

Tug of War Association Constitution – January 2008

LAW 1

Membership shall consist of bone fide Tug of War Clubs, who shall pay an annual subscription as laid down by the General Committee, and individual members who shall also pay an annual subscription as laid down by the General Committee (the latter to include registered officials of the Tug of War Association) and individuals who have resided in England for the preceding 12 months, including the Channel Islands but excluding any country that is an independent member of TWIF. Honorary membership of the Tug of War Association (with no voting rights) shall be allowed to applicants who reside outside England. Membership and puller registration fees shall be waived for new clubs in their first year of registration.

Associate membership (with no voting rights) shall be allowed to 3rd Division status clubs who do not wish to become full members of the Tug of War Association. Associate member clubs may take part in Tug of War Association competitions and shall register their pullers in the normal way. They will be subject to the rules of the Tug of War Association, but with the following exceptions:

They shall pay an annual subscription of ten pounds, to be reviewed annually by the General Committee.

They will not be eligible to represent England.

All applications for associate membership must be approved by the General Committee.

LAW 2

The headquarters and the registered office of the Association shall be the address of the Honorary General Secretary in office at the time.

LAW 3

(1) The management of the Association's affairs shall be vested in the General Committee, which will consist of:

a. President - Who shall be elected by the membership at the Annual General Meeting, and should not be an Area Representative at the same time.

b. Vice Presidents - Who shall be elected by the membership at an Annual General Meeting.

c. Area Representatives (Tug of War Association Areas are defined in Appendix "C")
Two representatives from each Area of the Tug of War Association - Who shall be elected by the clubs and registered individual members of the Tug of War Association in each respective Area.

d. One representative from HM Forces, elected by the three services.

NB. The names of the elected representatives shall be forwarded to the Honorary General Secretary by the 3rd Saturday in November annually and published to the Areas at the time of or soon after the November meeting and in the minutes of the November General Committee meeting. When an elected Area Representative is going to be absent from a General Committee meeting, the Area may nominate a deputy to represent it at the meeting.

e. Officers of the Association

In addition to the President and Vice Presidents, the Officers of the Association shall be:

(i) Chairman, Vice Chairman, Honorary General Secretary, Honorary Treasurer, Officials and Records Secretary, International Representative - Who shall be elected by the membership at the Annual General Meeting. Any member may nominate or second a

candidate, but only Area Representatives (ie. the General Committee) are eligible to be nominated for these appointments, except for that of the Honorary General Secretary. The Honorary General Secretary may be nominated from outside the General Committee. If the Honorary General Secretary is elected from the Area Representatives, he or she will stand down as Area Representative and the Area concerned shall elect a replacement. Nominations for these officers must be sent in writing, stating the nominee, proposer and seconder, to the Honorary General Secretary by 1st January. If no written nominations have been received, nominations may be taken from the floor of the meeting.

- (ii) Assistant Secretary, Championship Secretary, International Delegate - Who shall be elected from the Area Representatives by the General Committee at the first General Committee meeting after the AGM.

(2) Other Officers

The following Officers need not necessarily be members of the General Committee.

- (a) The National Teams Manager shall be appointed by the General Committee, in accordance with the terms of reference laid down for the appointment. The National Teams Manager shall have a right to attend and speak at all General Committee meetings.
- (b) At its first meeting after the AGM, the General Committee shall elect: AAA Representative, Anti Doping Officer, Child Protection Officer, GENSB Representative, Schools Officer, National Training Coach, Press Officer.

(3) Terms of Office

The term of office of a Vice President is for life. The term of office of the National Teams Manager is in accordance with the terms of reference laid down for the appointment. The term of office of all other officers and Area Representatives is from one AGM to the next. All officers and Area Representatives may stand for re election at the expiration of their terms of office.

(4) Eligibility

All members of the General Committee shall be individual members of the Tug of War Association.

(5) Voting rights

Only the Area Representatives shall have voting rights. The President, Vice Presidents and Honorary General Secretary shall have no voting rights. The "Other Officers" in (2) shall have no voting rights unless they are also an Area Representative.

(6) Authority

The General Committee may from time to time amend or clarify the Tug of War Association Rules (but not Constitution Laws) and where necessary, introduce new rules to cover an arising situation. All such items shall become effective immediately, but must be presented to the membership at the following AGM for approval (not as a resolution). A spokesperson for the General Committee shall explain to the membership the reasons behind the changes prior to the membership voting. Any such item rejected by the AGM shall not be reintroduced during the subsequent two years.

