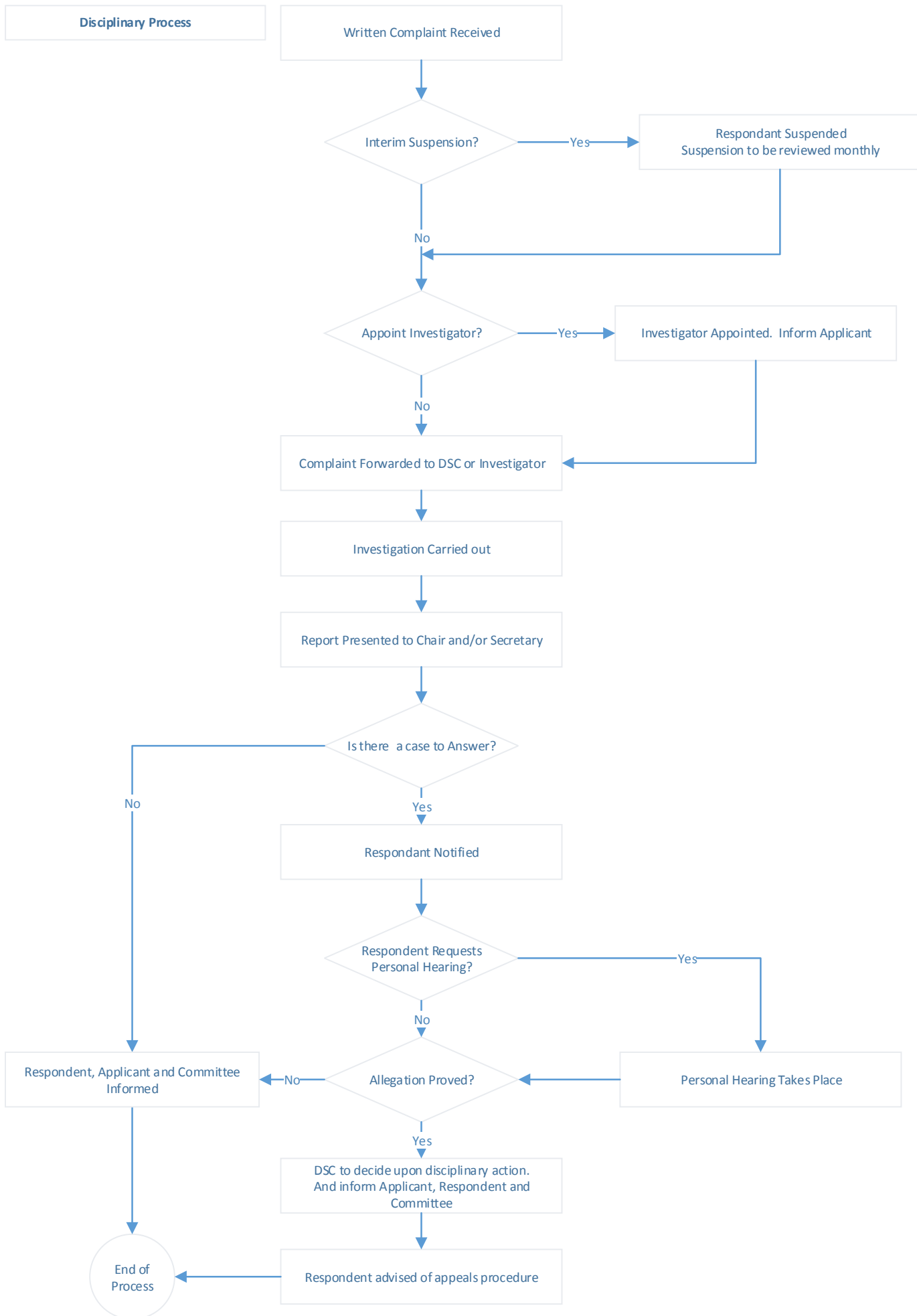
- 15.1 If an Applicant or Respondent is a Vulnerable Adult:-
- 15.1.1 The DSC Chairman shall consult the person nominated by the President and/or Secretary to act as Protection Officer to ensure their interests are protected;
  - 15.1.2 Any right or obligation under these regulations may be exercised on their behalf by their parent, carer or nominated appropriate adult;
  - 15.1.3 Any written communication with them under these regulations shall be copied to their parent, carer or nominated appropriate adult.
- 15.2 If an Applicant, Respondent or witness is a Vulnerable Adult they may be accompanied by a parent, carer or nominated appropriate adult at any meeting or proceedings.
- 15.3 When considering any sanction, the DSC shall take into account the fact that a Respondent is a Vulnerable Adult.

