

GUERNSEY DARTS



ASSOCIATION
(2010)

Disciplinary
Proceedings

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Disciplinary Proceedings

1 INTRODUCTION

- (a) This Disciplinary Code forms part of the terms and conditions of Membership of the Guernsey Darts Association (2010). It also forms parts of the terms and conditions of participation in tournaments, competitions, leagues and other events organized by and / or sanctioned by the Guernsey Darts Association (2010). Anyone who applies for Membership of the Guernsey Darts Association (2010), and / or participates in an event organized by and / or sanctioned by the Guernsey Darts Association (2010), whether as a player or as an official, shall be deemed to have accepted this Disciplinary Code and has agreed to be bound and to abide by its provisions and all decisions made hereafter.
- (b) This Disciplinary Code may be superseded on occasion by the World Darts Federation Code of Practice on Disciplinary Proceedings if necessary.
- (c) The Guernsey Darts Association (2010) may from time to time supplement, amend or vary this Disciplinary Code. Such changes shall be deemed to be immediately effective and binding on each member, player and official on the date of publication of the changes by the Guernsey Darts Association (2010).
- (d) Guernsey Darts Association (2010) member darts bodies (and Leagues) wishing to take their own disciplinary action against their own members shall use this Disciplinary Code as a guide in the exercise of their disciplinary powers, **provided that** where proceedings are to be taken under this Disciplinary Code with respect to a particular incident, then any Guernsey Darts Association (2010) member darts body with concurrent jurisdiction over the incident shall defer to such proceedings.
- (e) Guernsey Darts Association (2010) member bodies shall recognize, and take all steps necessary to give effect to:
 - (i) Disciplinary decisions made by a Disciplinary Committee or Appeal Committee under this Disciplinary Code; and
 - (ii) Disciplinary decisions made by a Guernsey Darts Association (2010) member body in accordance with the provisions of the Disciplinary Code and recognized as such by the Guernsey Darts Association (2010).

2 DISCIPLINARY OFFENCES AND DISCIPLINARY COMPLAINTS

- (a) Each member, player and official is responsible and accountable for his / her own conduct in connection with the sport of Darts. He / she must conduct himself / herself at all times in accordance with the highest standards of disciplined and sporting behaviour. Any conduct that falls below these standards and that harms or undermines the sport of Darts in any way shall constitute a Disciplinary Offence under this Disciplinary Code.
- (b) It is not possible to draw up a definitive and exhaustive list of the various types of conduct, behaviour, statements or practices that may amount to a Disciplinary Offence under this Disciplinary Code. For purposes of illustration only, and not by way of limitation, each of the following types of behaviour may constitute a Disciplinary Offence under this Disciplinary Code:

- (i) Acts / omissions that breach the Guernsey Darts Association (2010) Playing Rules, the Anti-Doping Code (Policy on Drugs), or any other Guernsey Darts Association (2010) Rule, including any rules which are specific to any event sanctioned by and / or under the jurisdiction of the Guernsey Darts Association (2010);
- (ii) Acts or statements that are, or conduct that is, discriminatory to an individual person or group of people by reason of gender, sexual orientation, race, nationality, ethnic origin, skin colour, religion or disability;
- (iii) Any conduct, behaviour, statements or practices, whether inside or outside the venue or match play area, during any event sanctioned by and / or under the jurisdiction of the Guernsey Darts Association (2010) or otherwise, that is unsporting, offensive, indecent, violent and / or insulting and / or that brings or may bring into disrepute the sport of Darts, an event sanctioned by and / or under the jurisdiction of the Guernsey Darts Association (2010) or the Guernsey Darts Association (2010) and / or any sponsor or commercial partner of the Guernsey Darts Association (2010).
- (iv) Any misuse of funds / fees / sponsorship that brings or may bring into disrepute the sport of Darts, an event sanctioned by and / or under the jurisdiction of the Guernsey Darts Association (2010) or the Guernsey Darts Association (2010) and / or any sponsor or commercial partner of the Guernsey Darts Association (2010).