(7) Terms of reference

The General Committee shall produce job descriptions, which may be amended from time to time, for all Area Representatives and Officers of the Association. Each job description shall contain the Terms of Reference for the appointment. All Area Representatives and

Officers of the Association will abide by the Terms of Reference laid down for their appointment.

(8) Vacancies

If an officer position shall fall vacant between AGMs, the General Committee may appoint a replacement officer, who shall act in that position until the next AGM.

LAW 4

The General Committee shall have powers to co-opt persons, if required, to the General Committee. Such persons shall have no voting rights.

LAW 5

The finances of the Association shall be vested in the General Committee. The Treasurer will present the General Committee with statements of the Association's current financial position at its meetings. The Treasurer will also publish an annual balance sheet in the agenda of every Annual General Meeting, duly audited by an appointed firm of suitably qualified accountants.

Association signatories to cheques shall be two of any of the Chairman, Treasurer, Honorary General Secretary and Assistant Secretary. The financial year shall end on 30th November annually.

The Trustees of the Association shall be the General Committee.

LAW 6

The Annual General Meeting of the Association shall be held on the last Saturday in January annually.

All meetings of the Association shall be conducted in accordance with Appendix "A" of the Constitution.

All resolutions passed by an Annual General Meeting shall be implemented, with effect from the first General Committee meeting following the AGM, for one year, and if found wholly workable by the membership, shall then be ratified at the next AGM. The Honorary General Secretary shall, from the November meeting, with input from the General Committee, produce a written report informing the membership of the workability or otherwise of the resolutions yet to be ratified. The report shall be distributed to the membership with the AGM papers.

Resolutions passed at an AGM shall be published in the minutes of the first General Committee meeting following the AGM.

Any resolution put to an Annual General Meeting may not be re submitted for a period of two years.

An extra-ordinary general meeting of the Association may be called at any time by the General Committee. An extra-ordinary general meeting must be held at the written request of two thirds of the membership.

LAW 7

The minimum number of General Committee meetings held annually shall be five. Meetings will be held on the Sunday following the AGM, the last Saturday or Sunday in November, and the rest at dates decided by the General Committee. The quorum at all General Committee meetings shall be a minimum of two thirds of the committee's membership

(ie. elected Area Representatives). If no quorum is apparent, a meeting may be held, but no decisions requiring a vote may be taken.

LAW 8

All competitions staged under Tug of War Association Rules must be authorised by an official Tug of War Association Permit.

LAW 9

All Tug of War Association officials, clubs and members shall abide by the Laws and Rules of the Association, at all times, where Tug of War is concerned. Where possible, prior to competing in a County Athletic Association Championships, a club shall affiliate to its County or Area Athletic Association.

LAW 10

All matters relating to the Association shall be addressed to the Honorary General Secretary at the registered office of the Association.

LAW 11

All complaints must be sent in writing to the Honorary General Secretary, who shall forward these directly to the Chair of Discipline. All matters of discipline shall be placed before the Chair of the Disciplinary Committee, who shall generally be the Vice Chairman of the Association, and shall be conducted in accordance with Appendix "B" of the Constitution. Should a disciplinary hearing be necessary, the Discipline Committee shall be the Chair of the Discipline Committee (who shall take the chair and have no voting rights), the Association Chairman, Honorary General Secretary, Treasurer, Assistant Secretary and Officials and Records Secretary. A Representative of the Area applicable to the investigation being held, shall also attend, but shall have no voting rights. If a member of the Discipline Committee is the subject of, or a witness to a disciplinary hearing, or has had any involvement in the matter, that person shall, for the time being, be replaced by another member of the General Committee. In exceptional circumstances, members of a disciplinary panel may be appointed from outside the General Committee.

If the General Committee is of the opinion that any individual member, club or club member has breached the Rules or Laws of the Tug of War Association, it is empowered to refer that individual member, club or club member to the Chair of Discipline

All matters of discipline shall be published in the minutes of General Committee meetings

LAW 12

A firm of qualified solicitors shall be appointed as legal advisers to the Association at every Annual General Meeting.

LAW 13

All clubs shall within three months of joining the Association, register their individual members and coach on the appropriate forms and subsequently, any change in that membership. An annual return of individual members shall be submitted to the Association when renewing club membership

LAW 14

The Tug of War Association shall be an affiliated member of the Tug of War International Federation.

