

Disciplinary Policy and Procedures For the Southwest Division of Bowls USA

(Approved June 7, 2025)

I. Preamble

The Southwest Division (hereinafter “SWD”) is dedicated to fostering an inclusive environment for the sport of Bowls and to upholding the utmost standards of sportsmanship.

1.1. The Disciplinary Policies and Procedures are designed

1.1.1. to provide basic principles to regulate the sport so that it is played in an environment in which the rights, dignity, and individual worth of all its members are respected.

1.1.2. to ensure that any disciplinary action is conducted in a manner consistent with the principles of fairness, consistency, impartiality, independence, transparency, and timeliness.

1.1.3. to provide a safe and inclusive environment, and will not tolerate discrimination or harassment based on race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, or any other protected characteristic as defined under California law.

1.2. Confidentiality

1.2.1. Confidentiality is to be maintained throughout all stages of the disciplinary process including deliberations, decisions, and appeals. This obligation applies to the Disciplinary Committee (DC), the Executive Board, appellants, and any members of the Appeals Panel, claimant, respondent and witnesses. Information and materials related to a complaint or disciplinary matter are to be disclosed only to individuals with a legitimate need to know, such as the appellant, the SWD Board, DC members, and members of the Appeals Panel. All participants are expected to respect the confidential nature of the process, consistent with the need to conduct a fair and impartial Investigation and proceeding. The DC and affiliated

individuals acting in good faith are not liable for the unintentional disclosure of confidential information that may occur despite reasonable efforts to preserve confidentiality.

1.3. Notice and Due Process

1.3.1. No member of the SWD shall be placed on probation, suspended, terminated, or removed from any office or position without first being provided with:

1.3.1.1. Written notice of the proposed disciplinary action, including the reasons for such action;

1.3.1.2. A meaningful opportunity to respond to the allegations or concerns, either in writing or in person; and

1.3.1.3. A fair and impartial hearing, conducted in good faith and in a manner consistent with the organization's governing documents and California Corporations Code §7341.

II. Disciplinary Committee

The SWD shall establish a Disciplinary Committee (herein after "DC") which shall be composed of three (3) to five (5) SWD members who shall have the power to act in the name of the SWD in determining disciplinary proceedings coming before it. The DC shall act independently of the Delegate Assembly and the Executive Board in reaching decisions in all matters before it.

The Executive Board shall select the Chair of the DC. Then, in consultation with the Executive Board, the Chair shall select (on a voluntary basis) as many as four (4) other members to sit on this committee. The SWD President is not an ex-officio member of the DC. For all disciplinary hearings, a quorum shall be defined as (2) two or more individuals. The DC Chair shall serve for a period of three (3) years. The other DC members shall be selected annually by the Chair in conjunction with the Board.

2.1. Criteria for Serving on the Disciplinary Committee (DC):

2.1.1. Possess knowledge of the sport of bowls and/or have relevant experience in disciplinary processes or procedures.

2.1.2. Demonstrate the appropriate temperament to engage with all parties in a fair, respectful,

impartial, and considerate manner.

2.1.3. Must not be a current member of the Executive Board.

2.1.4. Only one member of a married couple may serve on the committee at any given time.

2.1.5. Service on the committee is strictly voluntary.

III. Jurisdiction

These Disciplinary Policies and Procedures apply to all SWD affiliated Clubs, individual members, guests, or any other persons participating in, attending, or otherwise associated with any event, activity, or program that is operated, sponsored, or sanctioned by the Southwest Division (SWD) of Bowls USA.

3.1 The Disciplinary Committee (DC) shall have authority to adjudicate all disciplinary matters within the jurisdiction of the SWD. This includes, but is not limited to:

3.1.1. Disputes between members and/or Clubs that arise at SWD sanctioned events, activities or programs.

3.1.2. Violations of the SWD Code of Ethics occurring during a SWD tournament play or other SWD-affiliated activities;

3.1.3. Misconduct by SWD members including, but not limited to, individuals serving on the Delegate Assembly or Executive Board when such conduct relates to SWD operations, events, or governance.

The Disciplinary Committee shall preside over all matters referred to it, with the authority to establish facts, resolve disputes, and issue warnings as warranted. The Committee may also recommend to the Executive Board the suspension or removal of a member from the Southwest Division when deemed appropriate.

