

**Regulations Part D: DISCIPLINARY REGULATIONS**

This document cancels and replaces the issue dated 12.02.19

**1 INTRODUCTION**

- 1.1 An Affiliated Member or Affiliated Organisation by affiliating agrees to comply with and act in accordance with the Articles and regulations; failure to do so shall be deemed to be a Disciplinary Breach and render the Affiliated Member or Affiliated Organisation liable to Disciplinary Action and the imposition of sanctions.
- 1.2 Table Tennis England makes and enforces the Disciplinary Regulations to ensure that compliance with the Articles and regulations is enforced fairly and in accordance with the principles of natural justice.

**2 INTERPRETATION**

- 2.1 The Disciplinary Regulations shall be interpreted in accordance with the provisions of Article 3 and words and phrases defined by the Articles shall have the same meaning assigned to them in the Disciplinary Regulations unless the context precludes such an interpretation.
- 2.2 In the Disciplinary Regulations unless the context otherwise requires:
  - CEO** means the Chief Executive Officer of the Company.
  - Disciplinary Action** means proceedings or any part of proceedings in accordance with the Disciplinary Regulations.
  - Disciplinary Breach** means a breach of the Articles or regulations or conduct which is detrimental to Table Tennis England or to the interests of sport of table tennis as defined below.
  - Investigator** means a person or organisation appointed by the CEO to investigate an alleged Disciplinary Breach and recommend whether or not a Respondent has a case to answer.
  - Respondent** means an Affiliated Member or Affiliated Organisation against whom Disciplinary Action is brought.
  - Vulnerable Adult** means an individual aged 18 or over who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of himself or herself or unable to protect himself or herself against significant harm or exploitation.

**3 DISCIPLINARY BREACHES**

- 3.1 An Affiliated Member or Affiliated Organisation shall be liable to Disciplinary Action for Disciplinary Breaches, namely if their conduct is inappropriate, incorrect, improper, unlawful or unsporting and/or has the potential to bring the sport of table tennis or the Company into disrepute. While it is not possible to set out a definitive list of the types of conduct this applies to, each of the following types of behaviour, without limitation, is an example:
  - 3.1.1 failing to comply with the Articles or regulations;
  - 3.1.2 failing to comply with a Table Tennis England code of conduct (for example the Code of conduct for players, Code of conduct for officials or Code of conduct and ethics for coaches) as published on the Company's website.
  - 3.1.3 doing anything which could harm the Company or bring it or the sport of table tennis into disrepute;
  - 3.1.4 failing to comply with a written agreement or a written undertaking given to the Company;
  - 3.1.5 making an untrue written statement to the Company or a person or organisation acting on the Company's behalf;
  - 3.1.6 failing to treat others in the sport with dignity and respect;
  - 3.1.7 participating or assisting in any way in regulated competitions which does not comply with the regulations;
  - 3.1.8 taking any part in doping;
  - 3.1.9 taking any part in betting on table tennis;
  - 3.1.10 taking any part in match fixing;
  - 3.1.11 acting in a way that directly or indirectly adversely affects the welfare or safety of a person under 18 or places them at risk;
  - 3.1.12 acting in a way that directly or indirectly adversely affects the welfare or safety of a Vulnerable Adult or places them at risk;
  - 3.1.13 assisting or encouraging an Affiliated Individual or Affiliated Organisation to commit a Disciplinary Breach.

**4 JURISDICTION AND POWER**

- 4.1 The Board delegates power and jurisdiction to act in relation to an alleged Disciplinary Breach, including the power to impose appropriate sanctions, to the Disciplinary Committee in accordance with the procedures in the Disciplinary Regulations except that:

