



Chapter

7

ERASA

Endurance Ride Association of South Africa

Disciplinary

CHAPTER 7: DISCIPLINARY PROCESS

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7.1 GLOSSARY. Words and phrases contained in this chapter shall have the meaning assigned to them as specified below, unless it is obvious from the context in which it is used that the word or phrase has another meaning. The meaning assigned to words and/or phrases that are included in the glossary of the ERASA constitution and/or any other chapter of the rule book also apply to this chapter, unless it is obvious from the context in which it is used that the word or phrase has another meaning. Depending upon word usage the singular may mean plural and masculine may mean feminine.

7.1.1 Complaints. Reporting non-compliance with the Constitution and Rules of ERASA, complaints regarding the behaviour of participants and/or officials and objections against the decisions made by officials during the ride meet (with the exception of decisions by the veterinary commission, against which no objections may be lodged) are hereinafter jointly referred to as complaints.

7.2 INTRODUCTION

- 7.2.1 The overall aim and purpose of ERASA is to promote the sport of endurance riding, and to achieve this goal it is essential for ERASA to, when and if required, take disciplinary action against its members, and to impose the penalties required to ensure that discipline is maintained amongst its members.
- 7.2.2 All members of the association are bound by the disciplinary rules as set out in this document, and are subject thereto.
- 7.2.3 Distinction is made between
 - 7.2.3.1 Disciplinary action during a ride meet which action will be completed during the ride by means of summary proceedings.
 - 7.2.3.2 Formal disciplinary action where a hearing is held before a presiding officer.
- 7.2.4 Disciplinary steps can be considered under the following circumstances
 - 7.2.4.1 When a member violates any stipulation of the constitution or rules of the Association
 - 7.2.4.2 When a member does the Association real or potential harm and/or damage through his actions and/or omissions and/or hampers the goals of the Association through his actions or statements, and/or, in the opinion of the Association (Council, Union or Club) acted in a dishonourable manner.
 - 7.2.4.3 When a member wilfully provides the Association and/or an official with false information, and/or wilfully withheld any deficiency or injury of a horse from an official or officials and/or obscured or changed the identity of a horse.

7.2.4.4 When a member refrains from paying any outstanding membership or affiliation fees within sixty (60) days after a reminder was sent to him by registered mail by the club secretary.

7.2.4.5 When a member is found guilty of horse abuse.

7.3 LODGING COMPLAINTS

- 7.3.1 Any member, official, committee, management committee, members of team management or Council (hereinafter jointly referred to as “complainant”) can submit a complaint in accordance with the procedure as set out below, to allow for the matter to be investigated and, should it be justified, for disciplinary steps to be taken.
- 7.3.2 Complaints regarding offences that come to the fore during a ride meet:
- 7.3.2.1 Complaints shall be lodged with the ride master or the president of the Ground Jury.
- 7.3.2.2 Complaints can be lodged at any time during the ride meet, but not later than thirty (30) minutes after announcement of the results of the ride. All such complaints will be dealt with by the Disciplinary Committee of the Ride.
- 7.3.2.3 Complaints may be lodged verbally, provided that the complainant will repeat the complaint during the meeting of the disciplinary committee.
- 7.3.2 Complaints regarding offences that come to the fore during a ride meet:
- 7.3.2.1 At National Championships members shall submit all complaints to the President of the Union (or his nominated representative) where the member’s club is affiliated.
- 7.3.2.1.1 The President of the Union (or his nominated representative) shall investigate the complaint and, if possible, finalise the matter.
- 7.3.2.1.2 If it is not possible to deal with the matter at this level, the President of the Union (or his nominated representative) shall submit the complaint or advice the member who submitted the complaint to submit it as indicated in articles 7.3.2.2 to 7.3.2.4.
- 7.3.2.2 Complaints shall be lodged with the ride master or the president of the Ground Jury.
- 7.3.2.3 Complaints can be lodged at any time during the ride meet, but not later than thirty (30) minutes after announcement of the results of the ride. All such complaints will be dealt with by the Disciplinary Committee of the Ride.
- 7.3.2.4 Complaints may be lodged verbally, provided that the complainant will repeat the complaint during the meeting of the disciplinary committee.
- 7.3.3 Complaints regarding offences that occurred during a ride meet but only came to the fore after the ride meet and/or complaints regarding offences that did not occur during a ride meet.

