

BOWLS USA POLICIES AND PROCEDURES

SUBJECT: DISCIPLINARY

Proposed: 11/17/2014

Approved: 3/24/2015

Proposed: 9/25/2017

Approved: 11/10/2017

Proposed: 10/1/2019

Approved: 11/2/2019

OVERVIEW

Bowls USA strives to ensure that every person enjoys the sport of bowls in a safe and inclusive environment that is free from abuse, harassment and discrimination.

Toward that end, any individual may report an incident or complaint wherein that climate was compromised. It is expected that members of the bowling community will make efforts to restore fairness to the bowlers and bowling environment.

DEFINITIONS

Complainant – Individual making the complaint

Respondent(s) – Individual(s) accused of the violation

Disciplinary Committee – Investigatory arm of BUSA

Executive Committee – Final arbiter of the complaint and resultant action

DISCIPLINARY POLICY

1. Purpose
 - a. Adjudicating allegations of misconduct at national and international sanctioned Bowls USA events; and may be consulted for divisional adjudications.
2. Scope
 - a. Misconduct at any Bowls USA function or sanctioned activity/tournament, including but not limited to U.S. Open Tournament, Divisional Open Tournaments, Playdowns and Championship event
 - b. Misconduct of any officer, chairperson, team selector or other Bowls USA representative engaged in Bowls USA activities
 - c. Misconduct committed by anyone sponsored by Bowls USA
3. Neutrality
 - a. Executive Committee or Discipline Committee members should recuse themselves from deliberation if they are involved in the incident in any way or may be impacted by the outcome.
 - b. Should the Discipline Committee Chair be the subject of the complaint then the 1st VP will chair the Committee
4. Expectation

Members involved in a disciplinary procedure will respect the organization's process and efforts by participating willingly and truthfully.

 - a. Once contact information has been established, failure to respond to requests from the Disciplinary Committee, in full and in a reasonable time frame, will assume the individual feels no further information should be considered in the procedure and the

Committee may base their decision on the information at hand. No appeal may be requested.

- b. Should the Respondent acknowledge the facts of the incident as true, the Committee may make their decision without further investigation. No appeal may be requested.
- c. Should the Respondent resign from a position/office prior to completion of the disciplinary procedure, and that position/office is a factor in the complaint, no appeal may be requested.

MISCONDUCT

1. Misconduct is defined as:
 - a. Unsportsmanlike, unacceptable, or improper conduct
 - b. Mismanagement of duties or responsibilities
2. Misconduct shall include, but is not limited to:
 - a. Disrespectful, abusive, racist or sexist comments or behavior
 - b. Violations of W.A.D.A. policy regarding prohibited substances
 - c. Use of any profane, indecent, or improper language
 - d. Offensive or insulting behavior towards a fellow lawn bowler
 - e. Activities that endanger the safety of others
 - f. Incidents of violence (e.g., fighting)
 - g. Repeated incidents of minor violence (e.g., tripping, pushing, elbowing)
 - h. Actions which brought, or could bring, Bowls USA into disrepute
 - i. Behavior in violation of the person's responsibilities in their position as a Bowls USA representative.
 - j. Misconduct in an elected/appointed position of Bowls USA

DISCIPLINARY PROCEDURE

Any individual may submit an allegation of misconduct in writing to a Councilor or a member of the Bowls USA Executive Committee

1. A complaint should be immediately directed to the 2nd VP who
 - a. Chairs the Disciplinary Committee
 - b. Acts as liaison between the Disciplinary Committee and Executive Committee
 - c. Serves as the primary contact for the Complainant and Respondent, unless otherwise advised
2. Upon receipt of a complaint the 2nd VP will
 - a. Notify the Complainant the Disciplinary Process has begun immediately or within X days
 - i. Provide the member a copy of the Disciplinary P &P
 - ii. Advise confidentiality
 - b. Determine if further activities by the Respondent, per the complaint, may compromise an individual, event, or BUSA functionality (see 2d. below)
NOTE: This decision should err on the side of safety and fairness to all bowlers
 - c. Form a Disciplinary Committee
 - i. Ask for volunteers from the Council
 - ii. Perform due diligence in selecting Committee members to insure objectivity

