

British Flyball Association

Disciplinary Sub-Committee

Outcome of the complaint against Committee Member 1

The DSC has considered the allegations of misconduct and gross misconduct, which have been made by the BFA Committee against Committee Member 1, in great detail. It has taken into account the original correspondence and other documents provided as evidence by the BFA Committee.

The BFA Committee has summarised the charges in the complaint as follows:

Committee Member 1 obstructed the Committee from carrying out the complaints process from the beginning and continued to obstruct throughout the process. (Rule 3.1 c)

At the start of the complaint discussions, Committee Member 1 issued a warning that by continuing to investigate A BFA member, this would lead to a complaint against the Committee. (Rule 1.2)

On the 17th July, Committee Member 1 lodges a complaint against six Committee members about their handling of an ongoing complaint to Committee Member 2 and Committee Member 3. Under rule 1.3 d) whereby decisions need a minimum of 5 Committee members, this action is unconstitutional and invalid.

The complaint is not sent through the BFA Secretary in the first instance (Rule 3.4 a) and the accompanying fee of £50 is not lodged with The BFA and to date has not been passed to the BFA Treasurer or paid into the BFA account (Rule 3.4 f)

Committee Member 1 abused his position on the Committee to access privileged Committee discussions and confidential information to formulate his complaint which is a breach of the code ethics (rule 1.2 (rule 1.3 b) & (rule 3.4d (i))

Committee Member 1 manipulates this information / discussions to formulate the complaint to show bias (Rule 1.2)

The very nature of his complaint which is vexatious obstructs the Committee from carrying out the complaints process and also prevents the Committee exercising its responsibilities to the members that submitted complaints (Rule 3.4 a) and (Rule 3.4 d (i))

17th July to 16th Sept Committee Member 1 still had access to privileged and confidential information which he continues to pass on to the appointed IO. He continues to obstruct the investigation into the original two complaints from BFA members and obstructs the Committee into carrying out the complaints process (Rule 1.2) and (Rule 3.4 d (i))

16th Sept Committee Member 1 breaches confidentiality by divulging information of the investigations and his suspension to a BFA member. (Rule 3.4 d (i))

17th Sept Committee Member 1 publishes a statement on Facebook dismissing his suspension and names the appointed IO as being suspended also. (Rule 3.4 d (i))

18th Sept Committee Member 1 publishes a statement on Facebook that he put in the complaint against the six Committee members and will send anyone a copy of the complaint and his statement (Rule 1.2) and (Rule 3.4 d (i))

He misquotes the rule 3.4 d (i) which allows the disclosure of complaint details with the complainant's consent. It does not give Committee Member 1 a right for them to publish this information and is therefore a breach of this rule.

18th Sept Statement is published announcing that Committee Member 1 will be the new acting Secretary for the BFA. This is a false representation to the membership and is also

an unconstitutional and undemocratic takeover of the BFA Committee Office holders. (Rule 1.2) and (Rule 1.3))

The statement advising members to contact the acting Secretary (Committee Member 1) and the subsequent release of information relating to the unconstitutional DSC, its findings, recommended punishments and the naming of all six Committee members is a breach of confidentiality. (Rule 1.2) and (Rule 3.4 d (i))

28th – 29th Sept; Committee Member 1 obstructed the Committee from carrying out their day to day business of the Association and also obstructing the Committee hosting the Indoor Championships by denying the Committees right to access the BFA storage container for the Association equipment. This is an intention to deprive the Association of their assets. (Rule 1.2)

30th Sept – 1st October; Committee Member 1's behavior is unbecoming of a BFA Committee member (suspended) or that of a BFA member at the indoor Championships, resulting in complaints and incident reports. Committee Member 1 continues to show a disregard for his suspension and also continues to misrepresent himself to the membership as acting Secretary of the Association - this is a breach of the code of ethics (Rule1.2)

To date Committee Member 1 is continuing to withhold BFA property a set of EJS lights system until undisclosed expenses have been paid. BFA property should not be subject to ransom or blackmail. This is obstructing the Committee with their day to day business of the Association (Rule 1.2)

NB Since the initial writing of the report, the EJS has now been returned by committee member 1

A courier service was used to transport the EJS. This was deemed the best solution by those involved

The DSC invited Committee Member 1 to comment on some key issues on which the DSC has been focusing. The DSC felt that any such comments might shed light on any mitigating circumstances. Aware that Committee Member 1 was taking legal advice, the DSC decided to extend a two-week deadline for a response.

