

Team Vitality Code of Conduct & Disciplinary Procedures

1. Interpretation

- 1.1. In this guide, unless the context clearly indicates otherwise, the following words and expressions will have the following meanings:
 - 1.1.1. **Committee** means the elected members with the powers as set out in the Constitution.
 - 1.1.2. **Complaint** means an expression of dissatisfaction of a member, either orally or in writing, that requires, in their sole discretion, a response from the Club Committee.
 - 1.1.3. **Constitution** means the 'Team Vitality Athletics Club Constitution'.
 - 1.1.4. **Disciplinary committee** means a panel consisting of elected committee members charged with examining alleged breaches of discipline within the Club and adjudicating on them.
 - 1.1.5. **Discovery Group** means Discovery Limited Registration Number 1999/007789/06, a company duly registered and incorporated in accordance with the company laws of the Republic of South Africa and its subsidiaries from time to time.
 - 1.1.6. **Enquiry** means an official investigation by the Committee in respect of alleged misconduct of a member.
 - 1.1.7. **Event** means events falling on the Team Vitality calendar of events which are made available to Team Vitality members.
 - 1.1.8. **Misconduct** means the improper interference, in the broadest sense, with the proper functioning or activities of the club, its members, visitors or employees.
 - 1.1.9. **Staff** refers to personnel contracted to or employed to assist with the administration of an event.
 - 1.1.10. **The club** means the non-profit organisation registered as Discovery Athletic Club, in accordance with the laws of South Africa as a non-profit organization (registration number: 092-844-NPO) and further operating as Team Vitality running club and Team Vitality cycling club. Team Vitality Athletics Club has a corresponding meaning.
 - 1.1.11. **Team Vitality** means Team Vitality (NPO) Registration Number 1999/007736/07, a non-profit organisation duly registered and incorporated in accordance with the company laws of the Republic of South Africa.
 - 1.1.12. **Team Vitality member** means any Vitality member who activates Team Vitality and who is eligible for certain benefits not available to non-Vitality members nor to Vitality members who have not activated Team Vitality.

2. Introduction

- 2.1. The Discovery Athletic Club is subject to the Team Vitality Athletic Club Constitution. To ensure the effective and efficient running of its events, it has been necessary to publish a guideline regarding all aspects of the club. The Discovery Athletic Club Committee have developed procedures and protocols to ensure the smooth running of the club.
- 2.2. The club promotes certain values which are expected to be adhered to by all members of the club, visitors or employees.
These values include:

- 2.2.1. Integrity
 - 2.2.2. Honesty
 - 2.2.3. Respect
 - 2.2.4. Fairness
- 2.3. This document is a guide to which summarises the club's expectations of its members and that of their guests and details the procedures to be followed by a member submitting a complaint.
- 2.4. The guide also outlines the process Discovery Athletic Club's Committee will follow in dealing with complaints.

3. Disciplinary matters

- 3.1. An elected Disciplinary Committee as provided for in the Constitution will deal with disciplinary matters of the club. The club will not tolerate any conduct which brings or has the potential to bring the club and Team Vitality into disrepute by means inclusive of physical or mental abuse, harassment, discrimination or defamation of any of its members during, or subsequent to, club events.
- 3.2. Any member may be disciplined or excluded from membership of the club where their conduct has been, or is likely to be, prejudicial to the interests of the club.
- 3.3. Subject to the general definition above, the following will constitute misconduct:
- 3.3.1. The carrying out of an offense considered to be of a minor nature (unless frequently repeated) and will be inclusive of but not limited to the following:
 - 3.3.1.1. Obstruction of, or improper interference with the functions, duties or activities of any fellow member, member of staff, other employee of the club or any visitor
 - 3.3.1.2. Disruption of, or improper interference with the administrative, sporting, social or other activities of the club at club events
 - 3.3.1.3. Discourteous, rude or offensive behavior at club events or while engaged in any club activity
 - 3.3.1.4. Behaviour likely to cause injury or impair safety at club events
 - 3.3.1.5. Deliberate disregard for club equipment or property belonging to the club
 - 3.3.1.6. Failure to comply with or adhere to the relevant code of conduct.
 - 3.3.2. Repetition of the above transgressions or failure to comply with demands by the club in writing may result in further disciplinary action by the club.
- 3.4. The carrying out of an offense of such gravity that in the opinion of the Committee warrants a club disciplinary hearing will constitute serious misconduct which will be inclusive of:
- 3.4.1. Deliberate or consistent breaches of club rules
 - 3.4.2. Any attempt to achieve gains or an advantage over others by unfair or unscrupulous means
 - 3.4.3. Theft or misappropriation