7.3.3.1 These complaints shall be lodged with the General Manager of ERASA, who will refer same to the Disciplinary Committee of the Council of ERASA.

7.3.3.2 Complaints shall be in writing and shall be signed by the person lodging the complaint.

7.3.3.3 Complaints should preferably be submitted within thirty (30) days after the occurrence of the incident.

7.4 DISCIPLINARY ACTION DURING A RIDE

7.4.1 Appointment, aim and jurisdiction of the Disciplinary Committee of the Ride

7.4.1.1 A disciplinary committee shall be appointed at each ride, irrespective of the level of the ride. This committee will be composed of:

7.4.1.1.1 For rides under ERASA rules:

- The ride master officiating at the ride acts as chairperson of the committee (if a ride masters committee officiates at the ride, the chief ride master will serve as chairperson and the other members of the ride masters committee will serve as members of the Disciplinary Committee of the Ride).
- The chairperson of the ride committee or the chairperson of the club who presents the ride serves as member of the committee (for National Championships the coordinator of the championship will serve in this capacity).
- The chief time keeper officiating at the ride serves as member of the committee in cases where the complaint involves aspects of time keeping
- The chief veterinarian officiating at the ride serves as member of the committee in cases where the complaint involves veterinary aspects.
- The committee can co-opt other knowledgeable persons to advise the committee as required and depending on circumstances
- The secretary of the club/union presenting the ride (or another suitable member of the club/union) attends the meetings of the committee, without the vote, to minute the proceedings. At National Championships the coordinator of the championship will appoint a secretary. An electronic or mechanical recording may be made of the proceedings.

7.4.1.1.2 For rides under the rules of the Federation Equestre Internationale (FEI), as well as combined rides (where ERASA rules and FEI rules apply to different sections of the ride):

- The President of the Ground Jury acts as chairperson of the committee, and the other members of the Ground Jury serve as members of the committee
- The chairperson of the organising committee serves as member of the committee

- The ride master appointed to oversee the ERASA component of the ride serves as member of the committee should the offender have entered under ERASA rules.
- The chief time keeper officiating at the ride serves as member of the committee in cases where the complaint involves aspects of time keeping
- The President of the Veterinary Commission serves as member of the committee in cases where the complaint involves veterinary aspects.
- The committee can co-opt other knowledgeable persons to advise the committee as required and depending on circumstances
- The chairperson of the organizing committee of the ride appoints a secretary who will attend the meeting of the committee, without the vote, to minute the proceedings. An electronic or mechanical recording may be made of the proceedings.

7.4.1.2 The jurisdiction of the Disciplinary Committee of the Ride is limited to hearing complaints that require immediate attention and to make a finding in respect thereof, and this Committee has the following punitive jurisdiction:

7.4.1.2.1 A written warning

7.4.1.2.2 A decision that the member/horse may or may not continue his/her participation in the ride

7.4.1.2.3 To, irrespective of the decision as in article 4.1.2.2, impose a maximum fine of R500-00. All fines imposed in terms of these rules are payable to ERASA. The accused must pay the fine to the Treasurer of ERASA within sixty (60) days from the date of the ride. Failure to pay within sixty (60) days from the date of the ride will lead to the suspension of both the member and horse until such time as the fine has been paid in full.

7.4.3 Procedure of the Disciplinary Committee of the Ride

7.4.3.1 When a complaint is lodged with the ride master or the president of the Ground Jury, the ride master/president of the Ground Jury will convene the Disciplinary Committee of the Ride and lay the complaint to the committee.

7.4.3.2 The committee will immediately call the member against whom the complaint was lodged and shall hear testimony regarding the complaint concerned in the presence of the member.

7.4.3.3 No prosecutor will be appointed and the member will not be allowed legal representation. The member will be entitled to cross examine any witnesses and to offer testimony him/herself

7.4.3.4 Whilst considering the facts the committee shall reflect upon whether the offence is such that it should be referred to the Disciplinary Committee of the Council of ERASA for further consideration and action and, if this is their opinion, the committee shall refer the matter for further action to the Disciplinary Committee of the Council of ERASA without imposing any penalty.

