



## Complaints and Disciplinary Process

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2.0	12 <sup>th</sup> of October 2018	Kieron Stout	Update to include Complaints and Disciplinary Officer
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## Introduction

Athletics Ireland recognises the importance of encouraging and promoting effective working relationships between all stakeholders. Athletics Ireland also recognises that, from time to time, the relationships between some of its stakeholders may become strained and lead to a situation where some intervention is required to resolve any conflicts, disputes or differences and restore confidence. Athletics Ireland recognises the importance of resolving any such conflicts, disputes or differences, which may arise from time to time, as soon as possible and at their source. Athletics Ireland will therefore endeavour to support the resolution of such conflicts, disputes or differences by using whatever resources are available to it including personnel who can help and support. This document outlines the terms of reference for a Complaints and Disciplinary Officer and the Athletics Ireland Complaints and Disciplinary process. It is read in conjunction with Article 24 and 25 of the Constitution of the Athletic Association of Ireland and associated byelaws.

## Terms of Reference for the Complaints and Disciplinary Officer

Athletics Ireland shall appoint a Complaints and Disciplinary Officer (CDO). Complaints and Disciplinary Officer means the person appointed to receive Complaints, conduct investigations, administer Complaints and Disciplinary Action and to act as prosecutor in respect of a Disciplinary Action.

### Functions of the Complaints and Disciplinary Officer:

1. To be the recipient of any written Complaint and Disciplinary Report.
2. To investigate a Complaint or Disciplinary Report. Where any Complaint or Disciplinary Report refers to suspected child abuse the CDO shall immediately notify the Mandated Person.
3. To investigate an incident which comes to the attention of the CDO, but which is not contained in a Complaint or Disciplinary Report.
4. To determine whether a prima facie case has been made against a Respondent on receipt of a Complaint or an incident which comes to the attention of the CDO, but which is not contained in a Complaint or Disciplinary Report.
5. To dismiss a Complaint where after an investigation, in the opinion of the CDO, a prima facie case to answer has not been established.
6. To dismiss a Complaint where an invalid Complaint has been made.
7. To determine if the Complaint has been made in the correct jurisdiction and within the correct timeframes.
8. To refer the parties to a Complaint to Mediation, where appropriate (a Complaint may be referred to Mediation but not a Disciplinary Action).
9. To refer the Complaint/Disciplinary Report to a subcommittee of the board where in the opinion of the CDO a prima facie case to answer has been established.
10. To correspond with and notify the parties of all necessary information prior to a hearing before the Complaints and Disciplinary Committee.
11. To prepare documents for the Complaints and Disciplinary Committee.
12. To present the case in respect of a disciplinary matter before the Complaints and Disciplinary Committee, including the calling of witnesses.
13. To maintain a record of decisions of the Complaints and Disciplinary Committee.
14. To ensure that sanctions are upheld and observed by Respondents.

## Conflict of interest

Where the CDO has any actual, perceived or potential conflict of interest, he/she shall stand aside from investigating the Complaint/Disciplinary matter and the CEO of Athletics Ireland shall appoint another CDO in respect of that matter. If the CDO does not stand aside, the CEO of Athletics Ireland shall be entitled to remove the CDO from the investigation and appoint another CDO.

## Obligation

The CDO is not obliged to investigate any Complaint/Disciplinary Report.

## Scope of an investigation

In the course of an investigation of any Complaint/Disciplinary Report, the CDO may consider any evidence he/she deems relevant and shall have the right to make enquiries of any individuals and seek any information or documents in relation to the matter. For the avoidance of doubt, where necessary, the CDO is entitled to consult with the athlete/member/official/relevant person to clarify any issues arising in relation to a Disciplinary Report.

## Jurisdiction

Any of the following will be dealt with under these Rules and in accordance with the Procedures unless otherwise indicated:

- (i) Offences;
- (ii) breaches of these Rules;
- (iii) breaches of the Athletics Ireland Memorandum and Articles of Association;
- (v) breaches of Athletics Ireland Code of Conduct and Safeguarding Children Policies and Procedures, as amended from time to time;
- (vi) breaches of other Athletics Ireland regulations in existence.