It is with concern that the DSC notes that no response was received before the deadline, although a letter from Committee Member 1's legal advisor was sent shortly afterwards. However, this letter did not address any of the issues on which comments had been invited. It has therefore been impossible for the DSC to take into account any response from Committee Member 1

There is much detail in the evidence submitted to the DSC, however, the DSC has focused on the following:

1. The circumstances around Committee Member 1's attempt to submit a complaint against the majority of the Committee;
2. The divulging of confidential correspondence regarding an on-going official complaint;
3. The circumstances around access to a storage unit shortly before the Indoor Championships;
4. The continued retention of equipment, which Committee Member 1 was holding in trust for the Association.

The DSC has decided to consider each of these in turn, as they each represent distinct issues within the complaint against Committee Member 1.

1. Committee Member 1's attempt to submit a complaint against the majority of the Committee

The DSC has seen the minutes of the Committee Meeting at which a course of action was agreed upon regarding the role of Height-Card Administrator, and associated complaints which had been received from members. The DSC notes that Committee Member 1 was not present at this meeting, but in subsequent email correspondence it is clear that he was not in accordance with this agreement.

The DSC is aware that there will be disagreements within the Committee from time to time, however Rule 1.3 (b) includes the directive:

“Committee members will be expected to comply with the Committee Job Description (issued Feb 2014)”,

and one of those expectations provided in that Job Description is that every Committee member must:

“Have a shared common goal with the other 8 Committee members and support a unified front to the membership”.

This DSC interprets this to mean that while serving on the Committee, Committee Member 1 had a duty to support the Committee's agreed course of action regarding this BFA member. If, after discussing the issue with the Committee, he felt that he absolutely could not do so, then his only possible course of action would be to resign his position on the Committee, and to do so before embarking on any other action.

Instead of resigning, it is evident that Committee Member 1 decided to go ahead with an attempt to issue a complaint on 17 July 2017.

It is not entirely clear to the DSC whether Committee Member 1 felt he was acting as a member of the Committee or as an individual member of the Association, but there are problems either way.

To act as a Committee member he would need to propose the action to a quorate Committee meeting and for it to be adopted by a majority of those attending. The definition of a quorum is given in Rule 1.13(d) and that determines that a meeting is only quorate if all Committee members are given equal opportunity to attend, and that at least 5 members do attend.

The DSC has seen no evidence that is what happened, and furthermore, there are references to a sum of £50, which would not be required for a Committee-led complaint. The DSC has therefore concluded that Committee Member 1 was acting as an individual member in his attempt at lodging a complaint.

However, by Committee Member 1 taking action against members of the Committee as an individual member, this is not compatible with his continued membership of the Committee, as discussed above.

The DSC has also considered the evidence on the way in which Committee Member 1 chose to attempt to lodge the complaint. This shows that Committee Member 1 communicated with Committee Member 2 and Committee Member 3. There are two problems with this: Firstly, the correct procedure is for the complaint to be submitted to the BFA Secretary in writing in the first instance (as directed in Rule 3.4 (a)); and Secondly, Committee Member 1 referred to an on-going complaint that named Committee Member 2 as a witness, thereby breaching the confidential nature of that complaint – this breach of confidentiality is discussed below.

It appears from the evidence that a cash payment of £50 was made to Committee Member 2 which Committee Member 1 had intended to represent a deposit – however for it to have been a deposit, it would have needed to accompany the written complaint to the BFA Secretary.

The DSC has concluded that for the above reasons, no official complaint can be considered to have been raised by Committee Member 1. This complaint is therefore entirely irregular.