3 COMMENCEMENT OF DISCIPLINARY PROCEEDINGS

MAKING A COMPLAINT

- (a) Any act or omission by a member, player and / or official that constitutes or is capable of constituting a Disciplinary Offence shall, in the first instance, be considered by the Board of Directors or Executive Committee of the Guernsey Darts Association (2010), acting either on their own motion or on referral or complaint from a third party.
- (b) The Board of Directors or Executive Committee of the Guernsey Darts Association (2010) shall have sole discretion as to determine whether or not to charge a person or persons with a Disciplinary Offence. In exercising such discretion, the Board of Directors or Executive Committee of the Guernsey Darts Association (2010) shall be entitled to undertake such investigations as they may deem necessary, and every member, player and / or official (whether or not they are the subject of the complaint being made) shall be obliged to cooperate in full with such investigations. A failure to cooperate in full with such investigations may in itself constitute a Disciplinary Offence under this Disciplinary Code.
- (c) If the Board of Directors or Executive Committee of the Guernsey Darts Association (2010) decides to charge a person (or persons) with a Disciplinary Offence under the Disciplinary Code, then they shall send a formal notice in writing to the Chairman of the Disciplinary Committee, with an additional copy sent in writing to the person (or persons) being charged (the "Defendant(s)"), under which said notice shall specify the following:
 - (i) The name of the Defendant(s);
 - (ii) Full details of the alleged Disciplinary Offence, to include the date and place, and names of any witnesses and any specific Guernsey Darts Association (2010) Rules which are alleged to have been broken (if applicable); and

- (iii) That the complaint is being referred to the Chairman of the Disciplinary Committee for consideration under Clause 5 of the Disciplinary Code.

INTERIM SUSPENSIONS

- (d) Where the Board of Directors or Executive Committee of the Guernsey Darts Association (2010) believes that is necessary, in the best interests of the sport, that the Defendant(s) should be suspended from any participation in the sport pending adjudication of the charge:
 - (i) The Board of Directors or Executive Committee of the Guernsey Darts Association (2010) shall include in the notice referenced at Clause 3 (c) above, a request for an interim suspension, stating the reasons why such a suspension is necessary in the best interests of the sport, provided that in cases of extreme urgency the application be made orally; and
 - (ii) Where practicable, The Board of Directors or Executive Committee of the Guernsey Darts Association (2010) shall give the Defendant(s) an opportunity to be heard prior to making their ruling.
- (e) Any interim suspension imposed pursuant to Clause 3 (d) (ii) above, shall be binding upon notification to the Defendant(s), and shall remain in effect until the Disciplinary Committee which has been convened to hear the complaint against the Defendant(s) makes its own determination. This may include an interim ruling lifting the suspension pending its final decision.

4 COMPOSITION OF THE DISCIPLINARY COMMITTEE

- (a) The Board of Directors or Executive Committee of the Guernsey Darts Association (2010) shall designate individuals of suitable experience and standing to form a Disciplinary Committee. For the avoidance of doubt, members of the Board of Directors or Executive Committee of the Guernsey Darts Association (2010) may also be members of the Disciplinary Committee. The Board of Directors or Executive Committee of the Guernsey Darts Association (2010) shall designate one of its members to serve as Chairman of the Disciplinary Committee.
- (b) When the Chairman of the Disciplinary Committee receives a complaint from the Board of Directors or Executive Committee of the Guernsey Darts Association (2010), he / she shall convene a Disciplinary Committee consisting of three persons to hear the complaint.
- (c) No person with a close or vested interest in the matters that are the subject of the complaint shall be allowed to sit on the Disciplinary Committee that is hearing the complaint.
- (d) Once the Disciplinary Committee has been convened, its Chairman shall send a formal notice in writing to the Board of Directors or Executive Committee of the Guernsey Darts Association (2010) and the Defendant(s);
 - (i) Identifying the members of the Disciplinary Committee and clearly specifying a deadline by which any challenges to its composition based on Clause 4 (c) above, must be made;
 - (ii) Clearly specifying a venue, date and time at which mandatory attendance is required for a hearing on the complaint; and

- (iii) If he / she deems it necessary or appropriate, requiring the Board of Directors or Executive Committee of the Guernsey Darts Association (2010) to clarify or provide further detail regarding the complaint which is being made, and / or requiring the Defendant(s) to respond to the charge in writing, prior to the hearing.
- (e) If a member of a Disciplinary Committee is either unable or unwilling, for whatever reason, to hear the complaint being made, then the Chairman of the Disciplinary Committee may, at his / her absolute discretion:
 - (i) Appoint another member of the Guernsey Darts Association (2010) Committee as a replacement; or
 - (ii) Appoint a new Disciplinary Committee.