- 4.1.1 allegations relating to doping as defined within Part P (Anti-Doping) of the regulations shall be dealt with by the UK National Anti-Doping Panel, in accordance with the provisions of the UK Anti-Doping Rules;
- 4.1.2 allegations that a person has engaged in conduct which directly or indirectly adversely affects the welfare and safety of a person under 18 and/or places them at risk shall be determined in accordance with these regulations but the Disciplinary Committee shall in such cases consist of two Disciplinary Committee members, nominated by the Disciplinary Committee Chairman, and a Chairman appointed by the Board who shall be experienced in safeguarding matters and independent of the Company.
- 4.2 Disciplinary Action and any resulting sanction under the Disciplinary Regulations shall be separate from and may be additional to:-
- 4.2.1 disciplinary action by an Affiliated Organisation (see Annex 2);
- 4.2.2 action in accordance with the rules of a competition;
- 4.3.3 any sanction specifically authorised by regulations (other than the Disciplinary Regulations) established by the Board;
- 4.2.4 action taken under a contract of employment against an Affiliated Member who is also an employee;
- 4.2.5 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 the Disciplinary Regulations shall be stayed until the final legal outcome becomes known;
- 4.2.6 the automatic termination of membership of an Affiliated Member in relation to the safeguarding of persons under 18 as provided for in Part J (Affiliation and Registration) of the regulations.
- 4.2.7 the withdrawal of a privilege or benefit provided subject to an agreement if the agreement is not complied with.
- 4.3 Part A (Regulated Competitions) of the regulations prescribes penalties for misbehaviour at certain competitions in matches controlled by qualified officials. A player penalised under that provision shall be subject to Disciplinary Action as well only if the CEO is satisfied that the Disciplinary Breach alleged (if substantiated) would be too serious to be dealt with by that penalty alone.

## **5 DISCIPLINARY COMMITTEE**

- 5.1 The Board shall appoint six Affiliated Members who are not directors to constitute the Disciplinary Committee, designating one of these as Disciplinary Committee Chairman.
- 5.3 Disciplinary Committee members and reserves shall serve for such period as the Board determine.
- 5.4 A Disciplinary Committee member having an interest in a matter to be discussed must declare that interest as soon as he or she is aware of it and must not be present in his or her capacity as a member during the transaction of that business.
- 5.5 A decision may be taken by not fewer than three members of the Disciplinary Committee (including any reserves), who must all have been present throughout any personal hearing.
- 5.6 The Disciplinary Committee Chairman may convene a meeting of the Disciplinary Committee, including a meeting to constitute a hearing, at such time and place as the Disciplinary Committee Chairman decides.

## **6 DISCIPLINARY SECRETARY**

- 6.1 The CEO shall appoint a member of staff to be Disciplinary Secretary.
- 6.2 The Disciplinary Secretary shall implement and administer the Disciplinary Regulations in accordance with the directions of the Disciplinary Committee Chairman.
- 6.3 The Disciplinary Secretary may with the approval of the CEO delegate any function in a case to another suitable person.

## **7 REPORTING ALLEGED DISCIPLINARY BREACHES**

- 7.1 The referee is responsible for taking disciplinary action for misbehaviour or other breaches of regulations at a competition. Nothing in this section shall limit the referee's powers in accordance with the rules of the competition.
- 7.2 A person alleging a Disciplinary Breach at a competition should report it promptly to the referee. If the person making the allegation considers the Disciplinary Breach is very serious, they may also report it to the CEO by submitting full details in writing within 14 days.
- 7.3 A person alleging a Disciplinary Breach, other than at a competition, shall submit full details in writing to the CEO as soon as possible.

## **8 INVESTIGATION**

- 8.1 If (on receipt of a report or otherwise) the CEO believes Disciplinary Action is required, the CEO shall commission an investigation and appoint an Investigator.
- 8.2 The Investigator may be any person or organisation that does not have an interest in the case other than a director, a disciplinary committee member or the Disciplinary Secretary. The Investigator may be internal or external to Table Tennis England.

- 8.3 Affiliated Members and Affiliated Organisations (including the Respondent) shall, on request, give the Investigator all reasonable assistance including promptly supplying statements, making themselves available for interview, answering any questions and supplying documentary or other information.
- 8.4 The Investigator shall submit a written report to the CEO which shall include the submission from the person who reported alleged Disciplinary Breach, the documentary evidence and a recommendation as to whether the Respondent has a case to answer.
- 8.5 The CEO shall either confirm the Investigator's recommendation or arrange for further investigation by the same or a different Investigator.
- 8.6 If the CEO confirms a recommendation that there is no case to answer the Disciplinary Secretary shall inform the Respondent and any person who reported the alleged Disciplinary Breach accordingly. A case may be re-examined if further evidence is later forthcoming.