LAW 15

The official international badge of England may only be supplied to and worn by persons who have represented England as a member of an England international team, a coach of such team, a team manager, or officially appointed judge.

LAW 16

No Laws of the Tug of War Association shall be revoked, or altered, except by a two thirds majority vote, cast by members present at an Annual General Meeting of the Association.

LAW 17

Doping control shall take place. TWIF Doping Control Regulations shall be in place for competitions.

LAW 18**Child Protection**

1. The Tug of War Association agrees to adopt the Tug of War Child Protection Policy and Implementation Procedures.
2. All individuals involved in Tug of War through the Tug of War Association at every level, including pullers, officials, coaches, administrators, talent scouts or spectators agree to abide by the Tug of War Child Protection Policy and Implementation Procedures. All such individuals by participating or being involved in Tug of War through the Tug of War Association in one of the aforementioned roles or in a role which comes within the intended ambit of this paragraph and the Tug of War Child Protection Policy generally, are deemed to have assented to and as such recognise and adhere to the principles and responsibilities embodied in the Policy.
3. Each and every constituent member of the Tug of War Association including without limitation, all clubs and leagues, shall be responsible for the implementation of the Child Protection Policy and the Implementation Procedures in relation to their individual members.

LAW 19

1. The Tug of War Association agrees to adopt a Code of Ethics and Conduct.
2. All individuals involved in Tug of War through the Tug of War Association at every level, including pullers, officials, coaches, administrators, talent scouts or spectators agree to abide by the Tug of War Code of Ethics and Conduct ("Code").
3. The "Code of Ethics and Conduct" and an "Equal Opportunities Statement" shall be published in the Tug of War Association Handbook.

Appendix “A”

Standing Orders for Meetings of the Association

1. Business before the meeting

The meeting will proceed in accordance with the agenda before it. The motion to be debated will be received by the Honorary General Secretary in accordance with any instructions that may have been issued. (At present motions must be received by the 3rd Saturday in November.)

2. Motions and Amendments

- (a) The first proposition on any particular subject shall be known as the original motion and succeeding propositions on this subject shall be called amendments. All motions for debate at the AGM shall be printed in the agenda. Every motion or amendment must be moved by a delegate from those attending the meeting. Any motion not so moved will not be debated. If the named proposer of a motion is unavoidably absent from the meeting, the motion may be moved by another delegate, provided that the Honorary General Secretary has received notification, prior to the start of the meeting, from the original proposer stating his or her reason for absence and naming the substitute proposer.
- (b) All motions and amendments must be seconded and no delegate shall move or second more than one amendment to any motion, nor can the proposer or seconder to any motion propose or second any amendment to that motion.
- (c) The mover of the motion shall open the debate and then the motion and all amendments shall be debated. At the conclusion of the debate, a vote shall be taken on the amendments, taking the last amendment first, then the second to last etc. If an amendment is carried, it will displace the original motion and will itself become the substantive motion. After the vote on every amendment, the surviving proposition shall be put to the vote as the main question and, if carried, become a resolution of the meeting.
- (d) Motions shall be passed or rejected.
- (e) No discussion will take place on an emergency motion or an amendment until it has been accepted by the meeting by a majority of the delegates present.

3. Selection of Speakers

Every member shall stand when speaking and shall address the Chairman as "Mr Chairman" or "Madam Chairman". When more than one member rises to speak, the first to rise shall be given precedence, the decision resting with the Chairman, but the member who rose immediately after the first shall have the right to speak at the close of such member's address, again the decision resting with the Chairman.

4. Speeches

No member shall be allowed to speak more than once on any motion under discussion or on a point of order except the mover of the original motion. But on an amendment being moved, any member (even though he or she has spoken on the original motion) may speak again on the amendment. Except by permission of the Chairman, no member shall speak for more than 5 minutes at one time other than the mover who may speak for 10 minutes. Members wishing to raise points of order must first obtain the permission of Chairman and must rise immediately the alleged breach has occurred. Any member may

formally second any motion or amendment and reserve his or her speech until a later period of debate.

5. Right of Reply

The mover of the original motion shall, if no amendment be moved, have the right to reply at the close of the debate upon such motion. When an amendment is moved, he or she shall be entitled to speak thereon in accordance with Standing Order No 4, and at the close of the debate on such amendment shall reply to the discussion, but shall introduce no new matter. The question shall then be put to the vote immediately, and no further discussion will be allowed once the question has been put from the Chair. The mover of an amendment shall be entitled to reply.