3.2. Misconduct Defined:

3.2.1. Disrespectful, Unsportsmanlike, or Improper Behavior

3.2.1.1. Any behavior that is disrespectful, unsportsmanlike, improper, or socially unacceptable—whether at an SWD-sponsored event or in any setting representing the Division—is strictly prohibited. This includes actions that violate the spirit of the game of bowls or compromise the inclusive, respectful, and community-oriented environment that SWD promotes. Examples of such conduct include, but are not limited to, inappropriate language, gestures, or actions that show disregard for others or the game.

3.2.1.1.2. The use of profane, vulgar, indecent, or otherwise inappropriate language or gestures that cause offense, distress, or discomfort to any individual present at the event, whether directed at an individual or expressed generally.

3.2.1.1.3. Any offensive, insulting, derogatory, or disrespectful conduct or remarks directed toward any person at the event, including players, officials, volunteers, spectators, or other attendees, regardless of whether the person is a member of SWD or affiliated through Bowls USA.

3.2.2. Harassment and Interference with Participation

3.2.2.1. Harassment is not tolerated within the Southwest Division (SWD) of Bowls USA. This includes, but is not limited to, sexual harassment, religious intolerance, and discrimination based on race, ethnicity, disability, gender identity, sexual orientation, age, or any other protected characteristic.

3.2.2.2. Harassment includes unwelcome comments, gestures, actions, or behaviors—physical, verbal, emotional, psychological, or digital—that create a hostile, intimidating, or offensive environment. This applies to any SWD member, guest, participant, official, volunteer, or Bowls USA affiliate, whether during official events or otherwise.

3.2.2.3. Behavior intended to intimidate, demean, humiliate, threaten, or cause harm—intentional or reckless—compromises our sport's safety, integrity, and inclusiveness and will lead to disciplinary action.

3.2.3. Physical aggression or violence such as fighting, pushing, shoving, or any other form of unconsented physical contact with another bowler, official, spectator, or SWD event participant.

3.2.4. Conduct that breaches the duties, responsibilities, or ethical standards expected of a person acting in any official capacity as a SWD Representative. This includes any behavior that damages the reputation of SWD or compromises the integrity of the event or organization.

3.2.5. Withdrawal or Failure to Complete Tournament or Event

3.2.5.1. Withdrawal After the Draw

3.2.3.1.1. Once the tournament or event draw has been finalized, players may only withdraw by submitting appropriate documentation or evidence of a bona fide injury, illness, bereavement, or other exceptional circumstance to the event officials.

3.2.5.2. Early Departure from a Tournament or Event

3.2.5.2.1. Players must not make travel plans or any other arrangements that would prevent full participation in all scheduled matches of the tournament or event.

3.2.5.2.2. Players are not permitted to leave the tournament or event or fail to complete any scheduled matches without receiving prior authorization from the Tournament Director.

3.2.5.2.3. Permission to depart early will be granted only under exceptional circumstances and at the sole discretion of the Tournament Director.

3.2.5.3. Participation in Other Events After Withdrawal

3.2.5.3.1. A player who withdraws from a SWD tournament or event citing unavailability or unfitness to compete must not participate in any other event taking place during the same time frame.

3.2.6. Failure to Compete in Good Faith

3.2.6.1. All players are expected to demonstrate sportsmanlike conduct by making their best efforts to compete honestly and to the full extent of their ability. A player must not intentionally default, underperform, manipulate the outcome, or otherwise attempt to throw a game. A default is only acceptable when a player is reasonably unable to continue due to illness, injury, or other justifiable circumstances, as determined by the Tournament Director or appropriate authority. Any attempt to cheat, collude, or compromise the integrity of play constitutes misconduct under the SWD Disciplinary Policy.

3.2.7. Physical abuse: players must not physically abuse another person, the playing surface or surrounds, fixtures or equipment. Conduct which is prejudicial to the interests of SWD or Bowls USA or any or Club thereof, or any member thereof or to the Sport of Bowls in general.

IV. Disciplinary Procedures

Any person (including representatives of SWD affiliated clubs, the Assembly or the Executive Board) wishing to raise a matter under these Rules shall submit a written complaint to the DC.

4.1. Complaint

A complaint should be submitted as soon as reasonably possible after the alleged incident or after the Complainant, acting in good faith, becomes aware of sufficient facts indicating that a disciplinary offense may have occurred. The complaint must include the date, time (if known), and a detailed description of the alleged misconduct, along with any relevant rule, bylaw, or

code provision that is claimed to have been violated. This may include, but is not limited to, provisions found in:

- 4.1.1. The rules, bylaws, or code of conduct of the relevant Club while participating in a SWD event, activity or program.
- 4.1.2. The Southwest Division (SWD) Rules, Bylaws, and Disciplinary Policy,
- 4.1.3. The rules, bylaws, or code of conduct of Bowls USA, or
- 4.1.4. The Laws of the Sport of Bowls (Crystal Mark Edition).