These Rules together with the Complaints and Disciplinary Procedures regulate the organisation and function of the bodies responsible for taking decisions and the procedures to be followed by these bodies. In the absence of a specific provision in these Rules, the Complaints and Disciplinary Bodies shall decide according to the general principles appearing in these Rules or, failing that, according to the general principles of Irish law.

The following natural and legal persons are subject to these rules:

- (a) Member of Athletics Ireland;
- (b) Teacher/Coach/Official;
- (c) Participant in an Event;
- (d) Affiliate Member;
- (e) Associate Member;
- (f) Unit;
- (g) Parent.

Notwithstanding any other provisions in these Rules, the following matters are excluded from the provisions of these Rules and Procedures:

- (a) Employment and quasi employment contractual disputes with Athletics Ireland;
- (b) Breaches of any technical provisions of any Competition Rules. Such breaches shall be dealt with in accordance with the provisions of such Competition Rules for Athletics Ireland.
- (c) Complaints relating to Board Members of Athletics Ireland (which shall be referred to the Chairperson of the Board);
- (d) Allegations of child abuse. Such allegations shall be referred to the statutory authorities and be dealt with as per process under Athletics Ireland Child Safeguarding Policies and Procedures;
- (e) Competition administration (National level only). Such matters shall be referred to the Chief Executive Officer (CEO) of Athletics Ireland;
- (f) Criminal matters. Such matters shall be referred to the statutory authorities;
- (g) Anti-doping matters. Such allegations shall be dealt with in accordance with the Sport Ireland Anti-Doping Rules;
- (h) Club transfers;
- (i) Selection Appeals;
- (j) Carding Appeals;

## Offences

- (a) Breach of any rules, statutes, codes, regulations provided for by Athletics Ireland;
- (b) Offensive behaviour to other Participants;
- (c) Unsporting behaviour;
- (d) Violation of instructions and directives from Athletics Ireland officials;
- (e) Damaging the dignity of a person or a group of persons, in any way whatsoever, in particular due to race, disability, gender, sexual orientation, creed or ethnic origin;
- (f) Violation of contractual obligations towards Athletics Ireland;
- (g) Cheating;

- (h) Inciting hatred or violence;
- (i) Fighting;
- (j) Aggressive or threatening behaviour;
- (k) Bullying;
- (l) Ineligibility;
- (m) Racism;
- (n) Intimidation or threats;
- (o) Coercion;
- (p) Discrimination;
- (q) Foul language;
- (r) Disparaging comments;
- (s) Forgery or falsification;
- (t) Corruption;
- (u) Acts or omissions bringing Athletics into disrepute;
- (v) Curfew violation;
- (w) Alcohol or substance use;
- (x) Visitation violations;
- (y) Criminal investigation for indictable offences;
- (z) Criminal conviction which is likely to bring Athletics Ireland into disrepute;
- (aa) Mischievous or vexatious Complaints.

## Sanctions

### *1. Warnings*

Prior to imposing an Immediate Sanction, where appropriate, a Responsible Person may issue any of the following Warnings in any sequence to a Member at an Event prior to imposing an immediate Sanction:

- (a) Verbal Warning;
- (b) Written Warning.

### *2. Immediate Sanctions*

The following Immediate Sanctions may be imposed by a Responsible Person to a Member at an Event:

- (a) Time Out from the Event;
- (b) Removal of Privileges at the Event;
- (c) Suspension from the Event;
- (d) Expulsion from the Event.

### *3. Interlocutory Sanctions*

On confirmation that a Respondent is under criminal investigation for a criminal offence, which if proven, is likely to bring the Club, Region or Athletics Ireland into disrepute, then the Chair of the Board of Athletics Ireland shall be empowered to suspend a Respondent from Membership and/or from future participation

in a Club, Region or National Event and/or from attending a Club, Region or National building pending the outcome of a criminal investigation prior to any hearing on the matter before a Complaints and Disciplinary Committee. The Chair of the Board of Athletics Ireland shall be empowered to impose a suspension on a Respondent pending the determination of a Complaints and Disciplinary Committee where the gravity of the Complaint received shall warrant immediate suspension.