6. Closing the Debate

(a) Next Business.

The motion for the next business may be proposed and seconded after twenty minutes of the debate, only by members who have not previously spoken. No speeches shall be allowed and upon acceptance of the motion, the meeting will move to the next business on the agenda without further discussion, if appropriate a vote will be taken.

(b) Adjournment of the Question.

Any member who has not already spoken may move the adjournment of the question under discussion after twenty minutes of the debate, but must confine his or her remarks to that question of the adjournment and must not discuss any other matter. The mover of the motion upon which the adjournment has been moved shall be allowed the right to reply to the question of the adjournment, but such reply shall not prejudice his or her right of reply on his or her own motion. The time for the question to be reintroduced shall be determined by the General Committee.

(c) Moving the Vote.

The motion for moving to the vote may be proposed and seconded after twenty minutes of the debate, only by members who have not previously spoken. No speeches shall be allowed. In the event of the moving to the vote being carried, the mover of the original motion shall have the right to reply in accordance with Standing Order No 5 before the vote is taken.

7. Chairmans Ruling

If the Chairman rises to call a member to order, or for any other purpose connected with the proceedings, the member speaking shall thereupon resume his or her seat, and no other member shall rise until the Chair be resumed. The ruling of the Chairman on any question under Standing Orders, or on points of order, shall be final unless challenged by not less than 4 members, and unless the majority of the delegates present vote contrary

8. Misconduct

If any member interrupts another while addressing the meeting or uses abusive or profane language, or causes any disturbance, and refuses to obey the Chairman when called to order, he or she shall be named by the Chairman. He or she shall thereupon be expelled from the meeting and shall not be allowed to enter again until such apology satisfactory to the meeting is given.

9. Suspension of Standing Orders

In the event of any matter of urgency, the Chairman may accept a motion for suspension of Standing Orders. The member moving such suspension must clearly state the nature and urgency of the business, the numbers of the Standing orders affected, and the length of time (not exceeding 20 minutes) he or she desires such suspension to last. At

the option of the meeting further extension may be allowed, but no suspension shall take place except by a majority of the delegates present.

10. Scrutineers

Scrutineers shall be appointed from the delegates attending, to assist the Chairman. A scrutineer cannot be a candidate for office, but may vote. Their duties are:

- (a) To count numbers on "Card votes" and inform the Chairman.
- (b) To collate and count the votes on ballot papers and inform the Chairman.

Ballot papers may not be destroyed except with the consent of the meeting. Voting cards will be surrendered by delegates to be destroyed in accordance with instruction of the Chairman

11. Voting Procedure

The only persons entitled to vote at an Annual General Meeting are either:

- (a) A club secretary or an officially appointed representative of a club (authorised in writing by the secretary of such club), of which he or she is a member, or
- (b) Individual members.

No proxy voting will be permitted.

Voting cards will be issued on arrival to be used under the direction of the Chairman. The value of such cards is:

Under (a) above ... 3 votes; under (b) above ... 1 vote.

Whenever it is necessary for a ballot to be carried out, printed ballot papers will be used.

12. Casting Vote

In all cases where an equality of votes exists, the Chairman of the meeting will use a "casting" vote.

13. General Committee

Elected Area Representatives will be announced at the Annual General Meeting. The Chairman, Vice Chairman, Honorary General Secretary, Honorary Treasurer, Officials and Record Secretary, and International Representative will be elected by the membership at the Annual General Meeting by secret ballot.

Appendix "B

Procedure for dealing with complaints and Code of Discipline

Code of Discipline

This Code is applicable to any complaint citing an infringement of the ToWA Constitution, Rules, Terms of Reference or for any conduct that is prejudicial to the interest of the ToWA or the sport of Tug of War.

A member shall be liable to termination or suspension of membership or to other appropriate punishment by the ToWA for any infringement of the Constitution, Rules, Terms of Reference or for any conduct which is prejudicial to the interests of the ToWA or the sport of Tug of War, and the ToWA shall have power similarly to discipline any club whose nominee is a member, puller, official, of a club for any such offence. The procedure for and the conduct of disciplinary hearings shall be prescribed by the ToWA and shall be published in the Constitution.