The entity submitting the complaint shall be designated as the "Complainant." The entity against whom the complaint is lodged shall be designated as the "Respondent." The term "Party" or "Parties" shall refer to either or both the Complainant and Respondent.

A permanent file shall be opened for each complaint. All related materials shall be maintained in confidence by the Disciplinary Committee (DC). The official email address of the DC will be posted on the SWD website and monitored by the Chair of the DC.

4.1.5. Anonymous, hearsay and oral complaints shall not be accepted or considered as formal complaints.

4.1.6. A Complaint can be withdrawn at any time.

4.1.6.1. The withdrawal of a Complaint must be in writing (including by email) to the DC. Where a Complaint has been withdrawn, the DC, if it believes it is in the best interest of the SWD, may choose to continue the Complaints Process.

4.1.6.2. If, at any stage, it is determined that a Complainant has knowingly made a false allegation, or that the complaint was submitted with malicious intent or with the purpose of causing undue distress to the Respondent, the complaint shall be dismissed. In such cases, the matter may be referred to the

Disciplinary Committee, which may consider appropriate action against the Complainant in accordance with these Policies and Procedures.

4.1.7. Should the Disciplinary Committee conclude that a complaint pertains solely to an internal Club matter, it retains the authority to decline processing the Complaint and subsequently refer it to the appropriate Club upon such determination.

4.2. Recusal Guidelines

To ensure fairness and impartiality in all disciplinary matters, the following recusal guidelines shall apply, in accordance with California Corporations Code §7233 and §7341:

4.2.1. Board of Directors:

Upon receipt of a Complaint, the President shall confer with members of the Board to determine whether any actual or perceived conflict of interest exists that would require recusal. Any Board member who is a complainant, respondent, or witness in the matter shall be recused from all related discussions, decisions, and appointments.

4.2.2. Disciplinary Committee (DC):

The Chair of the Disciplinary Committee shall consult with DC members to identify any actual or perceived bias or conflict that may compromise impartiality. Any member with such a conflict shall be recused. The Chair is responsible for ensuring that a quorum of impartial members is maintained. If the recusal results in the loss of quorum or necessitates a replacement, the Chair shall confer with the Board to appoint a qualified substitute.

These procedures are intended to uphold the integrity of the disciplinary process and to comply with the legal standards governing nonprofit organizations in California.

4.2.3. Basis for Recusal, but not necessarily requiring recusal, may include, but are not limited to the following:

4.2.3.1. Member is a party to the complaint

4.2.3.2. was a percipient witness to the alleged offense which formed the basis of the complaint.

4.2.3.3. has previously discussed the incident with parties or percipient witnesses to alleged offense.

4.2.3.4. is related to or has a close relationship with one of the parties in the complaint

4.2.3.5. has personal interest in the outcome of the disciplinary hearing, or any other potential conflict of interest.

4.3. Informal Proceedings

4.3.1. Within seven (7) days of receipt of the Complaint, the DC may consider, if it believes the infraction is minor, handling the matter through informal conflict resolution. The Chair shall select a member of the DC to act as a Mediator to facilitate communication between the parties. This will allow for guidance, explanations and re-evaluation of conduct or resolving possible misunderstandings between the parties which might be causing problems through lack of awareness or ignorance of the rules. Communication may be in person, by phone, by email or by teleconference, etc. as appropriate. Unless either of the parties involved object to the decision by the acting Mediator, this will finalize the process. If there is an objection to the decision by either party, the matter will be set for a formal hearing.

4.3.2. The acting Mediator shall submit a written report regarding their interaction with the parties and the outcome of those efforts. A copy of this report shall be provided to the Executive Board, the complainant, and the respondent. The report shall also be included in the Permanent File.

4.4. Formal Proceedings

If a complaint cannot be settled informally, all efforts will be made to expedite a Formal Hearing.

4.4.1. The DC shall, as soon as possible:

4.4.1.1. request that the DC Investigator(s) undertake a preliminary inquiry into the facts of the case in question and provide a written report to the DC, The acting investigator(s) will make attempts to interview witnesses and obtain documentary evidence relevant to all aspects of the inquiry.