#### *4. Non-immediate sanctions*

The Complaints and Disciplinary Committee (Club, Regional or National) has sole jurisdiction to impose a Non-Immediate Sanction. Non-Immediate Sanctions may only be imposed by a Complaints and Disciplinary Committee following a decision either on foot of consideration of all the documents relating to the Complaint or on foot of an Oral Hearing. Any suspension or removal from Membership or Affiliation from a Club must be notified to the Complaints and Disciplinary Officer of Athletics Ireland. The following Non-Immediate Sanctions may be imposed by the Athletics Ireland Complaints and Disciplinary Committee:

- (a) Reprimand;
- (b) Severe Reprimand;
- (c) Written Warning;
- (d) Removal of privileges;
- (e) Suspension from participation in events or team/squad;
- (f) Suspension from Membership/Affiliation;
- (g) Expulsion from Membership;
- (h) Fine;
- (k) Other.

### [Schedule of Sanctions.](#)

Please note that the following sanctions are to provide guidance only for Complaints and Disciplinary Committees. Complaints and Disciplinary Committees should always consider aggravating and mitigating circumstances before deciding on a sanction to be imposed. Complaints and Disciplinary Committees should reduce the scale of an offence when there are compelling mitigating circumstances. Likewise, Complaints and Disciplinary Committees should increase the scale of an offence where there is compelling aggravating circumstance.

<b>OFFENCE</b>	<b>LOW OFFENCE</b>	<b>MEDIUM OFFENCE</b>	<b>HIGH OFFENCE</b>
<b>Fighting, Aggressive or threatening behaviour</b>	N/A	Written Warning	Suspension from:  (a) Membership/Affiliation  (b) participation in an Event/Team or Squad
<b>Offensive behaviour to other, participants or Athletics Ireland officials</b>	Fine €25	Fine €50	Fine €100 + Written Warning
<b>Unsportsmanlike behaviour</b>	Reprimand	Written Warning	Fine €100 + Written Warning
<b>Violation of instructions and directives from Athletics Ireland Officials</b>	Reprimand	Written Warning  Fine	Suspension from participation in:  (a) Events  (b) Team/Squad  Fine
<b>Damaging the dignity of a person or a group whatsoever, in due to his/her race, disability, gender, sexual orientation, creed or ethnic origin</b>	N/A	Suspension from participation in:  b) Team/Squad  Written Warning  Removal of Privileges  Suspension from Membership/Affiliation  Fine	Expulsion from Membership  Fine  Other

OFFENCE	LOW OFFENCE	MEDIUM OFFENCE	HIGH OFFENCE
<b>Cheating</b>	Reprimand Suspension from participation in a) Events b) Team/Squad Fine	Severe Reprimand Written Warning Removal of Privileges Suspension from participation in: (a) Events (b) Squad Suspension from Membership/Affiliation Fine	Expulsion from Membership Fine
<b>Racism</b>	N/A	Written Warning (a) Events (b) Team/Squad Removal of Privileges Suspension from Membership/Affiliation Fine	Expulsion from Membership Fine Other
<b>Inciting hatred</b>	N/A	Severe Reprimand Suspension from participation in: (a) Team (b) Squad Suspension from	Expulsion from Membership Fine

		Membership/Affiliation Fine	
<b>Bullying</b>	Reprimand	Written Warning Severe Reprimand Removal of Privileges Suspension from participation in: (a) Team (b) Squad	Expulsion from Membership