1. Procedure

1.1. Principles

Disciplinary action taken by the ToWA shall take place in three distinct phases:

- (i) initial investigation to decide whether or not there is a case to answer and / or the necessity for a hearing;
 - (ii) a hearing
- and, if submitted,
- (iii) an appeal

1.2. Receipt of Complaint.

Any complaint must be notified to the Honorary General Secretary within 14 days of the incident.

1.3. Actions on Receipt of Complaint.

1.3.1. On receipt of a complaint against an individual or club, the Chair of Discipline or if necessary, due to a conflict of interests or unavailability, another officer appointed by the General Committee or officers, shall investigate the complaint by:

- (i) Selecting two other Officers of the ToWA to form an investigation panel. In the interests of impartiality, neither of these investigators nor the Chair of Discipline shall have had any involvement whatsoever in the matter which has given rise to the complaint.
- (ii) Concurrently with the appointment of the two investigators, the Chair of Discipline (or other officer) shall write, by recorded delivery post, to the person or body that is the subject of the complaint, indicating the allegations. The letter shall inform the person or body concerned, that if they plead guilty no hearing will be held.

1.3.2. The investigators shall, before any report of the investigation is completed, take such steps as they think appropriate to ensure that the body or individual concerned is informed of the evidence against it or them and has the opportunity to respond to the allegations and evidence. Any response must (unless the investigators decide otherwise) be in writing.

1.3.3. The investigators shall have authority to make informal enquiries and, if necessary, to receive written evidence in order to establish the facts. In making these enquiries they shall advise all persons whom they involve that any evidence that is relevant may be submitted later to a disciplinary hearing.

1.4. Investigation Report

1.4.1. The investigators making these enquiries shall complete their report and recommendations within 60 days of the complaint having been received by the Honorary General Secretary.

This report should simply state:

- (i) the nature of the original complaint or allegation,
- (ii) whether there is a case to answer, and, if so,
- (iii) which law, rule, Terms of Reference or conduct has been contravened or whose interest has been infringed,
- (iv) whether a hearing is necessary or if the person or body that is the subject of the complaint has pleaded guilty, and has therefore been dealt with by the investigating panel.

1.4.2. If there is no case to answer, the Chair of Discipline shall ensure that this decision shall be notified in writing to those persons who initiated the complaint, the person or body that is the subject of the complaint and all those who have been contacted for evidence.

1.4.3. If a hearing is deemed appropriate, a Disciplinary Panel shall be appointed in accordance with Law 11. In addition, if the Investigating Panel is of the opinion that the nature of the case would justify the availability of specialist expertise, then it may appoint up to two people as co-opted members of the panel. These individuals may or may not be involved in the sport of Tug of War but will be accepted as being well versed in the issue under consideration. The co-opted individuals shall not be entitled to a vote during any part of the proceedings.

1.5. Action prior to a Disciplinary Hearing

In all cases the Chairman of the Disciplinary Panel shall:

- (i) Send to the club or individuals who are the subject of the allegations full details of the matter in dispute in writing and by recorded delivery post, together with the date, time and place for the hearing so that the person or club concerned receives the notice at least 21 days before the date of the said hearing. Any club or individual appearing before the Disciplinary Panel to answer any charge must be given an accurate copy of any document setting out the complaint against them (or their Club if he or she represents a Club) and any documents in the possession of the Disciplinary Panel relevant to the hearing. A club or individual shall be informed that they can make a written reply to the allegations prior to the full investigation taking place.

- (ii) Provide a list of the members of the Disciplinary Panel to the body or individuals concerned.
- (iii) Require a letter of acknowledgement from the club or individual concerned, which must be sent by recorded delivery post. The letter must also state if the body or individual has any objection, for good cause, to any of the Disciplinary Panel members.
- (iv) Seek clarification of any matter which has previously been raised.
- (v) Summon such person or other officer of such club to attend the said hearing or to answer such allegations in writing before the date fixed for the hearing. Inform such person or officer of his or her rights to be represented at the hearing by another member of his or her club or any other person, particulars of the person attending to assist the club or individual to be given to the Chair of Discipline at least 14 days before the hearing. In this case both persons are entitled to attend the hearing.
- (vi) Require that the club or person concerned inform the Chair of Discipline of any witnesses they wish to call.
- (vii) Require the attendance of such witnesses as the Discipline Panel consider able to help the hearing with their evidence