4.4.1.1.1. Upon completion of their investigation, the acting investigator(s) shall submit a written report of their findings along with any evidence obtained to the DC. That report will then become part of the permanent file.

4.4.1.2. The Complainant shall be provided with a copy of the Disciplinary Policy and Procedures. The Disciplinary Committee (DC) will discuss the nature of the allegations with the Complainant and inform them of their responsibilities in pursuing the complaint. This includes the opportunity to submit a written statement detailing their account, along with any supporting evidence or witness statements. The Complainant and their witnesses may be required to attend a hearing if one is scheduled.

4.4.1.3. The Respondent shall be provided with the following:

4.4.1.3.1. A written notice outlining the source and full details of the complaint. Allegations or charges must be clearly and transparently stated. All supporting evidence available at the time including written statements and other relevant materials shall be provided in full and without modification.

4.4.1.3.2. A copy of the Disciplinary Policy and Procedures. The Respondent shall be informed that they have ten (10) days from the date of notification to submit a written response to the allegations and/or request a hearing. The response may include their version of events, supporting evidence, and any witness statements. Written

responses must be submitted to the DC at the address specified in the notice.

4.4.1.4. Provide all parties with the names of the DC panel members who will be hearing the complaint. Parties will be reminded that no one should contact, approach or otherwise attempt to influence or intimidate any panel members or witnesses. Any breach of this will be reported to the Chair and may itself be considered a matter of disciplinary action.

4.4.1.4.1. Either party may challenge the appointment of any member of the DC (including the Chair) where there are justifiable doubts as to the member's impartiality or independence or where the party raises any other valid and material objection(s). The challenge must be made in writing within 7 days of the notification of the names of the panel members who will hear the case, or any appointment or change in a panel member of the DC and must provide the reasons why that party is challenging the position of the panel member.

4.4.1.4.2. If the DC concludes that there is a basis for recusal of any member of the DC panel, including the Chair, the Chair shall select another member to sit on the panel. If a replacement is necessary, the Chair, in conjunction with the Executive Board, shall appoint another member of the SWD who meets the requirements for sitting on the DC.

4.4.2. If, within ten (10) days of notice, the Respondent in a disciplinary proceeding:

4.4.2.1. admits the charges, the DC shall

4.4.2.1.1. formally acknowledge the Respondent's admission of guilt.

4.4.2.1.2. hold a hearing or review the evidence submitted by both sides to understand the context and severity of the misconduct.

4.4.2.1.3. Determine the appropriate sanctions.

4.4.2.2 fails to respond to the charges,

4.4.2.2.1. if a Respondent elects not to respond, it shouldn't be taken as a tacit admission. The DC proceeds to consider what it has in the absence of a response.

4.4.2.2.2. The DC shall hold a hearing or review the evidence submitted by both sides to understand the context and severity of the misconduct

4.4.2.2.3. The DC shall determine the appropriate sanctions.

4.4.2.3. requests a Disciplinary Hearing, the DC will

4.4.2.3.1. within seven (7) days of receiving the request for a hearing, set the matter for a hearing to be convened within thirty (30) days.

4.4.2.3.2. provide notice of the hearing, including date, time and location, to the parties and any witnesses.

4.4.2.3.3. consider setting the hearing by teleconferencing upon of showing of good cause by either party involved

4.4.4.3.2. consider adjusting the time schedule of the hearing upon a showing of good cause by either party.

4.5. Disciplinary Hearing. Should the complaint proceed to a disciplinary hearing, it will be presided over by the Chair (or a DC Member designated by the Chair) and assisted by one or more DC members. The hearing will be held in-camera, and the proceeding will be confidential. Only the DC panel, Complainant and the Respondent may be present during all facets of the hearing. Witnesses may be present only at Commencement of hearing and when providing testimony.

4.5.1 The Chair:

4.5.1.1. will have everyone identify themselves and indicate their status at the hearing

4.5.1.2. will remind all present of the confidentiality of the hearing and that it will be held in-camera.

4.5.1.3. will inform all parties that a Hearing is not a judicial proceeding and that evidence given will not be delivered under oath, however, providing intentionally false or fraudulent evidence could be grounds for a disciplinary complaint.

4.5.1.4. will state the nature of the complaint and explain that the standard of proof needed for a finding of guilt is “on the balance of probabilities,” i.e. that it is more probable than not that the alleged offense was committed.