## 9 INTERIM SUSPENSION

- 9.1 The CEO may suspend an Affiliated Member or Affiliated Organisation ('interim suspension') from involvement in any capacity in any or all table tennis activities and from any or all privileges of affiliation (including suspension of player licence, coach licence or status as a qualified official):
- 9.1.1 while a possible Disciplinary Breach is investigated, continuing if necessary until not later than the final conclusion of any Disciplinary Action;
- 9.1.2 if notified by the statutory authorities that an Affiliated Member is under investigation in relation to an alleged offence concerning a person under 18, continuing if necessary until not later than the final legal outcome becomes known.
- 9.2 Only the Board may impose the interim suspension of an honorary appointment.
- 9.3 An interim suspension shall be imposed only if, for as long as, and to the extent that the CEO is satisfied it is necessary in the best interests of Table Tennis England or the sport.
- 9.4 The Investigator shall review an interim suspension at least monthly and report any concern that it might be continuing unnecessarily to the CEO.
- 9.5 Interim suspension shall be a neutral action and shall not imply any prejudgement of the substantive issue.

## 10 PROCEDURE AFTER FINDING A CASE TO ANSWER

- 10.1 If the CEO confirms a recommendation that there is a case to answer, the Disciplinary Committee shall determine whether the case is proved and, if so, the sanction.
- 10.2 The burden of proof shall lie on the party who asserts a particular fact or matter. The standard of proof shall be a balance of probabilities.
- 10.3 Proceedings, findings or decisions of the Disciplinary Committee 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.
- 10.4 The Disciplinary Secretary shall:
- 10.4.1 give the disciplinary committee members, the Investigator and the Respondent written notice of the CEO's decision, a copy of the Disciplinary Regulations and the Investigator's report including the documentary evidence.
- 10.4.2 invite the Respondent to ask for a personal hearing within 7 days.
- 10.4.3 invite the Respondent and the Investigator to submit written material to the Disciplinary Committee within 7 days whether or not there is a personal hearing. Any material so submitted shall be copied to the committee members, the Investigator and the Respondent.
- 10.5 If the Respondent asks for a personal hearing it shall take the form prescribed below. If not the procedure shall be decided by the Disciplinary Committee Chairman and may be based on the written material alone with remote communication rather than by meeting.
- 10.6 If the Respondent does not ask for a personal hearing the procedure shall be decided by the Disciplinary Committee Chairman and may be based on the written material alone with remote communication rather than by meeting.

## 11 PERSONAL HEARING

*Note: A typical procedure at a personal hearing is attached as Annex 1.*

- 11.1 If the Respondent requests a personal hearing the Disciplinary Secretary shall give the Respondent at least 7 days' notice of the date, place and time of the hearing, which shall be held as soon as practicable.
- 11.2 The Investigator and the Respondent may each be represented or accompanied at a personal hearing by one other person of their choice, who shall not be a witness. This right shall be in addition to the right of a Respondent who is under 18 or a Vulnerable Adult to be accompanied by a parent or carer.
- 11.3 In the absence of the Disciplinary Committee Chairman the members of the Disciplinary Committee present shall elect one of themselves to chair the personal hearing.
- 11.4 The Investigator, or the Investigator's representative, shall present the case to answer and may:

- 11.4.1 call evidence from witnesses;
- 11.4.2 cross-examine the Respondent and witnesses who give evidence on the Respondent's behalf;
- 11.4.3 address the Committee
- 11.5 The Respondent or the Respondent's representative shall have the right:
  - 11.5.1 to call evidence from the Respondent and other witnesses to rebut the allegation;
  - 11.5.2 to cross-examine any witness who gives evidence in support of the allegation;
  - 11.5.3 to address the Committee.
- 11.6 Failure of any person to attend the hearing, or to answer any question, or to produce any necessary papers, shall not prevent the Disciplinary Committee from proceeding to a decision.
- 11.7 The Disciplinary Committee shall consider its decision in private. If the allegation is contested the Disciplinary Committee shall first decide whether it is proved and inform the respondent accordingly.
- 11.8 If the allegation is admitted, or if the Disciplinary Committee finds the allegation proved, the Respondent may speak in mitigation before the Disciplinary Committee decides on any sanction to impose.