2. Order of Proceedings.

- 2.1. The Disciplinary Panel must follow the laid down procedures, and shall ensure that any person appearing before the Disciplinary Panel is fully aware of those procedures. The Chairman of the Disciplinary Panel should explain the procedure before a hearing commences and give a person appearing before the Disciplinary Panel an opportunity to ask questions on matters of procedure which are not clear.
- 2.2. The Plaintiff and the Defendant and any previously nominated representative have the right to be present during the submission of the evidence by both parties. They may only ask questions of the other parties or witnesses through the Chair, when invited to do so.
- 2.3. The allegations and / or letter of complaint will be read, or details of the conduct alleged will be explained.
- 2.4. The person or club appearing before the Disciplinary Panel shall be asked whether the allegations being the subject of the hearing are admitted.
- 2.5. If the Defendant is not present at the hearing the hearing can proceed without them.
- 2.6. If the allegations are not admitted the Disciplinary Panel will hear the evidence in the following sequence:-
 - (i) The Plaintiff presents the case of complaint.
 - (ii) The Panel may ask explanatory questions of the Plaintiff.
 - (iii) The Defendant may ask clarification questions (through the Chair) of the Plaintiff.
 - (iv) Witnesses for the Plaintiff are called, one at a time, by the Panel and their evidence heard. Questions may be put to each witness upon the conclusion of his/her evidence by or at the request of the Plaintiff or the Defendant (through the Chair), or by any member of the Disciplinary Panel.
 - (v) The Defendant presents their case.
 - (vi) The Panel may ask explanatory questions of the Defendant.
 - (vii) The Defendant may ask clarification questions (through the Chair) of the Plaintiff.
 - (viii) Witnesses for the Defendant are called, one at a time, by the Panel and their evidence heard. Questions may be put to each witness upon the conclusion of his/her evidence by or at the request of the Plaintiff or the Defendant (through the Chair), or by any member of the Disciplinary Panel.
 - (ix) Additional witnesses may be called by the Panel, one at a time, and their evidence heard. Questions may be put to each witness upon the conclusion of

his/her evidence by or at the request of the Plaintiff or the Defendant (through the Chair), or by any member of the Disciplinary Panel

- 2.7. Witnesses should not be present in the room until they are called to give their evidence, but may remain in the room when their evidence is concluded, if they so wish.
- 2.8. Witnesses should, whenever reasonably possible, attend the hearing in person to give oral evidence.
- 2.9. Written evidence from witnesses may be received, and is equally valid as oral testimony if it is not challenged, but save in exceptional circumstances written evidence will carry less weight than oral testimony.
- 2.10. Hearsay evidence is permitted but it should be treated with caution as its reliability cannot be tested by cross-examination.
- 2.11. A Disciplinary Panel has discretion to adjourn a hearing in order to obtain the attendance of a witness at that hearing if it is likely to be reasonably practicable to do so and is likely to resolve or clarify a conflict of evidence.
- 2.12. Any person or club who wilfully misleads a Disciplinary Panel will be liable to be made the subject of further disciplinary action.
- 2.13. Evidence of the Defendant's previous disciplinary record will not be given until after a finding of fact has been made.
- 2.14. The Chairman will then invite all persons other than the members of the Disciplinary Panel to retire whilst the Panel considers its decision in private. The person charged has no right of access to the deliberations of the Panel.
- 2.15. If the allegations are admitted or proved to the satisfaction of the Disciplinary Panel then:-
 - (i) The person or club facing the allegations may call evidence as to character and address the Disciplinary Panel in mitigation. No other person may address the Disciplinary Panel as of right, but the Disciplinary Panel may seek such further information as it requires from any party.
 - (ii) A puller's or club's previous disciplinary record should be ascertained. The punishment should be consistent with similar cases but the Disciplinary Panel should take into consideration a person's previous record and behaviour.
 - (iii) The Chairman will again invite all persons other than the members of the Disciplinary Panel to retire whilst the Panel considers the sanction to be imposed

3. Sanctions

- 3.1. The Sanctions may consist of:
 - (i) A reprimand to the offender(s), with or without a written warning as to future conduct.
 - (ii) A severe reprimand with a final and written warning as to future conduct.
 - (iii) A suspended suspension or disqualification.
 - (iv) Suspension or disqualification of an offending club or individual from Tug of War competition, coaching or administration for a specified period.NB. Any of the above may be accompanied by a financial penalty.
- 3.2. Any suspension, disqualification or expulsion shall normally run with immediate effect from the date of notification.
- 3.3. Thereafter, the Disciplinary Panel shall identify all relevant mitigating factors and determine if there are grounds for reducing the period of suspension, if any. Mitigating factors include:
 - (i) The presence and timing of an acknowledgment of culpability/guilt by the offending puller or club.
 - (ii) A good record and/or good character.

