



Disciplinary Committee Terms of Reference

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Introduction

In accordance with the statutes for the Chartered Institute for the Management of Sport and Physical Activity (CIMSPA), the disciplinary committee will exercise powers on behalf of CIMSPA and the board of trustees under the following terms of reference.

Purpose

The purpose of the disciplinary committee is to monitor the practice of CIMSPA members, partners and the organisation itself, and ensure issues of misconduct are managed in a fair and consistent manner. The disciplinary committee terms of reference are agreed by the CIMSPA board who delegate authority to the disciplinary committee to undertake work relating to the execution of disciplinary panel hearings and the imposition of disciplinary or performance sanctions, where they conclude that conduct was below acceptable standards. The disciplinary committee have no executive powers other than those specifically delegated in these terms of reference.

Scope

The disciplinary committee and subsequent disciplinary panel are responsible for ensuring that fair, effective and consistent methods of dealing with disciplinary and performance matters are achieved. The scope also includes encouraging best practice and improvement to members and partners conduct, performance and delivery where it is below acceptable standards through the issuing of sanctions along with associated outcomes and remedial action. The scope of the committee and subsequent panel also includes:

- Appointing members from the committee to act as a disciplinary panel
- Imposing sanctions along with associated outcomes and remedial actions as a result of disciplinary proceedings
- Operating with strong moral principles, honesty, integrity and decency
- Operating in the best interests of CIMSPA's stakeholdersRepresenting the best interest of CIMSPA

Roles and Responsibilities

The disciplinary committee and subsequent panel's role is to:

- Hear investigation reports and findings from misconduct investigations carried out by the CIMSPA executive.
- Consider the points raised through the investigation and base their conclusion on the 'balance of probability'.
- Impose disciplinary and performance sanctions to members and partners whose conduct was below acceptable standards.
- Report on the results of disciplinary panel hearings to the disciplinary committee.
- Provide appropriate feedback to support decisions made at disciplinary panels.

The disciplinary committee are responsible to the board of trustees for:

- Developing guidance and criteria that will enable them to fairly and consistently determine if sanctions, outcomes and remedial actions are required and the level and type of disciplinary and performance sanction .
- Appointing a panel from the members of the committee to hear all investigation reports and findings from investigations conducted by the CIMSPA executive.
- Clearly and effectively communicate conclusions and decisions to impose or not impose any disciplinary or performance sanctions, outcomes and remedial actions to members and partners following disciplinary panel proceedings.
- Reviewing and ensuring consistency is achieved in judicial decisions made, including disciplinary or performance sanctions, outcomes and remedial actions imposed, to ensure they are consistently and fairly applied.
- Reviewing disciplinary policies and procedures and making recommendations, where appropriate to the investigation and disciplinary process, CIMSPA executive, and to disciplinary panels, when required.
- Reviewing the performance of the disciplinary committee.
- Completing an annual review of all disciplinary committee activities and share with the CIMSPA board of trustees.

Membership

CIMSPA's board of trustees aim to ensure that fellow trustees, committee members and CIMSPA's employees are representative of all sections of society that they serve. CIMSPA welcomes and embraces the different perspectives, backgrounds, and cultures individuals bring to the organisation and is committed to ensuring its operation reflects this, through inclusive practices that positively promote respect, dignity and equal opportunities for all .

The disciplinary committee will be made up of:

- One independent non-executive trustee (this is excluding CIMSPA's board of trustees' chair).
- One member of CIMSPA's executive team (this is excluding CIMSPA's CEO), in a non-voting capacity.
- A minimum of three and maximum of five co-opted members that are recruited for their recent and relevant knowledge and experience in a range of different fields within the sport and physical activity sector.
- The co-opted members must collectively cover knowledge and experience in the following fields:
 - Sport
 - Physical activity and health
 - Exercise and fitness
 - Leisure operations
 - Community sport
 - Adventure activities
 - Education and Training
 - Deployment

Tenure and Elapse

CIMSPA's disciplinary committee members are eligible to stand as a committee member for a term of up to three years. After the first year of the initial term, their position will be reviewed in accordance with the skills matrix, committee composition and committee diversity. At this point, the committee member may continue in their position for a further two years, with annual reviews and CPD governing their tenure to complete their initial three-year term. A maximum of three terms of three years may be served, following this format.

Once a committee member has completed their maximum term, at least four years must elapse before they are eligible to stand as a member on any committee for CIMSPA.

Quorum

The quorum necessary for the transaction of business shall be three members for both committee and panel meetings.

Meetings

The disciplinary committee shall normally meet once per year, with additional meetings scheduled on a demand led basis. Where it is not possible or practicable to hold meetings at SportPark, Loughborough, meetings will be facilitated virtually.

Disciplinary panels will take place on an ad-hoc basis, dependent upon the need to hear investigations carried out by the CIMSPA executive. The chair, plus two additional members of the committee will be required to attend the disciplinary panel. These meetings will be facilitated virtually.

The panel, where required, will issue the final decision regarding the type and level of disciplinary and performance sanctions, outcomes and remedial actions that are to be issued. The final decision will be achieved through the panel's majority verdict.

Committee roles are voluntary, and expenses will be met, should a committee member be unable to find a sponsor to support their attendance.

Additional Information

The chair of the disciplinary committee will be chosen by the board of trustees.

Co-opted members of the disciplinary committee will be appointed by an interview panel that includes the committee chair and a member of the CIMSPA exec team.

The following will be implemented in the recruitment of co-opted committee members:

- Advertisements for the members will be made publicly available (e.g. using UK Sport's website).
- Open advertising.
- Consideration of candidates from a wide range of backgrounds.

- Consideration of candidates on merit and against objective criteria and with due regard for the benefits of diversity and sector representation on the committee, including gender, taking care that appointees have enough time available to devote to the position.

If the chair is unable to attend or is not present at the start of a meeting, the meeting shall elect a chair from the remaining members for the duration of the meeting.

Only members of the committee have the right to attend committee meetings. However, CIMSPA executive staff and other non-members may be invited to attend all or part of any meeting as and when appropriate and necessary.

Outside of the formal meeting programme, the committee chair, will maintain a dialogue with key individuals involved in the company's governance, including the board chairman, the chief executive, and the compliance and complaints manager.

CIMSPA's executive staff will provide secretariat to the committee meetings and will record all minutes of meetings, actions, decisions made and changes to policy and procedures on behalf of the committee. The chair of the committee will review draft documents and approve for circulation to the committee members and public facing copies (where applicable).

Review

The disciplinary committee terms of reference will be reviewed by the board of trustees in February 2024 unless changes in policy, governance or other circumstances require a review prior to this date. They will then be reviewed biennially in accordance with the board's annual plan.