**16. ASSOCIATED BODY**

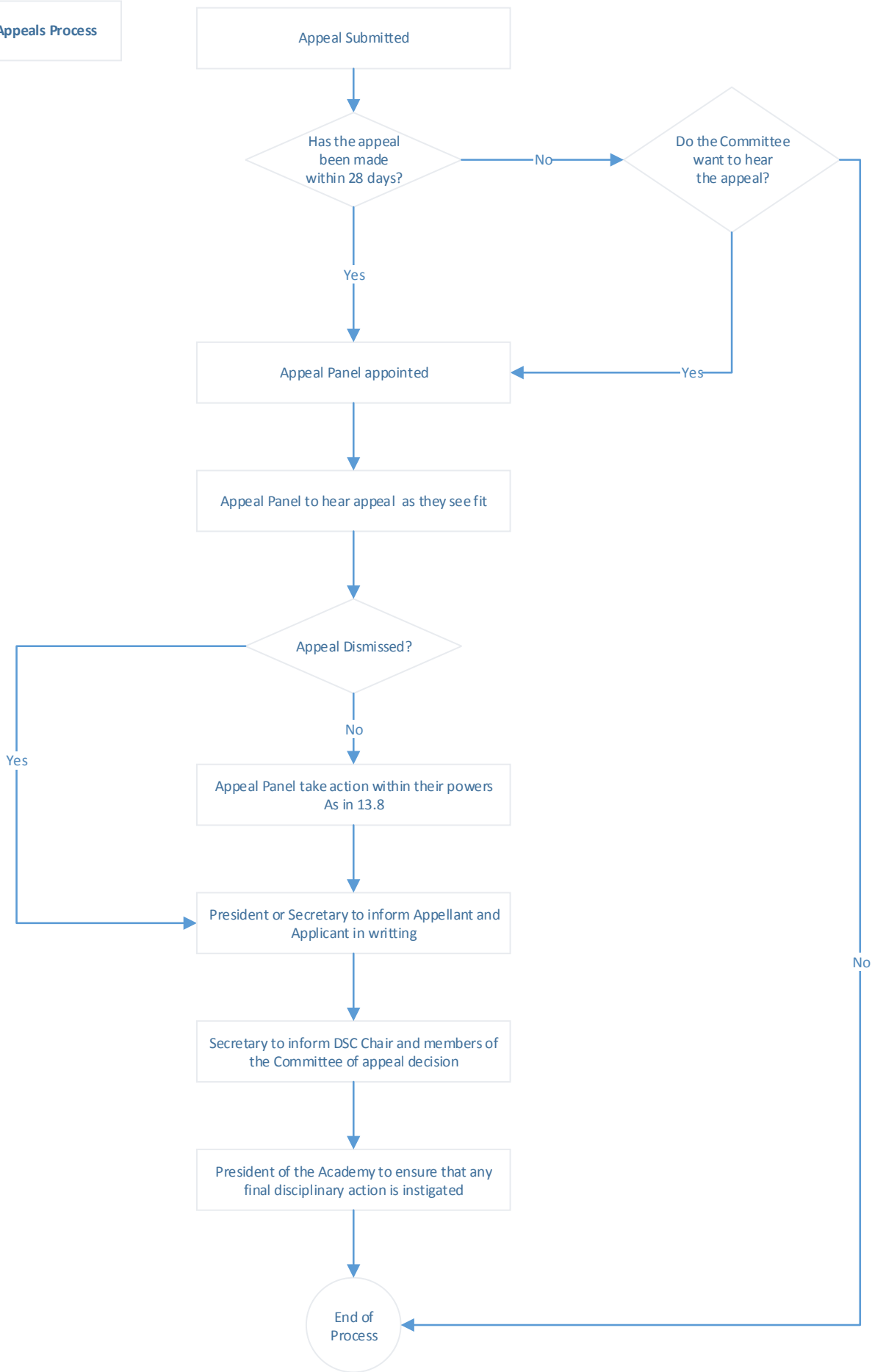
- 16.1 If a Respondent is an Associated Body:-
- 16.1.1 Any communication shall be addressed to its General Secretary;
  - 16.1.2 Its General Secretary may exercise its rights and shall carry out its obligations under the Code on its behalf unless and until it notifies the DSC Chairman in writing that it has nominated another person to do so.