OFFENCE	LOW OFFENCE	MEDIUM OFFENCE	HIGH OFFENCE
<b>Intimidation or threats</b>	Reprimand	Written Warning Membership/Affiliation €50 Fine	Expulsion from Membership €100 Fine Other
<b>Coercion</b>	Reprimand	Written Warning	Severe Reprimand Suspension from Membership/Affiliation
<b>Discrimination</b>	Reprimand	Written Warning Suspension from participation in: (a) Events (b)Team/Squad	Severe Reprimand Suspension from participation in: (a) Events (b)Team/Squad Suspension from Membership/ Affiliation
<b>Foul language</b>	Reprimand	Written Warning & Fine	Severe Reprimand Written Warning Fine
<b>Disparaging comments</b>	Reprimand Fine	Written Warning Fine	Written Warning Severe Reprimand Suspension from participation in: (a) Events (b) Team/Squad Fine

## Athletics Ireland Complaints and Disciplinary Process

OFFENCE	LOW OFFENCE	MEDIUM OFFENCE	HIGH OFFENCE
Acts or omissions bringing the sport of Athletics into disrepute	N/A	Written Warning  Suspension from to Practice  Fine	Severe Reprimand  Expulsion from Membership  Fine
Criminal investigation for indictable offences	Suspension from participation in: (a) Events (b) Team/Squad  pending the outcome of criminal investigations	Suspension from participation in: (a) Events (b) Team/Squad  pending the outcome of criminal investigations	Suspension from participation in: (a) Events (b) Team/Squad  pending the outcome of criminal investigations
Criminal conviction likely to bring Athletics Ireland into disrepute.	Suspension from Membership	Expulsion from Membership	Expulsion from Membership
Mischievous or vexatious Complaints	Reprimand  Fine	Reprimand  Written Warning  Fine	Severe Reprimand  Fine  Suspension from participation in: (a) Events (b) Team/Squad
Breaches of Rules and Codes of Conduct	Reprimand	Written Warning  Fine	Severe Reprimand  Suspension from participation in: (a) Events (b) Team/Squad  Fine

## Athletics Ireland Complaints and Disciplinary Process

### Timeliness

All complaints must be made in writing to the Complaints and Disciplinary Officer within six months of the alleged offence occurring.

### Discipline and the Disciplinary Committee

All clubs and members of affiliated clubs (“individuals”) are obliged to comply with the Rules of Athletics Ireland and shall be liable to disciplinary action in the event of any breach. In addition, any individual or club proved guilty of (under the balance of probability), any misbehaviour or unfair practice in connection with athletics considered to bring the sport of athletics or Athletics Ireland or its membership into disrepute, shall be liable to such penalties as may be appropriate to such misconduct in the circumstances.

The Complaints and Disciplinary Officer (whose powers and functions may be delegated to such deputy as he or she may appoint) shall have the authority to commence disciplinary proceedings against any individual or club considered by him or her to have breached any rule of Athletics Ireland. In such case, Notice of Disciplinary proceedings shall be sent to the club or individual (and if an individual, the notice may be sent to the secretary of that individual’s club). The Notice shall state the rule considered to have been breached and shall give a description of the alleged breach. The Notice shall invite the individual or club to respond by either: a) admitting the breach, or b) seeking a complaints hearing. Failure for the respondent to respond within a period of three working days shall be considered an admission of the breach.

The Complaints and Disciplinary Officer may at any time prior to a hearing of disciplinary proceedings, impose an interim suspension prohibiting the recipient (if an individual member) from competing or enjoying other privileges of membership pending the completion of the disciplinary proceedings. In deciding whether to impose such an interim suspension, the Complaints and Disciplinary Officer shall consider the gravity of the breach alleged, the possibility of other members of the club being disadvantaged in the event that immediate action is not taken, the reputation of Athletics Ireland and its clubs and members, and such other matters as in his or her opinion appear to be relevant. If an interim suspension is imposed, the suspended individual shall be informed in writing with the Notice of Disciplinary Proceedings or in writing thereafter of the decision to impose an interim suspension and in broad terms, the grounds for the interim suspension prior to the next athletic event affecting them, the suspended individual must be offered a hearing date by the Disciplinary Committee, or if that is not possible, an opportunity to address the Complaints and Disciplinary Officer to argue against the imposition of an interim suspension.

