

Excerpt from BUSA Standing Orders – version approved at 2019 AGM

A. BUSA CODE OF CONDUCT

1 This Code applies to all Officers, Personal Members, Member Clubs and their members, whether competing in the Events, attending meetings and functions of the Association or where they are representing the Association, including verbally and in written correspondence.

2 No person or Club shall:

2.1 breach the Constitution/Standing Orders

2.2 bring the Association into disrepute

2.3 bring the sport of sailing into disrepute

2.4 commit Gross Misconduct (as defined by the RRS)

2.5 injure or damage the property of the Association or venue

2.6 disobey the reasonable orders or instructions of race officials

2.7 in the case of Officers, fail to properly perform their duties.

Failing to adhere to Section 2 of this Code shall be disciplinary offence.

3 Any allegation that a disciplinary offence has been committed shall be sent in writing in the first instance and in full to the Secretary or Chair to the Association who shall bring it to the attention of the Chair within seven days of the incident. The Chair may advise the General Committee of the receipt of a complaint, however it is at their discretion.

4 No complaint under Section 2.3 or 2.4 shall be accepted if it was considered by the Protest Committee or International Jury of one of the Events or of an event where there is an official BUSA presence and no further action was taken.

5 Where the Protest Committee or International Jury of an Event or of an event where there is an official BUSA presence has found the accused guilty of Gross Misconduct under the RRS, BUSA shall accept that finding of guilt and it may not be overturned.

6 The Chair shall appoint a panel of at least three members to investigate the disciplinary offence. The Chair may be a member of the panel. The members of the panel shall be impartial and the Chair shall endeavour to ensure that no member appointed to hear a particular matter shall have had any prior involvement with the matter. Each member, upon appointment to the panel, shall disclose to the Chair any prior involvement with the matter and circumstances likely to affect (or appear to affect) his/her impartiality and the Chair shall determine whether that member should nevertheless serve on the panel.

Should a party in a particular matter raise an objection to the composition of the panel then the Chair shall rule on the legitimacy of such objection.

7 The panel must inform the accused person or persons of the allegation and allow them to view all evidence which has been considered by the panel. The accused person or

persons must be permitted to make representations to the panel before it reaches a decision. The panel may take representations orally or in writing.

8 The panel shall determine whether or not the accused person or persons is guilty of the offence, and if so, impose a punishment.

9 The panel may impose the following punishments:

9.1 Expulsion from the Association

9.2 Suspension from the Association for a specific period of time

9.3 Exclusion, permanent or temporary, from the Events or membership of representative teams of the Association

9.4 In the case of Officers, removal from office 9.5 Compensation for damage or loss incurred

9.6 A warning

9.7 Admonishment

10 There is no right of appeal against the findings of fact of the disciplinary panel. However, the decision of panel may be appealed on the grounds that:

10.1 The procedure followed by the panel was improper

10.2 The decision was perverse and was not one which a reasonable panel could have reached on the evidence presented to it

11 Any appeal shall be lodged with the Secretary or Chair of the Association within seven days of the decision of panel being published.

12 The Chair shall appoint a panel (who may be from out with the Association) he deems to be suitably qualified to hear the appeal. No member of the appeals panel shall have been a member of the disciplinary panel or have been involved in the investigation of the offence. If the case requires additional external support in hearing the appeal, it can be forwarded to the SDRP (Sports Dispute Resolution Panel).

13 After hearing the representations of the appellant and the disciplinary panel, the panel hearing the appeal may:

13.1 Uphold the decision of the disciplinary panel

13.2 Quash the decision of the disciplinary panel

13.3 Remit the matter back to the disciplinary panel for fresh consideration

14 Where a disciplinary offence involves the Chair, their duties under this Code shall be performed by a Vice-President.