It is the judgement of the DSC that, as an experienced member of the Association and its Committee, Committee Member 1 was fully aware that there was no substance behind his insistence that he had raised an official complaint under the rules of the BFA. Furthermore, the DSC judges that his continued insistence shows contempt for the Association, its Rules and its Committee. Such contempt, the DSC feels should be treated as gross misconduct.

2. The divulging of confidential correspondence regarding an on-going official complaint;

As a member of the Committee, the DSC is aware that Committee Member 1 would have sight of much confidential information. Much of this will be in the form of correspondence between the Committee and other members of the Association and with outside bodies – as well as correspondence within the Committee, which could include personal information about and allegations regarding other members. The DSC understands that personal information is subject to the Data Protection Act, and as such needs to be kept secure and confidential.

The DSC therefore considers any deliberate breach of this confidentiality to be a case of Gross Misconduct described in Section 3.3 of the Rules, as it is in many ways similar to deliberate damage of personal property.

The DSC has seen evidence of a number of breaches of confidential information attributed to Committee Member 1. These include:

- a) As mentioned above, when Committee Member 1 attempted to lodge his complaint, he passed confidential information to Committee Member 2, who as a witness to an on-going complaint had properly been excluded from receiving that correspondence;
- b) After the appointed IO had been put into a position to act as an investigator for Committee Member 1's irregular complaint, there is evidence that Committee Member 1 divulged to her confidential Committee correspondence;
- c) On 18th September, Committee Member 1 announced on social media that he would send such information to any BFA member who requests it. The information he sent in response included confidential information.

The DSC is therefore in no doubt that there have been deliberate breaches of confidentiality and that Committee Member 1 is responsible for them.

This was further exacerbated by choosing to hide his authorship of the irregular complaint which allowed him to maintain the confidence of the Committee.

3. Access to the storage unit

The correspondence seen by the DSC which indicates that Committee Member 1 attempted to prevent members of the Committee gaining access to a storage unit is of considerable concern. The DSC understands that this storage unit contained equipment which was required for use at the indoor championships.

The DSC has come to the conclusion that this represents gross misconduct as it was deliberate withholding of BFA property.

4. Retention of equipment

The DSC has also seen evidence that Committee Member 1 has continued to retain BFA property in the form of an EJS set.

For the same reason as above, the DSC has come to the conclusion that this too is tantamount to gross misconduct.

Conclusions

As can be seen, the DSC has examined the case against Committee Member 1 in some detail. Not all of the allegations have been considered in full, however, the DSC has concentrated on the most concerning allegations, and where the evidence has been the clearest. This does not mean that there is no merit in the other allegations, but in the context of the severity of those considered, and that the DSC has judged them to be gross misconduct that further investigation into the other allegations will make no difference to the outcome.

Furthermore the DSC concludes that Committee Member 1's actions have brought the BFA's reputation as a national body into disrepute.

The Disciplinary Sub Committee recommends that Committee Member 1 be suspended from the membership of the BFA Association for a minimum of one year, and that following any application from him to re-join the association this will be considered by the Committee at the time. Furthermore, if he is allowed to re-join, he should be treated as a new member. If he wishes to judge again he will only be able to apply for his log book after being in the BFA association for a further three years and must have shown good conduct as a fully paid up member before being eligible to apply for any judging roles. The DSC also recommends that Committee Member 1 is banned from being able to serve on the BFA Committee for the life of his membership.

Regarding any ongoing retention of BFA property, the DSC would recommend the BFA Committee seeking legal advice if this has not already been returned.

British Flyball Association

Disciplinary Sub-Committee

Outcome of the complaint against Committee Member 2

The DSC has considered the allegations of misconduct and gross misconduct, which have been made by the BFA Committee against Committee Member 2, in great detail. It has taken into account the original correspondence and other documents provided as evidence by the BFA Committee.

The BFA Committee has summarised the charges in the complaint as follows:

Committee Member 2 obstructed the Committee from carrying out the complaints process from the beginning and continued to obstruct throughout the process. (Rule 3.1 c)

On the 17th July Committee Member 2 accepted the complaint from Committee Member 1, which was not passed through the BFA Secretary in the first instance (rule 3.4 a) He does not pass on the fee of £50 to the BFA Treasurer (Rule 3.4 f). To date he still retains said money which is tantamount to theft from the Association.