## Athletics Ireland Complaints and Disciplinary Process

Where a breach is admitted, the Complaints and Disciplinary Officer shall send notice to the individual or club of the penalty which, if accepted, will be imposed. The individual or club may seek a hearing in relation to the appropriate penalty, but failure to respond within 3 days shall be considered acceptance of the penalty indicated.

Where a hearing is sought by an individual or club, the Complaints and Disciplinary Officer shall, as soon as reasonably practicable, notify the Disciplinary Committee of the impending hearing. The Secretary of the Disciplinary Committee shall set a date for the hearing and notify both parties of the same.

The Complaints and Disciplinary Officer and the Disciplinary Committee shall be independent of one another and shall not communicate with each other in relation to any specific case save in writing, and copies of any such communication shall be made available to any club or individual the subject of the disciplinary proceedings on request.

A disciplinary hearing shall be conducted by a panel of either 3 or 5 members of the Disciplinary Committee, selected by its Chairman. The Disciplinary Committee (by which is meant the panel of 3 or 5 where appropriate) shall conduct the hearing in such manner as it deems fit and shall apply such rules of evidence as befit the circumstances. The Complaints and Disciplinary Officer shall present the case for disciplinary action. In all cases, a written statement from witness shall be presumed correct unless shown to be clearly in error.

The Disciplinary Committee shall determine the question of liability and/or penalty at a hearing by simple majority. Penalties shall include fines, disqualification from competitions (which may operate retrospectively), suspension from competitions, suspension from other privileges of membership and in serious cases expulsion from Athletics Ireland. Penalties may be imposed on individuals and clubs.

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By way of exception to the foregoing, the Disciplinary Committee shall not recommend the suspension of a club or remove it from the list of affiliated clubs unless a notice of disciplinary action contains a statement that the Complaints and Disciplinary Officer will request that a club suspension be imposed if the breach of a rule is proved. A panel of 5 members of the Disciplinary Committee must be present to conduct this club suspension disciplinary hearing, and a majority of not less than 4 members of that panel of the Disciplinary Committee agree to impose the club suspension.

## Proof

The Complaints and Disciplinary bodies shall make decisions on culpability based on the 'balance of probabilities' meaning that the incident in question was more likely than not to have occurred.

## Athletics Ireland Complaints and Disciplinary Process

### Criminal charges

The Complaints and Disciplinary Committee reserves the right to suspend a Member or Associate Member where that Member is subject to a criminal charge where that charge has the potential to bring the Club/Region or Athletics Ireland into disrepute. Once the matter has been dealt with by the statutory authorities, the relevant Complaints and Disciplinary Committee reserves the right to take further action in accordance with these procedures including referring the matter to the C&DC, or other Officer such as the National Children's Officer, as appropriate in the event of criminal charges being initiated in relation to the alleged misconduct of a Member the subject of the Complaint received by the Club/Region, then the Member may be suspended pending the outcome of the said charges, which will be referred to the statutory authorities. Once the statutory authorities have dealt with the matter, even if the Member or Associate Member concerned is not eventually convicted of the charge, the Club/Region/Athletics Ireland shall nevertheless have the right and power to review all circumstances in accordance with these Rules and Procedures and decide to continue the suspension or expel the Member, if it deems it so necessary in the interests of the Club/Region or Athletics Ireland as a whole.

### Poor practice

It should be noted that allegations of breaching the Athletics Ireland Safeguarding Children Policies and Procedures are not necessarily suspected child abuse. A breach of the code of conduct can be due to poor practice which should be dealt with pursuant to these Rules and Procedures. If assistance is required in order to define what is abuse vis-a-vis poor practice the Club/Regional Children's Officers or the Athletics Ireland National Children's Officer should be contacted for advice. Matters of poor practice are dealt with pursuant to these Rules and Procedures.