- 3.4.4. Use of threatening or abusive behaviour at club events or while engaged in any club activity
- 3.4.5. Misuse or unauthorised use of club property, including inappropriate use of personal devices
- 3.4.6. Damage to or defacement of club property, the property of other club members caused intentionally or recklessly, or the misappropriation or misuse of such property
- 3.4.7. Any other action, including through social media, which in the opinion of the Committee, may bring the club into disrepute or which, if left unchecked, may result in the detriment of the club or its members.
- 3.5. Gross misconduct constitutes an action of such seriousness that the Committee may result in the immediate expulsion of the member from the club.
 - 3.5.1. The Committee may, by means of an executive decision, summarily expel such member without invoking a disciplinary hearing.
 - 3.5.2. The expelled member will have the right to a disciplinary hearing as soon as this can be arranged but will remain expelled until and unless such a hearing overturns the executive decision.
 - 3.5.3. Examples of gross misconduct are:
 - 3.5.3.1. Violent, indecent, disorderly, threatening or offensive behaviour or language at club events or while engaged in any club activity
 - 3.5.3.2. Fraud, theft, deceit, deception or dishonesty in relation to the club or its staff or in connection with holding any office in the club or in relation to being a member of the club
 - 3.5.3.3. Sexual, racial, gender or any other form of personal harassment of any fellow member, member of staff or other employee of the club or any visitor
 - 3.5.3.4. Conduct which constitutes a criminal offence where that conduct takes place at club events and while engaged in any club activity
 - 3.5.3.5. Conviction of a criminal offense involving physical violence or abuse
 - 3.5.3.6. Other acts that considered to be of an extremely serious nature perpetrated against the club, its members or any other party.

4. Submission of complaints

- 4.1. The following procedure must be followed by a member laying a complaint:
 - 4.1.1. Report the incident to a member of management or to a Club Committee member in writing no later than 10 days after the incident occurs
 - 4.1.3. The complainant must avail themselves to provide oral evidence at a disciplinary hearing and be cross examined or to take part in a general discussion at an enquiry.
- 4.2. Once the complaints' procedure is initiated by the Committee as a result of any of the above the following procedure will apply:
 - 4.2.1. The member will be notified in writing of the complaint against them.

- 4.2.2. The member will be given 7 (seven) days' notice to attend the meeting for the purpose of responding to the complaint.
- 4.2.3. Failure by the member to attend this meeting, without good cause, will result in a decision by the club in the member's absence.
- 4.2.4. If the complaint is challenged, the matter will be fully investigated.
- 4.3. The complainant must refrain from confronting the alleged wrongdoer pending the investigation and the disciplinary hearing.
- 4.4. No action will be taken by the Committee where reports of an incident are overheard, amount to hearsay or are commented on casually.