Committee Member 2 denies the Committee their right to reject the complaint under rule 3.4.

With Committee Member 3 he appoints an Investigating Officer; this is unconstitutional as there are not enough Committee members to form a quorum. (Rule 1.3 d)

By accepting Committee member 1's complaint he has set up a conflict of interest as he is also a witness in the first complaint. This sabotages the ongoing complaint and therefore obstructs the Committee from completing their investigation. This is a breach of the code of ethics and complaints procedure (Rule 1.2) and (Section 3)

Under the constitutional process, on receipt of the complaint against the majority of the Committee, Committee Member 2 fails to call an EGM which is in neglect of his duties as a Committee member.

By requesting an investigation instead he is subverting the democratic process, undermining the BFA Association and its Committee. (Rule 1.2)

Committee Member 2 and Committee Member 3 by accepting a complaint from a BFA member and subsequently disregarding it after appointing an Investigating Officer, and running a parallel investigation to the Committee's is unconstitutional and invalid due to not having a quorum. They also misrepresent themselves as the BFA Chairman and Treasurer (Rule 1.3 d) and (Rule 1.2)

He continues during this unconstitutional investigation to represent himself as a majority Committee member, with every contact he makes with the IO, members of the DSC and the members of the committee. (Rule 1.2) and (Section 3)

16th August at the Outdoor Championships his conduct is unbecoming of a Committee member and threatens another Committee member with an EGM for following complaints process. (Rule 1.2)

16th Sept breaches confidentiality by divulging information of the investigations and his suspension to a BFA member. (Rule 3.4 d (i))

17th Sept Committee Member 2 publishes a statement to Facebook dismissing his suspension and names a BFA member as being suspended also. (Rule 3.4 d (i))

18th Sept Committee Member 2 attempts to unconstitutionally remove six members from the Committee and suspend them from Flyball for 6 months each. Breach of the code of ethics, rule 1.3 d and the disciplinary process

18th Sept Statement is published announcing that Committee Member 2 will be the new acting Chair for the BFA. This is a false representation to the membership and is also an unconstitutional and an undemocratic takeover of the Committee Office holders. (Rule 1.2) and (Rule 1.3))

The statement advising members to contact the acting Secretary (Committee Member 1) and the subsequent release of information relating to the unconstitutional DSC, its findings, recommended punishments and the naming of all six Committee members is a breach of confidentiality. (Rule 1.2) and (Rule 3.4 d (i))

Obstructs the Committee hosting the Indoor Championships by withholding lights and details of the arrangements made for lights. The Rosettes are picked up by courier which increases the financial cost to the Association as his lawyer confirms he is not intending to attend the event – despite this he does attend for both days. This is a failure to serve the association as a committee member and a breach of ethics (Rule 1.2)

30th Sept – 1st October; Behavior unbecoming of a BFA Committee member (suspended) or that of a BFA member at the indoor Championships, resulting in complaints and incident reports.

Continues to show a disregard for his suspension and also continues to misrepresent himself to the membership as acting Chair of the Association this is a breach of the code of ethics (Rule 1.2)

To date Committee Member 2 is continuing to withhold BFA property a set of EJS lights system until undisclosed expenses have been paid. BFA property should not be subject to ransom or blackmail. This is obstructing the Committee with their day to day business of the Association (Rule 1.2)

NB Since the initial writing of the report, the EJS has now been returned by committee member 2

A courier service was used to transport the EJS. This was deemed the best solution by those involved

The DSC invited Committee Member 2 to comment on some key issues on which the DSC has been focusing. The DSC felt that any such comments might shed light on any mitigating circumstances. Aware that Committee Member 2 was taking legal advice, the DSC decided to extend a two-week deadline for a response.

It is with concern that the DSC notes that no response was received before the deadline, although a letter from Committee Member 2's legal advisor was sent shortly afterwards. However, this letter did not address any of the issues on which comments had been invited. It has therefore not been possible for the DSC to take into account any response from Committee Member 2.