**17. PUBLICATION**

- 17.1 The Committee reserves the right to publish or disclose any of its findings or action taken



**Disciplinary Appeals Process**



## Appendix 1

### Guide to Sanctions

#### 1. Introduction

The purpose of this guide is to assist Disciplinary Sub-Committee in deciding the appropriate sanction when an offence has been either admitted or proved. Where an offence is being dealt with by the President under the powers delegated by the Committee, the term 'DSC' is to be interpreted as the President. Each case will inevitably involve a unique set of facts and will require individual assessment, however it is intended that this guide will provide a framework for the DSCs who are deciding what, if any, sanction should be imposed.

#### 2. The Purpose of Sanctions

- 1.1. The protection of all those who have involvement, or contact with, the British Academy of Fencing (the Academy)
- 1.2. The maintenance of the reputation of the Sport of Fencing
- 1.3. The maintenance of proper standards of behaviour

*(Note: The fact that a sanction has a subsidiary punitive effect does not make such a sanction inappropriate when it is designed to address one of the fundamental principles as set out in this paragraph.)*

#### 3. General Principles

When assessing the appropriate sanction the DSC has to exercise discretion, and should have regard to the principles of fairness, proportionality and reasonableness. The DSC should consider the purpose of sanctions, as set out in paragraph 2 above, and carefully weigh that against the interests of the Respondent. In determining the appropriate sanction the DSC may be assisted by the following:

- a) Any mitigating or aggravating features of the facts found proved.
- b) The age and other personal circumstances of the Respondent.
- c) Any character references or testimonials in support of the Respondent.
- d) Any statement of views provided to the DSC by any person affected by the conduct of the Respondent.
- e) Any statement and/or views provided to the DSC by the Committee.

4. The application of the doctrine of proportionality is to ensure that any sanctions imposed are no more restrictive upon a Respondent than is necessary to meet the desired objective. Thus, in order to ensure that proportionality is achieved the DSC should usually consider the available sanctions in ascending order of severity.

#### 5. Code of Conduct and Prescribed Sanctions

- 5.1 When deciding upon the appropriate sanction, if any, the DSC will have regard to the extent to which the actions of the Respondent have contravened the Academy's Code of Ethics and Conduct.
- 5.2 Where the Academy rules prescribe a fixed sanction, the DSC must apply the prescribed sanction.

6. **Aggravating Features**

The factors listed below might be regarded by the DSC as being aggravating features though the list is not exhaustive. Some of the below may amount to the offence itself.

- Violent misconduct
- Sexual misconduct
- Bringing into question the integrity of a member
- Public criticism of a member
- Bring the Academy into disrepute
- Mis-representation
- Taking advantage of, or abusing, a minor or other vulnerable person
- Dishonesty
- Abuse of trust
- Cheating
- Drug abuse/doping
- Corruption
- Making false allegation
- Failing to comply with an order from a previous DSC
- Failing to co-operate with an investigation or complaint
- Repeated nature of misconduct or sustained over a long period of time
- Concealment of misconduct
- Previous findings of misconduct
- Breach of a ban imposed by a DSC and/or Committee

6. **Mitigating Features**

The factors listed below might be regarded by the DSC as being mitigating features though the list is not exhaustive.