5. Disciplinary procedures

- 5.1. Disciplinary action against club members may be taken for misconduct or breach of the club's code of conduct. It is, however, recognised and accepted that every member has the following rights:
 - 5.1.1. The right to fair and consistent treatment from the club
 - 5.1.2. The right to adequate notice from the club
 - 5.1.3. The right to appeal against the Club Committee's decisions in all disciplinary matters
 - 5.1.4. The right to representation.
- 5.2. No member may be expelled for the first breach of the club's rules, except in cases of gross misconduct.
- 5.3. The Club Committee will deal with all club disciplinary matters. A sub-Committee may be formed by the Committee to consider a complaint within the competency of the Committee.
- 5.4. All decisions by the Committee of a disciplinary nature must be taken with advice from a legal adviser. Such legal adviser may be a member of the Committee or co-opted on an *ad hoc* basis in terms of the Constitution.
- 5.5. All matters which breach this code of conduct shall be processed as follows:
 - 5.5.1. The Club Committee or sub-Committee, after receiving a complaint, may decide that the complaint does not raise a serious enough issue to warrant further investigation and a hearing. The complainant will so be advised.
 - 5.5.2. If the Club Committee or sub-Committee having considered the alleged complaint is of the view that the complaint is of serious enough nature to investigate further, proceed to obtain written statements from the complainant and any other witnesses or person who may have knowledge about the incident.
 - 5.5.3. Following the receipt of all written statements the Club Committee or sub-Committee will then decide to either conduct an enquiry where parties involved will be called upon to attend a hearing to deliberate on the events or to conduct a disciplinary hearing.
 - 5.5.4. If an enquiry is called for and convened the Club Committee or sub-Committee, in its sole discretion, may decide to finalise the matter there and then, provided that apart from a reprimand, no further sanction may be imposed. If it appears to the Club Committee or sub-Committee that the matter is more serious than anticipated, it will refer the matter for a disciplinary hearing.
 - 5.5.5. If the Club Committee or sub-Committee elects to conduct a disciplinary hearing, it will inform the implicated

member of the date and venue of the hearing in writing not less than 15 (fifteen)

working days prior to the hearing. The implicated person will be informed of their right to call witnesses and to cross-examine witnesses called on behalf of the club.

- 5.6. All parties to the complaint and relevant witnesses may be interviewed, if seen as necessary, by the committee.
- 5.7. Having considered all the facts, the committee will decide whether to uphold the complaint. If the complaint is upheld the Committee will decide what sanction is appropriate. In the case of a complaint being referred to a sub-Committee, its findings will be considered by the Committee in reaching its decision. The details of the decision will be recorded and minutes will be taken at the hearing.
- 5.8. The member will be informed of the Committee's decision in writing within 7 (seven) days.
 - 5.8.1. The member may appeal the decision in writing to the Committee within 10 (ten) days of being informed of the decision. No appeal will be valid or considered after that period has elapsed.
 - 5.8.2. The appellant must give full written grounds for the appeal, stating exactly what is being appealed against and the reasons for the appeal.
 - 5.8.3. The Committee will then refer the appeal to the Disciplinary Appeals Committee.
 - 5.8.4. The Disciplinary Appeals Committee will consist of three individuals consisting of one disciplinary Committee member, one Team Vitality member not on the Committee and one external party who is not a Team Vitality member.
 - 5.8.5. The Disciplinary Appeals Committee must meet within 7 (seven) days of receipt of the appeal. Its deliberations will include consideration of all the facts already presented, any new evidence that may be relevant and may include recalling witnesses.
 - 5.8.6. The Disciplinary Appeals Committee must present its findings in writing to the Committee within 7 (seven) days of reaching their decision.
 - 5.8.7. The decision of the Disciplinary Appeals Committee will be final.

6. Sanctions

- 6.1. Any one or more of the following penalties may be imposed for a breach of the club's code of conduct as outlined in this document:
 - 6.1.1. A reprimand
 - 6.1.2. A written warning as to future conduct
 - 6.1.3. A requirement from the Committee that the member gives an undertaking as to future conduct in such terms and containing such conditions as the Committee may prescribe. A breach of this undertaking will constitute serious misconduct
 - 6.1.5. Exclusion for a stated period from all Team Vitality events
 - 6.1.6. Expulsion from the club and all its activities
 - 6.1.7. Such other penalties as determined from time to time by the Committee including but not limited to suspension from the club.

- 6.2. Sanctions imposed by the Disciplinary Committee will depend on the scale and severity of the misconduct. Consideration will also be taken for repeated offences.
- 6.3. In the case of a complaint of cheating, if found guilty the member will be disqualified from the competition and any prize received must be returned.
- 6.4. In the case of conduct which constitutes a criminal offence, the member may be suspended pending investigation. If found guilty, the member will be expelled from the club immediately and any activation fees paid will be forfeited.
- 6.5. In cases where a member is suspended or expelled from the club, any activation fees paid for that calendar year will be forfeited.

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