



## **CODE OF CONDUCT**

### **Appendix 1**

#### **Procedure following an allegation of misconduct**

Any person wishing to make a complaint of misconduct by a member or club must do so in writing within 7 days of the incident to the Secretary or President of the NIBA.

If after preliminary investigation the President and Secretary considers that a prima facie case of misconduct exists, the following procedure must be followed: -

Within 14 days of receiving the allegation, the Secretary will convene a Disciplinary Committee consisting of three members from the President, Senior Vice President, Junior Vice President, Immediate Past President, Treasurer and Secretary who shall be the convenor. If any member coming before the committee involves a dispute between two or more affiliated clubs and any of the designated officers are members of the clubs in dispute, then those officers will be ineligible to serve and will be replaced by other members of the executive committee as appropriate whilst that issue is under consideration.

Other personnel may be invited at the Committee's discretion to give specialist advice.

- a) The accused member/members involved must be advised in writing, of the complaint and that the complaint has been referred to the Disciplinary Committee for a Disciplinary Hearing.
- b) The date of the Disciplinary Hearing shall, where possible, be agreed with the accused member/members involved. The hearing shall be held within 28 days of the date of notification to the accused member/members of the complaint, or as soon as practical thereafter. In any event the Disciplinary Hearing must be held within 40 days of the date of notification of the complaint to the accused member/members notwithstanding failure to agree such date with the accused member/members.
- c) In the event of failure to agree on such date the decision of the Secretary as to the date of the Disciplinary Hearing shall be final.
- d) If after receipt of the a complaint, the Secretary is or becomes aware of the member being charges with a criminal offence which does not reach a conclusion within the 40 day period referred to above any Disciplinary Hearing shall take place within 28 days of the date of the verdict hearing of the charges being withdrawn.
- e) The accused member/members must be given the right to be heard and to be accompanied by an advisor who may be a friend or other representative, who may be a solicitor.
- f) The Chairman of the Disciplinary Committee or nominee, on behalf of the Disciplinary Committee, may call for written witness statements in support of the complaint and in support of the accused member/members to be received by the Disciplinary Committee and sent to all the other parties at least 14 days in advance of the Disciplinary Hearing.
- g) The Chairman of the Disciplinary Committee of nominee, on behalf of the Disciplinary Committee, or the accused member/members may call witnesses in support of the complaint or in support of the accused member/members. Names of witnesses must be received by the Disciplinary Committee and sent to all the other parties at least 14 days in advance of the Disciplinary Hearing.

- h) The order of proceedings shall be at the discretion of the Disciplinary Committee, but normally take the form of the person making the complaint making a statement, presenting evidence and witnesses, followed by the accused member doing the same. Members of the Disciplinary Committee may ask questions of any witness. The Disciplinary Committee may ask for additional enquiries to be undertaken and may call for additional witnesses to attend.
- i) Following the hearing the Disciplinary Committee will consider the findings and decide to either:
  - a) Dismiss the complaint
  - b) Issue a written warning
  - c) Issue a suspension
  - d) Terminate the membership

This decision will be conveyed in writing to all relevant parties by the Secretary within 7 days of the hearing.

#### Appeal

The accused member/members shall have the right to appeal to a Special General Meeting of the Association. The request for such an appeal must be made in writing to the Secretary who shall call such a meeting within 28 days of the request.