## 12 SANCTIONS

- 12.1 If the Respondent admits an allegation or if the Disciplinary Committee finds an allegation proved it may impose any one or more of the following sanctions:
  - 12.1.1 suspension from involvement in any capacity in any or all table tennis activities and from any or all privileges of affiliation (including suspension of player licence, coach licence or status as a qualified official) either indefinitely or for a stated period. Indefinite suspension may end only with the express permission of the Board. A person suspended indefinitely may not ask the Board to review the suspension until it has been in force for a minimum of five years or such other period as the Disciplinary Committee specify.
  - 12.1.2 a fine to be paid within 28 days;
  - 12.1.3 censure;
  - 12.1.4 a requirement to give an undertaking in such terms as the Disciplinary Committee may decide; failure to give the undertaking within 14 days or any breach of it shall be deemed a Disciplinary Breach and the offender shall then be liable to an additional sanction for the original Disciplinary Breach;
  - 12.1.5 for doping offences, in addition to any other sanction, such sanctions as are authorised by Part P (Anti-Doping) of the Regulations;
  - 12.1.6 a requirement to pay a contribution towards the costs of the hearing within 28 days;
  - 12.1.7 in the case of a former Affiliated Member or former Affiliated Organisation, a stipulation that they may not re-affiliate without the express permission of the Board.

## 13 RECORDS AND CONFIDENTIALITY

- 13.1 A decision made by the Disciplinary Committee on whether or not a case is found proved and the sanction imposed shall not be confidential.
- 13.2 The Disciplinary Secretary shall within 7 days of the decision notify it in writing to the Respondent and any other Affiliated Member or Affiliated Organisation involved.
- 13.3 The Disciplinary Secretary shall publish and maintain a list on the Company's website of those Affiliated members and Affiliated Organisations whose affiliation is currently suspended.
- 13.4 The Disciplinary Secretary shall take a record of each hearing.
- 13.5 Records relating to a Disciplinary Breach shall be kept for five years after any investigation, proceedings and sanction imposed are all completed.

## 14 REVIEWS OF PAST DECISIONS

- 14.1 The Disciplinary Committee may review a past decision if the Disciplinary Committee Chairman in his absolute discretion considers such a review to be necessary in the interests of fairness; and the Disciplinary Committee may then reach a fresh decision.

## 15 APPEALS

- 15.1 The Respondent shall have a right of appeal against a decision of the Disciplinary Committee in accordance with Part E (Right of Appeal) of the regulations.

## 16 FORMER AFFILIATED MEMBERS OR AFFILIATED ORGANISATIONS

- 16.1 A former Affiliated Member or Affiliated Organisation shall remain liable to disciplinary action and sanctions in respect of conduct whilst affiliated and reference in the Disciplinary Regulations to an Affiliated Member or Affiliated Organisation shall include a former Affiliated Member or former Affiliated Organisation unless the context precludes such an interpretation.
- 16.2 A former Affiliated Member or Affiliated Organisation shall comply with the requirements of the Disciplinary Regulations in respect of a Disciplinary Breach alleged to have occurred whilst they were an Affiliated Member or Affiliated Organisation.

**17 PEOPLE UNDER 18**

- 17.1 If a Respondent is under 18 at the date of the alleged Disciplinary Breach:
- 17.1.1 the Disciplinary Secretary shall consult the person nominated by the CEO to act as Child Protection Officer to ensure their interests are protected;
- 17.1.2 any right or obligation under these regulations may be exercised on their behalf by their parent or carer;
- 17.1.3 any written communication with them under these regulations shall be copied to their parent or carer.
- 17.2 If a Respondent or witness is under 18 at the date of the alleged Disciplinary Breach they may be accompanied by a parent or carer at any meeting or proceedings.
- 17.3 When considering any sanction, the Disciplinary Committee shall take into account the age of a Respondent under 18 at the date the alleged Disciplinary Breach.

**18 VULNERABLE ADULTS**

- 18.1 If a Respondent is a Vulnerable Adult:
- 18.1.1 the Disciplinary Secretary shall consult the person nominated by the CEO to act as Protection Officer to ensure their interests are protected;
- 18.1.2 any right or obligation under these regulations may be exercised on their behalf by their parent or carer;
- 18.1.3 any written communication with them under these regulations shall be copied to their parent or carer.
- 18.2 If a Respondent or witness is a Vulnerable Adult they may be accompanied by a parent or carer at any meeting or proceedings.
- 18.3 When considering any sanction, the Disciplinary Committee shall take into account the fact that a Respondent is a Vulnerable Adult.