- (iii) The age and experience of the puller.
- (iv) The puller's conduct prior to and at the hearing.
- (v) Remorse to the puller's or club's actions.
- (vi) Any other off field mitigating factor that the Disciplinary Panel considers relevant and appropriate.

4. Natural Justice and Fairness.

- 4.1. The overriding consideration in the conduct of disciplinary procedures is that they should be fair and just.
- 4.2. It must always be borne in mind that a Disciplinary Panel is not a court of law and those appearing before it may not be trained advocates and must therefore in the interests of achieving a just and fair result be given every assistance and latitude in presenting their submissions. All procedural and technical considerations must take second place to the paramount object of being as just and fair to all parties as is consistent with a duty to the sport of Tug of War. The Disciplinary Panel must at all times observe the rules of natural justice.
- 4.3. A Disciplinary Panel must be:
 - (i) Impartial (that is, free of prejudice or bias and not have an interest in the outcome, other than to see that the decision is fair); and
 - (ii) Careful and thorough in their consideration of the procedures and evidence.
- 4.4. Proceedings, findings or decisions of a Disciplinary Panel shall not be invalidated by reason of any minor defect, irregularity, omission or technicality unless such defect, irregularity, omission or technicality raises a material doubt as to the reliability of the proceedings, findings or decisions.
- 4.5. All decisions, together with the reasons for those decisions, should be recorded in writing by the Disciplinary Panel.
- 4.6. Clubs, Club Members and Individual Members are prohibited from taking a dispute to ordinary Courts of Law and are required to submit any disagreement to the jurisdiction of the England Tug of War Association. Under some circumstances, unresolved disputes can be taken to the Court of Arbitration for Sport (CAS) in accordance with the provisions laid down in TWIF Article 19.

5. Standard of Proof

- 5.1. The Defendant MUST be assumed innocent until proven guilty.
- 5.2. The standard of proof has to be demonstrated to be beyond reasonable doubt.

6. Suspension.

If a Disciplinary Panel imposes a period of suspension it should:

- (i) Make it clear whether the period of suspension is from competing or administration or both.
- (ii) Specify the exact dates between which the suspension will take place, the commencing and finishing dates to be inclusive of the period of suspension. The period of suspension may be in two distinct periods if it is desired to exclude the whole or part of the closed season.

7. Notification of the Decision.

- 7.1. The Disciplinary Panel shall at, or within fourteen days after, the conclusion of the case, deliver a written judgment to the Defendant and / or the Secretary of the Defendant's Club by recorded delivery.
- 7.2. In addition, the Chair of Discipline shall report to the General Committee.
- 7.3. The Notification shall also set out the right of Appeal.

8. Appeal

8.1. Any individual or club wishing to lodge an appeal against a decision of the ToWA must do so within fourteen days of receiving the written decision. The letter of appeal against the decision must be sent by recorded delivery post to the Chair of Discipline and must state the grounds on which the decision is challenged, which will normally be restricted to one or more of the following reasons:

- (i) excessive nature of a penalty;
- (ii) unfair conduct of the proceedings which have broken the rules of natural justice;
- (iii) new evidence, which might affect the decision that has been taken.

8.2. The ToWA shall acknowledge a letter of appeal within fourteen days of its receipt and shall establish an Appeal Panel within a further fourteen days. The Appeal Panel shall not include among its members any persons who have been involved directly either in the events giving rise to the hearing, or in the investigation, or in the hearing itself, but shall consist of five members selected by the Chair of Discipline from a list of adjudicators, one of whom will be nominated by the Chair of Discipline as the Chairman of the Appeal Panel. In addition, the Appeal Panel may also co-opt specialist expertise as given in 1.4 above, who will have no vote.

8.3. The list of adjudicators ("the List") will consist of eight individuals selected by the General Committee. This List may be reviewed by the General Committee at one of its meetings at any time. A person appointed to the List may at any time resign or be removed for good cause by the General Committee.

8.4. The Chair of Discipline shall select the members of the Appeal Panel from the List having regard to fairness and impartiality. For example, an appeal relating to a specific Area would not be referred to an Appeal Panel including adjudicators selected from that Area.