5 PROCEEDINGS BEFORE THE DISCIPLINARY COMMITTEE

- (a) The Defendant(s) must attend before the Disciplinary Committee for a hearing on the complaint. For the avoidance of doubt however, provided that sufficient due notice of the hearing has been given, if the Defendant(s) fail to attend the hearing, then the hearing may proceed in his / her absence.
- (b) The procedures applicable in respect of the hearing before the Disciplinary Committee as it shall see fit, provided always that such procedures shall be consistent with the requirements of fairness. The procedures shall be advised to all relevant parties at the beginning of the hearing, and the parties shall be entitled to propose any amendments to the procedures in the particular circumstances of that case.
- (c) It is hereby acknowledged that the requirements of fairness are not fixed, but depend on their content on the particular facts and circumstances of the case in question. Nevertheless, they shall usually include at a minimum the following:
 - (i) The Defendant(s) shall be entitled to be accompanied at the hearing by a person of his / her choice (such as a legal advisor, whose costs be the costs of the proceedings for the purposes of Clause 6 (e) below), who may be permitted to speak on behalf of the Defendant(s)
 - (ii) The Board of Directors or Executive Committee of the Guernsey Darts Association (2010) shall bear the burden or proofing, on the balance of possibilities, that the Defendant(s) has / have committed a Disciplinary Offence. The Board of Directors or Executive Committee of the Guernsey Darts Association (2010) may be assisted by legal counsel, whose costs be the costs of the proceedings for the purposes of Clause 6 (e) below).
 - (iii) The Defendant(s) may admit the charge at any time during the course of the hearing, in which case the Disciplinary Committee shall proceed immediately to hear submissions as to what sanctions (if any) should be imposed on the Defendant(s).
 - (iv) The Board of Directors or Executive Committee of the Guernsey Darts Association (2010) may present oral, written or video evidence from third parties. In such a case the Defendant(s) (or his / her representative) shall be given a reasonable opportunity to cross-examine (through the Chairman of the Disciplinary Committee) all those who have

given oral evidence and to make representations as to the contents of any written or video evidence.

- (v) If the Board of Directors or Executive Committee of the Guernsey Darts Association (2010) establishes a *prima facie* case of a Disciplinary Committee, the Defendant(s) shall be given proper opportunity to state his / her defence to the Disciplinary Committee before any decision is taken.
 - (vi) The Defendant(s) may present oral, written or video evidence from himself / herself or from third parties as he / she thinks appropriate, in which case the Board of Directors or Executive Committee of the Guernsey Darts Association (2010) shall be given a reasonable opportunity (through the Chairman of the Disciplinary Committee) to cross-examine such witnesses and to make representations as to the contents of any written or video evidence.
 - (vii) The Disciplinary Committee shall seek, where possible, to obtain first-hand evidence of matters in issue rather than hearsay evidence. However, formal legal rules regarding the admissibility of evidence shall not apply in proceedings before the Disciplinary Committee. Instead, the Disciplinary Committee shall decide at its absolute discretion what weight, if any, to give evidence presented to it.
 - (viii) The Disciplinary Committee shall decide all of the issues presented to it fairly and impartially.
- (d) The Chairman of the Disciplinary Committee shall be entitled to suspend or adjourn the hearing for the purposes of investigating any matters arising in the course of the hearing or for any other reason. Such suspension or adjournment shall last only for as long as shall be reasonably necessary.

6 DECISIONS OF THE DISCIPLINARY COMMITTEE

- (a) At the conclusion of the disciplinary hearing, the Disciplinary Committee shall confer in private in order to reach a decision. Decisions of the Disciplinary Committee shall be made by a majority vote, without the right to be able to abstain from the vote being taken.
- (b) Where the Disciplinary Committee is satisfied on the balance of probabilities that the Defendant(s) has / have committed a Disciplinary Offence, then (subject to Clause 6 (d) below), the Disciplinary Committee shall impose such sanction(s) as it shall see fit, if any.
- (c) Subject to Clause 6 (d) below, a non-exhaustive list of the steps that may be decided upon by the Disciplinary Committee is as follows:
 - (i) To take no further action;
 - (ii) To caution or reprimand the Defendant(s), or issue an oral or written warning;
 - (iii) Fine the Defendant(s) in an amount proportionate to the seriousness of the offence (the recommended maximum fine = [£1,000]);