There is much detail in the evidence submitted to the DSC, however, the DSC has focused on the following:

1. The circumstances around Committee Member 1's attempt at submitting a complaint against committee members, and the subsequent contact with the appointed IO regarding this
2. The circumstances around the BFA member's rejected complaint against committee members, and the subsequent contact with the appointed IO regarding this.
3. Following Committee Member 2's suspension from membership, his declaration to the membership that he had been appointed Chair
4. The allegations of threatening behaviour
5. The withholding of property, held on trust for the BFA, which was required for the Indoor Championship

The DSC has decided to consider each of these in turn, as they each represent distinct issues within the complaint against Committee Member 2.

1. The circumstances around Committee Member 1's attempt at submitting a complaint against committee members, and the subsequent contact with the appointed IO regarding this

The DSC has seen the minutes of the Committee Meeting at which a course of action was agreed upon regarding the Height-Card Administrator, and associated complaints which had been received from members. The DSC notes that Committee Member 2 was not present at this meeting, but in subsequent email correspondence it is clear that he was not in accordance with this agreement as he questioned the need to carry out any investigation.

The DSC is aware that there will be disagreements within the Committee from time to time, however Rule 1.3 (b) includes the directive:

"Committee members will be expected to comply with the Committee Job Description (issued Feb 2014)",

and one of those expectations provided in that Job Description is that every committee member must:

"Have a shared common goal with the other 8 committee members and support a unified front to the membership".

This DSC interprets this to mean that while serving on the Committee, Committee Member 2 had a duty to support the Committee's agreed course of action regarding the BFA member. If, after discussing the issue with the Committee, he felt that he absolutely could not do so, then his only possible course of action would be to resign his position on the Committee.

On 17th July, Committee Member 2 was in receipt of communication from Committee Member 1, which was in the format of a formal complaint against members of the committee. The rules regarding the process of formal complaints are very clear and are described in section 3. All formal complaints are to be passed to the BFA Secretary – however, instead of doing this, Committee Member 2 took it upon himself to handle the complaint personally. By his own admission he accepted £50 in cash from Committee Member 1.

Committee Member 2 also contacted the appointed IO and stating that he was acting on behalf of the committee, he told her that she had been appointed as investigating officer for a formal complaint.

Furthermore, the content of Committee Member 1's communication referred to a formal investigation in which Committee Member 2 was named as a potential witness. Committee

member 2 would have been aware of the potential conflict of interest that this would have caused, however there is no evidence that he did anything to address this conflict of interests.

It is the judgement of the DSC that Committee Member 2 was fully aware that he had no authority to accept Committee Member 1's communication as a complaint or to appoint anyone as an investigating officer. Furthermore, DSC judges that he knowingly and deliberately attempted to jeopardise an ongoing complaint, and this shows contempt for the Association, its Rules and its Committee. Such contempt, the DSC feels should be treated as gross misconduct.

2. The circumstances around a BFA member's rejected complaint against committee members, and the subsequent contact with the appointed IO regarding this.

The DSC has seen the record of the correspondence and discussions following receipt of this complaint. Although Committee Member 2 was not included in the discussion (because he had been named in the complaint against the BFA member which was under investigation at the time) it is clear that he was informed of the Committee's non-acceptance of this complaint and the due return of the £50.00 deposit paid by the BFA member. The DSC therefore has determined that he was knowingly acting against of the Committee's decision in pursuing this.

Furthermore, by transmitting confidential information to the appointed IO, he was breaching that confidentiality. The DSC judges this to be Gross Misconduct.

3. Following Committee Member 2's suspension from membership, his declaration to the membership that he had been appointed Chair.

The DSC has considered the announcement which Committee Member 2 made to the membership that he had been appointed Chair of the BFA. The rules are clear (Section 1.3(a)) that the Chairperson can only be appointed by the committee at a quorate meeting. There is no question that at this time of the current Chairperson having stood down or any new Chairperson having been appointed. Furthermore, Committee Member 2 at this time had already been suspended from membership of the BFA and was therefore ineligible to be Chair.