8.5. The appellant shall be notified by the Chair of Discipline of the membership of the Appeal Panel and required to acknowledge that he or she has no objection to any of the members. The appellant shall be notified by the Chair of Discipline of the date, time and place of the appeal hearing with not less than twenty one days notice after all papers have been received and the names of any witnesses and copies of any written evidence exchanged by both sides. He or she may be accompanied by a colleague, whose name must be provided to the Chair of Discipline at least 14 days in advance of the appeal hearing.

8.6. At the appeal hearing the appellant shall state his or her case supported by such witnesses that he or she might call and the written evidence which he or she wishes to present. The appellant may then be questioned by the Appeal Panel who may also hear witnesses and receive written evidence, which supports the original finding.

8.7. The procedure for the Appeal shall follow that of a Discipline Hearing as appropriate

8.8. Powers of Appeal Panel

8.8.1. An Appeal Panel has the power to:

- (i) Quash a finding and any sanction imposed by the original disciplinary panel; and/or
- (ii) Substitute an alternative finding; and/or

(iii) Reduce or increase the original sanction.

8.8.2. Any sanction or suspension imposed or confirmed or varied by the Appeal Panel shall normally commence on the day following the date of the appeal, but may be backdated to take account of the closed season or other relevant factors.

8.9. The Disciplinary Panel shall at, or within fourteen days after, the conclusion of the case, deliver a written judgment to the Defendant and / or the Secretary of the Defendant's Club by recorded delivery. The letter shall also state any change in the sanction agreed at the original hearing.

8.10. In addition, the Chair of Discipline shall report to the General Committee.

9. Records of Hearings and Appeals

Minutes shall be taken of the Disciplinary and Appeal Hearings, these along with the decisions of the Disciplinary Panels and Appeals Panels shall be retained in confidential records of the ToWA for a period of time, which shall not be less than ten years. Supporting documentation shall also be retained in the same fashion. The Chair of Discipline shall appoint a member of the Disciplinary or Appeals Panel to take the minutes.

10. Co-operation of Defendants

The procedures described in this code assume that the parties will co-operate in the interest of resolving the issue in question. In the absence of such co-operation, or if it is withdrawn at any stage, the ToWA reserves the right to proceed with a hearing or an appeal based on such evidence and information as it is able to obtain.

Appendix “C”

Tug of War Association Areas

Definition

The Tug of War Association Areas are:

Area 1 (Northern) Derbyshire, Humberside, Yorkshire

Area 2 (Midlands) Hereford and Worcester, Leicestershire, Northamptonshire, Nottinghamshire, Shropshire, Staffordshire, Warwickshire, West Midlands

Area 3 (South Western) Bristol, Gloucestershire, and the ancient counties of Oxfordshire and Somerset

Area 4 (Wessex) Dorset, Hampshire, Isle of Wight, Wiltshire

Area 5 (Eastern Counties) Bedfordshire, Cambridgeshire, Essex, Lincolnshire, Norfolk, Suffolk

Area 6 (South Eastern Counties) Kent, Surrey, Sussex

Area 7 (Home Counties) Berkshire, Buckinghamshire, Hertfordshire, Middlesex

Area 8 (Far Western) Devonshire, Cornwall

Area 9 (Far North) Cleveland, Cumbria, Durham, Cleveland, Cumbria, Northumberland, Tyne and Wear

Area 10 (North Western) Cheshire, Greater Manchester, Lancashire, Merseyside

Essex, Kent, Middlesex and Surrey shall include the ancient part of those counties that are now in Greater London.

Area membership

Area membership is restricted to the clubs whose headquarters are in the Area and individual members who reside in the Area.

Area AGM

Each Area will hold an Annual General Meeting in October or November, at least two weeks before the November General Committee meeting.

The Area AGM will be conducted in accordance with Appendix “A” of the Constitution and will elect a Chairman, Secretary, Treasurer, and two Area Representatives plus one reserve. The post of Area Secretary and Treasurer may be combined. The Area may elect other officers and an Area Committee if it so desires. The Area Secretary shall notify all Area members of the AGM at least two weeks before the date of the meeting. The minutes of the Area AGM shall be published and a copy sent to the Honorary General Secretary.

Area subscriptions

An Area may collect subscriptions from its members, the amount being set by the Area AGM.

Other activities

An Area may organise an Area Championships and any other activities that are for the good of Tug of War.