### Suspension Pending Hearing

A Complaints and Disciplinary Committee shall be empowered to impose a suspension on a Respondent pending the determination of a Complaint where the gravity of the Complaint received shall warrant immediate suspension.

### Referring to the Complaints and Disciplinary Committee (sub group of the board)

As per Article 25(d) of the AAI Constitution, the Board may delegate the exercise of its disciplinary functions to any committee, sub-committee or *ad hoc* committee of the Board, subject to final approval by the Board of any disciplinary decided on.

## Athletics Ireland Complaints and Disciplinary Process

Prior to referring a matter to the Complaints and Disciplinary Committee, the CDO shall notify the Respondent and any other relevant party with the following information and documentation:

- i) Copy of the written Complaint/Disciplinary Report;
- ii) The relevant rule allegedly breached;
- iii) Copy of supporting documents relied on by either party;
- iv) The parties to the Complaint;
- v) The procedures involved;
- vi) The possible sanctions (if known);
- vii) The rights of the parties at the Hearing;
- viii) Any other procedural requirements

## Mediation and Arbitration

Mediation in respect of a Complaint only, the Complaints and Disciplinary Officer (CDO) may refer the parties to a Complaint to Mediation or subsequently Arbitration. The CDO may recommend Mediation in appropriate Complaints. Where the CDO so recommends, the parties to the Complaint shall be bound to refer that dispute to Mediation.

Mediation and subsequently Arbitration, may be referred to Just Sport Ireland by the CEO of Athletics Ireland on the recommendation of the CDO or the Complaints and Disciplinary subcommittee. Any costs arising for Mediation or Arbitration will be borne equally by the complainant and the respondent subject to the process.

The Complaint and Disciplinary Process for the Athletic Association of Ireland is governed by the following:

### *The Constitution of the Athletic Association of Ireland*

- i) Article 23, Code of Ethics and Good Practice for Children's Sport.
- ii) Article 24, Disciplinary matters.
- iii) Article 25, Dispute resolution.
- iv) Article 21, Anti-doping.

### *Athletic Association of Ireland Bye Laws 2012*

All documents referenced are contained in the appendix.

## Child Welfare concerns

All child welfare concerns are governed by the Children First Act 2015 and the Athletics Ireland Code of Ethics and Good Practice for Children's sports as detailed in article 24 of the Constitution of the Athletic Association of Ireland. Article 23 requires all members to accept and abide by the Code of Ethics and Good Practice for Children's sports.

## **Athletics Ireland Complaints and Disciplinary Process**

The principal steps outlined in the Code of Ethics for handling a Complaint in a club are:

1. Complaint is received by the secretary or children's officer.
2. Member against whom the complaint is made should be informed of the nature of the complaint being made against them within 1 working day of the complaint being received by the club.
3. A disciplinary committee should be formed consisting of a club committee member, the children's officer and an ordinary member of the club. This committee should meet and review the complaint and discuss separately with the complainant and the accused member. This should be done within 10 working days.
4. The disciplinary committee should notify the member of any sanction being imposed or not. The notification should be made in writing setting out the reasons.
5. The member has a right to appeal any decisions to an appeals committee independent of a disciplinary committee. Any appeal should be made in writing within 10 working days of the decision of the disciplinary committee. The chairperson of the appeals committee should be a member of the club management committee along with two other ordinary members, neither of whom has participated on the disciplinary committee leading to the appeal.

The club appeals committee has the power to confirm set aside or change any sanction imposed by the Club Disciplinary Committee.

## Athletics Ireland Complaints and Disciplinary Process

### Complaints and Disciplinary appeals escalation procedure

The following are the steps that an appeal must go through before it can be referred to Athletics Ireland for consideration by the Complaints and Disciplinary Officer.

#### **1. Appeal to the County Board**

If any party is not satisfied with the outcome at club level the matter shall be referred to the county board for consideration. “(The County Board) Shall decide any dispute that may arise between registered members, if called upon to do so” (Athletic Association of Ireland, Bye laws, April 2012, Objectives of a County Board, item 8).