- iii. Appoint a committee of two Councilors, of varied gender when possible
 - d. Contact the Respondent
 - i. Notify that a complaint has been submitted including
 - 1. Date of grievance and from whom
 - 2. Based on what action(s) or event(s)
- Note:** The accused will not have access to the original complaint to avoid any bias in their account of the incident.
- ii. Provide a written copy of the Disciplinary Policy and Procedure, offering to be a resource for interpreting the Policy and Process
 - iii. Initiate a **temporary** suspension of activities if appropriate , see #1 in this section
 - iv. Advise confidentiality
3. The Disciplinary Committee will investigate the complaint in a timely, accurate, and fair fashion
 - a. Gather information pertinent to the complaint
 - i. Written documents, eyewitness reports, audio/video media
 - ii. Through interviews, written correspondence and/or messaging
 - iii. Maintain copies of documents and transcripts of interviews in case future review is needed
 - b. Determine the legitimacy of the complaint
 - i. Identify the nature of the complaint based on Misconduct as defined in this document
 - ii. Establish or disprove a relationship of the pertinent information to the complaint
 - c. Recommend an appropriate action that may be as follows:
 - i. Dismissal of the complaint
 - ii. Written warning/reprimand
 - iii. Probation for a specific period
 - iv. Temporary suspension from Bowls USA sanctioned events or duties for a specific time frame?
 - v. Removal from elected/appointed position
 - vi. Termination of membership and participation in Bowls USA functions, events, tournaments, and any or all other Bowls USA sanctioned activities for a specific time frame?
 - d. Prepare and provide a summary report for the EC that includes
 - i. Statement of the complaint
 - ii. Timeline and participants in the investigation
 - iii. Findings from individuals and documentation
 - iv. Summary Report and reasoning
 - v. Recommendation of a sanction as outlined in the previous section
4. The Executive Committee will have 14 days from receipt of the Committee report to determine Complaint Dismissal or Respondent Sanction
 - a. The EC will function as a whole
 - i. Including the Immediate past president but without the 2nd VP

- ii. With a minimum of 3 people
 - iii. 2nd VP will act as liaison between DC and EC
- b. Review the Summary Report from the DC
 - i. Ask clarifying questions of the DC
 - ii. Request additional information be obtained by the DC
 - iii. Satisfy themselves the decision was reached in a fair and logical manner
- c. Determine a sanction reflecting the seriousness of the complaint and appropriate timeframe if indicated (as in the case of a suspension)
- d. Contact the Complainant and the Respondent
 - i. Notify of the Dismissal/Sanction – advise of said action to take effect immediately
 - ii. Provide each with the Summary Report of the DC
 - iii. Advise confidentiality
- e. Notify any bowls BUSA entity that may be affected by the decision

APPEAL OF THE DECISION

Should either the Complainant or the Respondent choose to pursue further action related to the complaint, a written notice must be received by the Bowls USA President within 5 days of notification of the sanction

Bowls USA will participate in one of two courses of Appeal; the result of either course will be considered final.

1. Request for Reconsideration

A request must be made in writing and submitted to the Bowls USA President

The request must indicate:

- a. Why the action or timeline is inappropriate
- b. All evidence to support this position
- c. The penalty or sanction (if any) that would be considered appropriate

The Executive Committee will consider the request and render a final decision within 7 days

2. Arbitration

- a. An independent arbitrator will be selected and agreed upon by the Executive Board and the Complainant. Both parties will share equally in the costs of the arbitration.

CONFIDENTIALITY

All parties, including the Complainant, Respondent, members of the Disciplinary Committee, and members of the Executive Committee shall keep strict confidentiality throughout the disciplinary process.