The DSC interprets that this announcement was an attempt deliberately to mislead the membership, and as such represents a high level of dishonesty, which the DSC judges to be gross misconduct.

4. The allegations of threatening behaviour.

The DSC has been shown a statement by a Committee Member recording a conversation between herself and Committee Member 2. This statement describes Committee Member 2's verbal and non-verbal responses, which include personal insults and a threat of calling an EGM. The DSC feels that this is an extremely inappropriate way for a member of the Committee to talk to another member of the Committee, and it could be considered to breach of the Code of Ethics outlined in Rule 1.2. As such, the DSC judges this to be misconduct.

5. The withholding of property, held on trust for the BFA, which was required for the Indoor Championship.

The correspondence seen by the DSC which indicates that Committee Member 2 deliberately withheld property, which was required for use at the indoor championships.

The DSC has come to the judgement that this represents gross misconduct as it was deliberate withholding of BFA property.

Conclusions

As can be seen, the DSC has examined the case against Committee Member 2 in some detail. Not all of the allegations have been considered in full, however, the DSC has concentrated on the most concerning allegations, and where the evidence has been the clearest. This does not mean that there is no merit in the other allegations, but in the context of the severity of those considered, and that the DSC has judged them to be gross misconduct that further investigation into the other allegations will make no difference to the outcome.

The Disciplinary Sub Committee recommends that Committee Member 2 be suspended from the membership of the BFA Association for a minimum of one year, and that following any application from him to re-join the association this will be considered by the Committee at the time. Furthermore, if he is allowed to re-join, he should be treated as a new member. If he wishes to judge again he will only be able to apply for his log book after being in the BFA association for a further three years and must have shown good conduct as a fully paid up member before being eligible to apply for any judging roles. The DSC also recommends that Committee Member 2 is banned from being able to serve on the BFA Committee for the life of his membership.

Regarding any ongoing retention of BFA property, the DSC would recommend the BFA Committee seeking legal advice if this has not already been returned.

British Flyball Association

Disciplinary Sub-Committee

Outcome of the complaint against Committee Member 3

The DSC has considered the allegations of misconduct and gross misconduct, which have been made by the BFA Committee against Committee Member 3, in great detail. It has taken into account the original correspondence and other documents provided as evidence by the BFA Committee.

The BFA Committee has summarised the charges in the complaint as follows:

Committee Member 3 obstructed the Committee from carrying out the complaints process from the beginning and continued to obstruct throughout the process.

(Rule 3.1 c)

On the 17th July Committee Member 3 accepted the complaint from Committee Member 1, which was not passed through the BFA Secretary in the first instance (rule 3.4 a)

Committee Member 3 denies the Committee their right to reject the complaint under (rule 3.4).

Committee Member 3 helps to appoint an Investigating Officer; this is unconstitutional as there are not enough Committee members to make a quorum. (Rule 1.3 d)

By accepting Committee Member 1's complaint Committee Member 3 has set up a conflict of interest as she is also privy to the discussions of the first complaint. This sabotages the ongoing complaint and therefore obstructs the Committee from completing their investigation. This is a breach of the code of ethics and complaints procedure (Rule 1.2) and (Section 3)

Under the constitutional process, on receipt of the complaint against the majority of the Committee, Committee Member 3 fails to call an EGM which is in neglect of her duties as a Committee member.

By requesting an investigation she is subverting the democratic process, undermining the BFA Association and its Committee. (Rule 1.2)

Committee Member 3 and Committee Member 2 by accepting a complaint from a BFA Member and subsequently disregarding it after appointing an Investigating Officer, and running a parallel investigation to the Committee's is unconstitutional and invalid due to not having a quorum. They also misrepresent themselves as the BFA Treasurer and BFA Chairman (Rule 1.3 d) and (Rule 1.2)

Committee Member 3 continues during this unconstitutional investigation to represent herself as a majority Committee member, with every contact she makes with the IO, members of the DSC and the members of the committee. (Rule 1.2) and (Section 3)

16th Sept Committee Member 3 breaches confidentiality by divulging information of the investigations and her suspension to a BFA Member. (Rule 3.4 d (i))