- (iv) Suspend the Defendant(s) from participation in one or more events sanctioned by and / or under the jurisdiction of the Guernsey Darts Association (2010); or from membership of the Guernsey Darts Association (2010) for a specified period of time; and / or
 - (v) Expel the Defendant(s) from membership of the Guernsey Darts Association (2010). The period of the Defendant(s) expulsion can be any specified period of time within the parameters of one day [*the minimum*] or for life (sine die) [*the maximum*].
- (d) In its decision, the Disciplinary Committee shall have discretion to impose any order that it shall see fit as to the costs of the proceedings undertaken before it.
- (e) The Chairman shall inform the Defendant(s) in writing, the decision made by the Disciplinary Committee, including the reasons for it, within and no later than 72 hours after the decision has been made, and in any event prior to any public announcement being made. The decision shall be binding on the Defendant(s). The Guernsey Darts Association (2010) reserves the right to publicise the decision, but only after it has been notified to the Defendant(s) and not before.
- (f) If no appeal is made against the decision, within the stipulated fourteen day deadline specified in Clause 7 (b) (i) below, then the decision shall be deemed as final. No appeal may be made after the expiration of the fourteen day deadline.

7 APPEALS FROM DECISIONS OF THE DISCIPLINARY COMMITTEE

- (a) The right of appeal against Disciplinary Committee decisions be either the Defendant(s) or the Board of Directors or Executive Committee of the Guernsey Darts Association (2010) (the “Appellant(s)”) is permissible, with the proviso that anyone doing so will deposit a sum of money (£20 per person involved in the appeal) with the Guernsey Darts Association (2010), with the provision that such sums of monies shall be immediately returned to the Appellant(s) if the appeal is successful. Any appeal does not absolve that decision from being in force until such times as any appeal has proved successful.
- (b) Such appeal shall be heard by an Appeal Committee, in accordance with the Rules of the Guernsey Darts Association (2010), as modified and / or supplemented by the following provisions;
- (i) Notice of the appeal, including a written copy of the decision being appealed against, a specification of the particular aspect(s) of the decision being appealed against, and a written statement of the full grounds on which the appeal is based, must be received and filed with the Board of Directors or Executive Committee of the Guernsey Darts Association (2010) within and no later than fourteen days of the date of the written decision of the Chairman of the Disciplinary Committee.
 - (ii) The Appeal Committee shall consist of five members. This committee shall not include any member of the Board of Directors or Executive Committee of the Guernsey Darts Association (2010) or any member of the Disciplinary Committee which presided over the original disciplinary hearing, or anyone with any close or vested interest in the appeal.
 - (iii) The Appeal Committee appointed to hear the appeal shall decide upon the procedures for the appeal, including but not limited to the burden of proof to be applied and

whether or not the appeal should proceed by way of *de novo* rehearing or some more limited standard of review.

- (iv) The Appeal Committee appointed to hear the appeal shall have the power to dismiss the appeal, or to confirm, quash, vary, increase or reduce any decision and / or sanction(s) originally imposed by the Disciplinary Committee, to overrule any finding made, and / or to take any other step(s) that they consider to be necessary in order to deal justly with the appeal in question; and
- (v) The decision of the Appeal Committee appointed to hear the appeal shall be made in writing, including a statement of reasons given for the decision. This shall take effect upon notification to all relevant parties. The Guernsey Darts Association (2010) may publicise the decision only after it has been notified to the relevant parties.
- (vi) If no appeal against the decision made by the Appeal Committee is made within the fourteen days deadline specified in Clause 7 (b) (i) above, then the decision shall be made final.
- (vii) If a secondary and further appeal is to be made, then it must be lodged with the World Darts Federation (WDF) and will subsequently then be subject to their **Code of Practice on Disciplinary Proceedings**, (but only if Guernsey Darts Association (2010) is a formally recognised member of the WDF. If the Guernsey Darts Association (2010) is not a formally recognised member of the WDF then the decision of the Appeal Committee must be rendered as final and binding, as per Clause 7 (b) (v) above) If the decision made by the WDF is subject to further appeal, then the final appeal must be made to the Court of Arbitration for Sport in Lausanne, Switzerland, be subject to their procedures, in the secure knowledge that any judgement / decision handed by them is deemed to be final, without appeal and shall bring the matter to a close.

8 MISCELLANEOUS

- (a) Any person(s) / association / league / club suspended by the Disciplinary Committee, will automatically be suspended from playing or attending any function or event within any association / league / club that is affiliated to the Guernsey Darts Association (2010).
- (b) Disciplinary findings or decisions made pursuant to this Disciplinary Code shall not be quashed or rendered invalid by reason only of any irregularity, omission, technicality or other defect in the procedures followed unless such irregularity, omission, technicality or other defect raises a material doubt as to the reliability of the findings or decisions or results in a miscarriage of justice.
- (c) In respect of any matter arising that is not provided for within this Disciplinary Code, the appropriate body shall take a decision according to the general principles of justice and fairness.