- Open and frank admissions at an early stage demonstrating insight
- No actual harm to other members of the Academy or members of the public
- Single, isolated incident
- Ill health at the time of the incident where relevant
- No previous disciplinary history
- Steps taken to rectify misconduct such as apology or repayment of misappropriated funds
- Genuine insight into misconduct
- Genuine steps taken to remedy, ameliorate or prevent re-occurrence of the misconduct
- Young age
- Respondent having been subject to provocation

7. **Cases where a warning, reprimand or additional education may be appropriate.**

The factors listed below may be regarded by the DSC though the list is not exhaustive.

- Misconduct alleged is of a minor or transient nature
- Momentary loss of temper or ill-judged behaviour
- Misconduct unlikely to be repeated
- Insight into misconduct
- Steps taken to rectify misconduct
- Early apology

8. **Cases where retrospective removal of any title trophy medal prize, points or other benefit, may be appropriate.** *This will apply automatically in the case of a black card; see paragraph T.120 of the Rules for Competitions, and also, in relation to domestic competitions, the notes on the Black Cards in the BF Offences and Penalties Sheet, which can be found here:*  
[http://britishfencing.com/uploads/files/offences\\_and\\_penalties\\_sheet\\_jan14.pdf](http://britishfencing.com/uploads/files/offences_and_penalties_sheet_jan14.pdf)

The factors listed below may be regarded by the DSC though the list is not exhaustive.

- Misconduct which fundamentally undermines the reputation of the Academy
- Dishonesty
- Cheating
- Drug abuse/doping
- Corruption
- Violence
- Sexual abuse

9 **Cases where banning may be appropriate**

The factors listed below may be regarded by the DSC though the list is not exhaustive.

- Serious misconduct which falls short of requiring permanent expulsion
- Repeated misconduct or failure to heed a warning or reprimand
- Serious misconduct, but genuine insight and remorse
- Serious misconduct but isolated in nature
- Serious misconduct but little chance of repetition
- Serious misconduct but clear indication that Respondent can and will address offending issues
- Serious misconduct, but falls short of being fundamentally incompatible with continued membership of the British Academy of Fencing
- The duration of the ban may be conditional on the Respondent fulfilling conditions

10. **Cases where expulsion may be appropriate**

The factors listed below may be regarded by the DSC though the list is not exhaustive.

- Continuing risk to members of the public or other fencers
- Serious potential harm caused
- Serious misconduct plus lack of insight on the part of the Respondent
- Misconduct is such that it calls into question the Respondent's ability to safely engage in the Sport of Fencing
- Dishonesty
- Violent or sexual misconduct
- Behaviour is fundamentally incompatible with being a member of the Academy
- Public confidence in the Sport demands no lesser sanction
- Serious departure from the Code of Conduct

11. **Cases where fines or financial restitution may be appropriate**

The factors listed below may be regarded by the DSC though the list is not exhaustive.

- Dishonesty cases requiring restitution
- Misconduct which public confidence in the Sport requires should be marked by a financial penalty
- Misconduct which has resulted in the Respondent having a financial benefit

12. **Other Sanctions**

It should be noted that, in appropriate circumstances, the DSC also has the power to declare a Respondent to be ineligible to serve on the Academy Committee and/or Sub-Committee etc. or to have no involvement in Academy affairs. Further, the DSC may withdraw or reduce any grant and/or bursary which is within the control of the Academy. Finally the DSC may order the Respondent to make an apology.

13. **Suspension of sanction**

Sanctions may be totally or partially suspended for any such period as the DSC may determine. A sanction so suspended shall not be enforced if no further offence is committed by the Respondent during the period of suspension. If a further offence is committed within such period, then upon proof of the second offence, the initial sanction automatically comes into effect unless the DSC dealing with the second offence decides otherwise. The original sanction may be activated in whole or in part and will be added, if applicable, to the sanction imposed for the new offence.

14. **Reasons**

The DSC should give reasons as to why a particular penalty (or combination of penalties) has been imposed.

15. **Conflict with the Disciplinary, Grievance and Appeals Procedure**

In the event of any conflict between this Guide and the main body of the Disciplinary, Grievance and Appeals Procedure then, the latter shall prevail.