- 7.4.3.5 If the offence is not referred to the Disciplinary Committee of the Council of ERASA, the Disciplinary Committee of the Ride shall, after hearing all relevant testimony, make an immediate finding in terms of its jurisdiction as set out above. The finding is made by a normal majority of votes; the chairperson has the deciding vote in cases where the votes are tied. The member is immediately informed of the decision.
- 7.4.3.6 The committee must keep a complete written record of the proceedings and of its finding.
- 7.4.3.7 It is expected of the committee to, in making its decision, properly dedicate themselves to consideration of the testimony and to thereafter announce their finding.
- 7.4.3.8 The finding of the committee is reported to the Disciplinary Committee of the Council of ERASA.
- 7.4.3.9 The decision of the committee is final and cannot be appealed, but this stipulation does not exclude revision of the proceedings by the Disciplinary Committee of the Council of ERASA.

7.5 DISCIPLINARY ACTION OTHER THAN DURING A RIDE

7.5.1 Disciplinary Committee of the Council of ERASA

7.5.1.1 The Council of ERASA annually appoints a Disciplinary Committee.

7.5.1.2 The aim and task of the Disciplinary Committee of the Council of ERASA:

7.5.1.2.1 To receive all complaints

7.5.1.2.2 To, after receipt of a complaint, decide by a normal majority of votes whether there is merit in the complaint and, if so, to appoint an investigation committee to investigate the complaint. Such investigation committee:

- Can consist of any number of members (including a one man committee).
- Collects evidence concerning the complaint preferably by obtaining statements under oath from relevant witnesses. During the investigation the member who is being investigated is not entitled to any inspection of, or representation, or representivity during the collection of evidence.
- Collect any other form of evidence (for example photographs)
- Binds all statements and evidence in a dossier, and submits the dossier to the Disciplinary committee of the Council of ERASA (all evidence that cannot be bound in a dossier shall be fully described in the dossier, indicating where such evidence is stored or saved). In cases where a sample which was collected from a horse during a ride is tested in a laboratory and found to be positive for the presence of a prohibited substance(s), the laboratory report (or reports, should the "B" sample also have

been analyzed) with accompanying inputs from the Council Veterinarian of ERASA will be regarded as a dossier of the investigation committee.

- Must submit the results of its investigation to the Disciplinary Committee of the Council of ERASA within thirty (30) days after appointment and receipt of its instruction from the Disciplinary Committee of the Council of ERASA, except if special circumstances require that the submission thereof shall be postponed, under the understanding that prior authorization for such postponement shall be obtained from by the Disciplinary Committee of the Council of ERASA.
- Is required to deal confidentially with the complaint being investigated as well as with all information collected during the investigation.

7.5.1.2.3 To, after the investigation committee has completed its investigation, receive the dossier from the investigation committee and to decide by a normal majority of votes whether the member shall be prosecuted or not. The Disciplinary Committee of the Council of ERASA may, before a final decision is made, obtain legal advice on the matter.

7.5.1.2.4 To, in cases where the member is to be prosecuted, appoint a presiding officer, with or without accessors, and a prosecutor who will deal with the disciplinary hearing.

7.5.2 Procedure

7.5.2.1 The prosecutor will study the dossier submitted by the investigation committee, and can further investigate the matter and/or collect additional evidence, where after he will formulate the charges and inform the member of the fact that he is to be prosecuted. A copy of the dossier and documents related to any further investigation and/or additional testimony (if any) is made available to the member or his legal representative.

7.5.2.2 The members shall, within thirty (30) days of receipt of the dossier, confirm to the prosecutor in writing whether he/she admits to or denies the charges. If no such written confirmation is received it will be assumed that the member denies the charges.

7.5.2.3 In cases where the member admits to the charges:

7.5.2.3.1 The member shall provide an explanation regarding the offence with the confirmation of admission to the charges

7.5.2.3.2 The prosecutor shall inform the member, within fifteen (15) days after the receipt of the written confirmation of admission to the charges and the accompanying explanation regarding the offence, of the date on which the member shall appear before the presiding officer.

7.5.2.3.3 Procedure during the abovementioned appearance

- The presiding officer shall afford ERASA the opportunity to lay any facts in aggravation before the presiding officer
- After this the presiding officer shall afford the member the opportunity to lay any facts in mitigation before the presiding officer
- After this the presiding officer shall formally impose an appropriate penalty on the member
- The punitive jurisdiction of the presiding officer is at his total discretion, but within the limitations as laid down in article 7.5.2.5
- The presiding officer is compelled to minute the proceedings as well as all testimony, and an electronic or mechanical recording may be made of the proceedings.