**19 AFFILIATED ORGANISATIONS**

- 19.1 If a Respondent is an Affiliated Organisation:
- 19.1.1 any communication shall be addressed to its General Secretary;
- 19.1.2 its General Secretary may exercise its rights and shall carry out its obligations under the Disciplinary Regulations on its behalf unless and until it notifies the Disciplinary Secretary in writing that it has nominated another person to do so.

**Annex 1: TYPICAL PROCEDURE AT A PERSONAL HEARING***Notes*

*This is the typical procedure, but the Chairman may vary it provided it complies with the Disciplinary Regulations and the requirements of natural justice.*

*If the Investigator or the Respondent choose to be represented, then references to them (except in relation to their own evidence) shall be taken as references to their representative.*

*Any address to the Committee shall be limited to 10 minutes or such other time as the chairman considers is needed in the interests of fairness.*

**Section A - Introductory**

- 1 Introductions.
- 2 The Chairman explains the procedure.
- 3 The Chairman states the allegation and checks that everyone has copies of the relevant papers.
- 4 The Chairman asks if any member of the Committee has an interest in the case which would prohibit them from taking part to declare it.
- 5 The Chairman asks the Respondent whether they contest the allegation.

**Section B – Proceedings to determine whether the allegation is proved** *(Note – This section may be abbreviated or omitted if the respondent does not contest the allegation)*

- 6 The Investigator states their case.
- 7 The Respondent may ask the Investigator questions.
- 8 Committee members may ask the Investigator questions.
- 9 The Investigator may call witnesses in support of the allegation. Each witness may be asked questions in turn by the Investigator, the Respondent and committee members.
- 10 The Respondent states their case.
- 11 The Investigator may ask the Respondent questions.
- 12 Committee members may ask the Respondent questions.
- 13 The Respondent may call witnesses to rebut the allegation. Each witness may be asked questions in turn by the Respondent, the Investigator and committee members.
- 14 The Respondent may address the Committee to sum up their answer to the allegation.

- 15 All except members of the Committee withdraw whilst the Committee decides whether it finds the complaint proved.
- 16 Those who withdraw are invited back and the Chairman announces whether the Committee finds the allegation proved.

**Section C – Proceedings to determine the appropriate sanction** *(Note this section is omitted if the respondent contests the allegation and the Committee does not find it proved).*

- 17 The Chairman asks the Investigator for any information to help determine what sanction should be imposed (including any past Disciplinary Breaches admitted by or found proved against the Respondent).
- 18 The Respondent may address the Committee in mitigation.
- 19 All except members of the Committee withdraw whilst the Committee decides on the sanction.
- 20 Those who withdrew are invited back and the Chairman announces the decision on the sanction.

**Section D - Conclusion**

- 21 The Chairman concludes the hearing.

**Annex 2: DISCIPLINARY ACTION BY AFFILIATED ORGANISATIONS**

**Introduction**

- 1 An Affiliated Organisation may take action against one of its members for Disciplinary Breaches as defined in these regulations or for conduct prohibited by its own rules. This shall be separate from, and may be in addition to, any action by Table Tennis England.
- 2 An Affiliated Organisation shall act in accordance with the principles of natural justice.
- 3 An Affiliated Organisation shall conduct its disciplinary procedure in accordance with its rules. If those rules do not specify the procedure it shall adopt the fallback procedure below.

**Fallback Procedure**

- 4 The managing committee of an Affiliated Organisation shall act as the panel or appoint a panel to hear the case.
- 5 A panel member who has an interest in the case must declare it and must not act as a panel member for that case.
- 6 The member must be told in writing in advance of the allegation and nature of the evidence against them and be given the opportunity to put their side to the panel in person or, if they prefer, in writing.
- 7 If the panel finds the allegation proved on the balance of probabilities it may impose a sanction relating to membership of the Affiliated Organisation but not to membership of Table Tennis England or another Affiliated Organisation.
- 8 An Affiliated Member has a right of appeal against a disciplinary decision of an Affiliated Organisation in accordance with Article 51 and the Regulations Part E (Right of Appeal).