4.5.1.5 will state all relevant evidence received and confirm that all parties and Panel members have previously received it. If Respondent or Complainant have not received all the evidence, the Chair shall provide a brief recess in order for the parties to acquaint themselves with the evidence. If either party requests an adjournment so that they can prepare based on the new evidence, the Chair may at his/her discretion adjourn the hearing to a future date. If the hearing proceeds, the Chair may, at his/her discretion, exclude all witnesses until they are called to testify.

4.5.2. Testimony will be received in the following order: Complainant and any witnesses for the Complainant. Respondent and any witnesses for the Respondent. All parties giving testimony will be allowed to give their testimony in an open-ended manner. Only the Chair may object to any testimony provided there is a legal basis for the objection:

4.5.2.1. Grounds for objecting include relevance, hearsay, speculation, repetition, and beyond the scope.

4.5.2.2. Members of the Disciplinary Committee (DC) Panel may ask questions of any witness solely for the purpose of clarifying statements or evidence presented during the hearing. Panel members must remain impartial

at all times and do not represent the interests of either the Complainant or the Respondent.

4.5.2.3. All questions posed by panel members must be neutral and objective. Leading, suggestive, argumentative, or adversarial questions are strictly prohibited. The goal of panel questioning is to ensure a clear and accurate understanding of the facts, not to advocate for or challenge any party.

4.5.3. At the conclusion of all evidence being received, the Chair will notify the parties that the hearing is adjourned, and that the DC will take the matter under submission. Parties will additionally be told that after their deliberation, the DC will submit its decision to the Board and that the parties should receive notice of the decision within two (2) weeks.

4.5.3.1. Within three (3) days of the adjournment, the DC shall arrive at a decision (consensus is preferable, but a majority vote is all that is necessary) and shall submit a written report to the Board. The DC shall submit a written report to the parties within two (2) weeks. If the allegations have been substantiated, the DC must also indicate its decision as to the appropriate sanctions. The DC's report shall be included in the Permanent File.

4.5.4. In the event the Disciplinary Committee (DC) is unable to reach a majority decision regarding disciplinary action, the following procedure shall apply:

4.5.4.1. If the DC has an appointed Chair who has not yet voted, the Chair shall cast the deciding vote.

4.5.4.2. If the vote remains tied after the Chair has voted, the matter shall be referred to the SWD Board of Directors. The Board shall review the Disciplinary Committee's written findings and determine the appropriate disciplinary action.

4.5.4.3. If the Board also fails to reach a majority decision, the proposed disciplinary action shall be deemed not supported, and no sanction shall be imposed. In such cases, the matter shall be considered closed without prejudice.

4.5.5. Upon a finding that the allegations were substantiated, the DC will take the following into consideration in determining the appropriate sanction:

4.5.5.1. Gravity of offense,

4.5.5.2. Cooperation,

4.5.5.3. whether it was a one-off incident or part of an overall pattern of behavior.

4.5.5.4. The potential impact on public confidence in the integrity of the sport,

4.5.5.5. Prior warnings,

4.5.5.6. Prior record,

4.5.5.7. Remorse,

4.5.5.8. The views and opinion of the Complainant,

4.5.5.9. Effect on other party (if any),

4.5.5.10. Effect of sanction on Respondent,

4.5.5.11. Any other factor deemed relevant

4.5.6. Possible sanctions may include:

4.5.6.1. Warning

4.5.6.2. Probation (for a set time)

4.5.6.3. Removal from elected/appointed office.

4.5.6.4. Temporary suspension from SWD-sponsored events (for a set time).

4.5.6.5. Termination of membership and participation in SWD functions, events, tournaments, and any or all other SWD sponsored activities (for a set time).

V. Board Review of Disciplinary Committee Recommendation

5.1. Board Review

5.1.1. The Southwest Division Board of Directors becomes involved in disciplinary matters only when the Disciplinary Committee (DC) determines that probation, suspension, termination, or removal from office is appropriate. Warnings or cautions issued by the DC do not require Board review. When a qualifying determination is made, the DC shall submit a written report to the Board. Within three (3) days of receiving the report, the Board shall review the recommendation and may approve, modify, or reject the proposed disciplinary action. If the Board rejects the DC's determination, it shall provide a written explanation of its reasoning to the DC. The DC may then request reconsideration by the Board, which shall take place within seven (7) days of the request.

5.1.2. When all the Board proceedings have been exhausted, the Board shall prepare a Notice of its decision and submit it to the parties and the DC. That notice shall be included in the Permanent File which remains in the custody of the DC.