7.5.2.4 With denial of the charges

- 7.5.2.4.1 After receipt of the charges and the dossier by the member, and after he has indicated that he will be pleading not guilty to the charges, a date is determined for a disciplinary hearing, which date shall be within a period of ninety (90) days from the date on which the members indicated his intent.
- 7.5.2.4.2 In cases where the member has legal representation the date shall be determined in consultation with the legal representative, on condition that the hearing is to be completed as soon as practically possible.
- 7.5.2.4.3 The place of the hearing is at the total discretion of the presiding officer.
- 7.5.2.4.4 During the disciplinary hearing the following procedure applies:
- The charges are formally laid to the member
 - After this the accused shall be afforded the opportunity to confirm his plea of not guilty to the charges, and to formally indicate whether there are any aspects of the charges to which he admits, and the presiding officer shall formally determine which aspects are in dispute and which aspects are admitted to by the member.
 - Aspects admitted to by the member are regarded as having been proven and no further evidence is required.
 - After this the prosecutor shall be afforded the opportunity to call witnesses to so place relevant testimony before the presiding officer.
 - Testimony is given in accordance with the rules of natural justice except in cases where the member agrees to another form of testimony.
 - The member or his legal representative is entitled to cross examine each witness and after completion of such cross examination the prosecutor is entitled to redirect.
 - The presiding officer is entitled to ask such questions as he might deem necessary, at any time and of any witness, for the clarification of any aspect
 - After presentation of all witnesses by the prosecutor the case for the prosecution is formally closed.
 - The member or his legal representative is then afforded the opportunity to call his/her witnesses and the same rules regarding any cross

examination and redirection, as well as regarding questions in clarification as deemed necessary by the presiding officer apply *mutatis mutandis*.

- Thereafter the member will close his/her case.
- After closure of the case the prosecutor is afforded the opportunity to address the presiding officer on the possible conviction, where after the member or his legal representative is given a similar opportunity.
- After this the presiding officer is afforded the opportunity to bring out his findings. It is expected of the presiding officer to, except if, in his exclusive discretion, circumstances exist which require of him to take more time to come to his finding, announce his/her findings and the reasons for these within five (5) working days from the date of the hearing.
- In cases of a finding of guilty the prosecutor is afforded the opportunity to address the presiding officer and to call witnesses regarding an appropriate penalty, where after the member or his legal representative addresses the presiding officer and can call witnesses regarding an appropriate penalty
- There after the presiding officer shall impose an appropriate penalty and give his reasons for this.
- The decision of the presiding officer is final and cannot be appealed, but this stipulation does not exclude revision of the proceedings by an appropriate court,
- ERASA is accountable for the costs of the presiding officer and the prosecutor and the member for the costs of his legal representation.
- No order for costs is made by the presiding officer.
- The presiding officer is required to minute the proceedings as well as all testimony, and an electronic or mechanical recording may be made of the proceedings.
- The punitive jurisdiction of the presiding officer is at his total discretion, but within the limits as laid down in article 7.5.2.5

7.5.2.5 In all cases (both with an admission of guilt or denial of the charges) the punitive jurisdiction of the presiding officer is as follows:

7.5.2.5.1 A formal written warning.

7.5.2.5.2 Disqualification (this means that the rider and horse will both be removed from the results of the ride, and that any prizes and awards which were received are forfeited and have to be handed back.

7.5.2.5.3 A fine to a maximum amount of R 10 000-00. All fines imposed in terms of these rules are payable to ERASA. The accused shall pay the fine to the Treasurer of ERASA within sixty (60) days from the date on which the fine was imposed. Failure to pay within sixty days after the fine was imposed will lead to suspension of the member and horses until such time as the fine is paid in full.

7.5.2.5.4 Temporary suspension of the member, which suspension may not exceed the period of two (2) years.

- 7.5.2.5.5 Permanent removal of the member.
 - 7.5.2.5.6 Withdrawal of South African and/or Federation and/or ERASA honorary colours
 - 7.5.2.5.7 A combination of the above penalties
 - 7.5.2.5.8 To suspend any of the abovementioned penalties
- 7.5.2.6 In all cases the presiding officer shall report his findings and the sentence imposed on to Disciplinary Committee of the Council of ERASA.
- 7.5.2.7 The Disciplinary Committee of the Council of ERASA will ensure that the General Manager of ERASA makes the findings and the sentence of all cases known to all members of ERASA in an appropriate way.