17th Sept Committee Member 3 publishes a statement to Facebook dismissing her suspension and names the appointed IO as being suspended also. (Rule 3.4 d (i))

18th Sept Committee Member 3 attempts to unconstitutionally remove six members from the Committee and suspend them from Flyball for 6 months each. Breach of the code of ethics, rule 1.3 d and the disciplinary process

18th Sept Statement is published announcing that Committee Member 3 will be the new acting Treasurer for the BFA. This is a false representation to the membership and is also an unconstitutional and an undemocratic takeover of the Committee Office bearers. (Rule 1.2) and (Rule 1.3))

The statement advising members to contact the acting Treasurer Committee Member 3 and the subsequent release of information relating to the unconstitutional DSC, its findings, recommended punishments and the naming of all six Committee members is a breach of confidentiality. (Rule 1.2) and (Rule 3.4 d (i))

The DSC invited Committee Member 3 to comment on some key issues on which the DSC has been focusing. The DSC felt that any such comments might shed light on any mitigating circumstances. Aware that Committee Member 3 was taking legal advice, the DSC decided to extend a two-week deadline for a response.

It is with concern that the DSC notes that no response was received before the deadline, although a letter from Committee Member 3's legal advisor was sent shortly afterwards. However, this letter did not address any of the issues on which comments had been invited. It has therefore not been possible for the DSC to take into account any response from Committee Member 3.

There is much detail in the evidence submitted to the DSC, however, the DSC has focused on the following:

1. The circumstances around Committee Member 1's attempt at submitting a complaint against committee members, and the subsequent contact with The appointed IO regarding this
2. The comments made about a vendetta against WOW.
3. The circumstances around A BFA Member's rejected complaint against committee members, and the subsequent contact with the appointed IO regarding this.
4. Following Committee Member 3 suspension from membership, her declaration to the membership that she had been appointed Treasurer.

The DSC has decided to consider each of these in turn, as they each represent distinct issues within the complaint against Committee Member 3.

1. The circumstances around Committee Member 1's attempt at submitting a complaint against committee members, and the subsequent contact with the appointed IO regarding this

The DSC has seen the minutes of the Committee Meeting at which a course of action was agreed upon regarding the role of Height-Card Administrator, and associated complaints which had been received from members. The DSC notes that in email correspondence Committee Member 3 was clearly not in accordance with this agreement as she questioned the need to carry out any investigation.

The DSC is aware that there will be disagreements within the Committee from time to time, however Rule 1.3 (b) includes the directive:

"Committee members will be expected to comply with the Committee Job Description (issued Feb 2014)",

and one of those expectations provided in that Job Description is that every committee member must:

“Have a shared common goal with the other 8 committee members and support a unified front to the membership”.

This DSC interprets this to mean that while serving on the Committee, Committee Member 3 had a duty to support the Committee’s agreed course of action regarding this. If, after discussing the issue with the Committee, she felt that she absolutely could not do so, then her only possible course of action would be to resign her position on the Committee.

The DSC has seen evidence that Committee Member 3’s reaction to Committee Member 1 passing a communication to Committee Member 2 in the format of a formal complaint was one of collaboration. However it is the judgement of the DSC that Committee Member 3 was very much aware that Committee Member 1 was acting outside the rules.

It is the judgement of the DSC that this shows contempt for the Association, its Rules and the Committee. Such contempt, the DSC feels should be treated as gross misconduct.

2. The comments made about a vendetta against WOW.

The DSC has been shown correspondence from 30th June 2017 in which Committee Member 3 writes “Finally I would urge you to consider Sharon’s position. The last thing we want to do, is to fuel suspicions that high Flyers have a vendetta against WOW, there is real danger of that here”.

The DSC has grave concerns about this comment, which is part of an email thread discussing how the committee should act in relation to concerns raised by members. The DSC sees this to be a divisive comment. Committee Member 3 singles out the Chairperson’s position as being at risk as a consequence of actions by a committee, which would have to be agreed in a quorate discussion to go ahead. Furthermore, by her use of the pronoun “you” instead of “we” she is removing herself from this. It is the view of the DSC that this can be considered to be a threat.

The DSC specifically asked for Committee Member 3’s comments regarding this, but as has been mentioned above, has not received any response. Without the benefit of any clarification or explanation, the DSC concludes that the comment was indeed intended as a threat, and as such shows contempt for the Committee. The DSC therefore judges this should be treated as gross misconduct.

3. The circumstances around A BFA Member’s rejected complaint against committee members, and the subsequent contact with The appointed IO regarding this.

The DSC has also seen evidence of the Committee discussions following a complaint received from a BFA Member. The Committee’s conclusion was that this was a vexatious complaint, and was therefore rejected, with the £50 deposit being duly returned to the BFA Member.

The evidence shows that several days later in July 2017 the Committee discovered that the appointed IO was acting under the impression that she had been appointed as an investigating officer by the Committee – and it later transpired that Committee Member 3 was involved in that appointment.

It is clear therefore to the DSC that Committee Member 3 deliberately and knowingly ignored a majority decision of a quorate committee in her involvement with the appointed IO.

4. Following Committee Member 3 suspension from membership, her declaration to the membership that she had been appointed Treasurer.

The DSC has considered the announcements made to the membership that Committee Member 3 had been appointed Treasurer to the BFA, and subsequent communications to the membership where she purports to be acting for and on behalf of the committee, while having been suspended.

The Rules are clear (Section 1.5) that the Treasurer is appointed by the Committee at a quorate meeting. It is clear to the DSC that this did not happen, and furthermore, Committee Member 3 at this time had already been suspended from membership of the BFA and was therefore ineligible to be Treasurer.

The DSC interprets that this was an attempt deliberately to mislead the membership, and as such represents a high level of dishonesty, which the DSC judges to be gross misconduct.

Conclusions

As can be seen, the DSC has examined the case against Committee Member 3 in some detail. Not all of the allegations have been considered in full, however, the DSC has concentrated on the most concerning allegations, and where the evidence has been the clearest. This does not mean that there is no merit in the other allegations, but in the context of the severity of those considered, and that the DSC has judged them to be gross misconduct that further investigation into the other allegations will make no difference to the outcome.

The Disciplinary Sub Committee recommends that Committee Member 3 be suspended from the membership of the BFA Association for a minimum of one year, and that following any application from her to re-join the association this will be considered by the Committee at the time. Furthermore, if she is allowed to re-join, she should be treated as a new member. If she wishes to judge again she will only be able to apply for her log book after being in the BFA association for a further three years and must have shown good conduct as a fully paid up member before being eligible to apply for any judging roles. The DSC also recommends that Committee Member 3 is banned from being able to serve on the BFA Committee for the life of her membership.

23/12/2017

The BFA Committee

The DSC has considered the allegation of misconduct, which have been made against the appointed IO, in great detail. It has taken into account the original correspondence and other documents provided as evidence by the Committee. It has also taken into account the response to questions from the DSC.

The allegations have been summarised by the committee as follows:

“As the investigation is based on an unconstitutional complaint this means the investigation is unauthorised and therefore has been conducted illegally and every action thereafter is a breach of the disciplinary process and the code of ethics. (Rule 1.2 and Section 3 disciplinary process)”

The DSC recognises that the investigations which the appointed IO was asked to carry out were irregular (i.e. not in line with the rules of the Association). It also feels that she might have done more to ascertain whether the investigations were in fact within the rules, however the evidence points to her having been given conflicting advice by those who had put her in this position. We also feel that her actions were misguided by continuing with the complaint despite having been advised not to proceed. On balance, the DSC feels that she was probably acting in good faith, in the belief that the instructions and advice given were in accordance with the rules.

For this reason, the DSC has found her not guilty of misconduct, based on the evidence presented to it.

The DSC has concluded that she was caught up in the middle of a very difficult situation between Committee members. It also acknowledges that the situation could have been handled better. However, as the DSC feels that the allegations of misconduct have not been proven it considers this case to be closed. It is therefore for Committee to advise accordingly. **NB Following the recommendations from the DSC the charges were discharged.**

Yours sincerely

The DSC Committee