#### **2. Appeal to the Provincial Council**

If at the County Board level, the party is not satisfied with the outcome the matter shall be referred to the Provincial Council for consideration. “(The Provincial Council) Shall decide any dispute that may arise

between registered members, if called upon to do so” (Athletic Association of Ireland, Bye laws, April 2012, Objectives of a Provincial Council, item 6).

#### **3. Appeal to Athletics Ireland**

If at the Provincial Council level, the party is not satisfied with the outcome the matter shall be referred to Athletics Ireland for consideration under Article 24(f) of the AAI Constitution of the Athletic Association of Ireland. All decisions issued under the appeals procedure set out in Article 24(f) and Article 24(g) may be appealed exclusively by referral to Just Sport Ireland within 14 days after the decision has been communicated to the person or body in respect of whom or which the decision was made, for final and

binding arbitration in accordance with the Just Sport Arbitration Rules. All costs associated with Just Sport Ireland will be the responsibility of the person or persons disputing the decision(s) issued under the appeals procedure by Athletics Ireland.

## Athletics Ireland Complaints and Disciplinary Process

### Appendix 1 – Relevant constitutional references

#### The Constitution of the Athletic Association of Ireland

##### **Article 23. CODE OF ETHICS AND GOOD PRACTICE FOR CHILDREN'S SPORT**

The Association is fully committed to safeguarding the wellbeing of all its Registered Members. Every individual in the Association should always show respect and understanding for Registered Members' rights, consider the safety and welfare of each athlete and conduct himself or herself in a manner that reflects the principles of the Association and the guidelines contained in the Code of Ethics and Good Practice for Children's Sport and the Child Protection Guidelines in Ireland

##### **Article 24. DISCIPLINARY MATTERS**

(a) The Board shall have the power to discipline any Member, Club, County Board, Provincial Council or other Affiliated body when it is satisfied there has been any breach of these Articles, the Bye-laws, the Rules of Competition or any Other Rules of the Association or the equivalent constitutional provisions of its affiliated bodies, or where there has been conduct likely to bring the Association or the sport of Athletics into disrepute.

(b) The Board may, without limitation, suspend Membership of any person or body, impose fines on, remove recognition of titles won or records achieved by, caution or censure any such person or body.

(c) The Board may suspend the Membership of any person or body pending the outcome of any investigation process.

(d) The Board may delegate the exercise of its disciplinary functions to any committee, sub-committee or *ad hoc* committee of the Board, subject to final approval by the Board of any discipline decided on.

(e) In cases where doping is alleged or suspected or is or may be an issue, the Association shall follow the procedures and rules referred to in Articles 21 to 23. Subject to those procedures and rules, the Board may establish an appeals and/or review procedure for such cases.

(f) In cases where doping is not alleged or suspected or is not or may not be an issue, an appeal shall lie from any decision in a disciplinary matter to an appeal panel consisting of an independent person or persons to be appointed by the Board.

(g) Unless the Board otherwise allows, no appeal against a disciplinary decision shall be allowed unless notice in writing of intention to appeal is received by the CEO within 14 days after the decision has been communicated to the person or body in respect of whom or which the decision was made.

(h) All decisions issued under the Appeals procedure set out in Article 25(f) and 25(g) above may be appealed exclusively by referral to Just Sport Ireland, within 14 days after the decision has been communicated to the person or body in respect of whom or which the decision was made, for final and binding arbitration in accordance with the Just Sport Arbitration Rules (as amended from time to time).

## **Athletics Ireland Complaints and Disciplinary Process**

The decision of the arbitrator(s) thereunder shall be final and binding on all concerned.

(i) All powers under this article must be exercised in accordance with the principles of fairness and natural justice.

### **Article 25. DISPUTE RESOLUTION**

All disputes other than those provided for under Articles 21, 22 and 23 (Anti-Doping) and Article 25 (Disciplinary Matters) arising out of or in connection with the Memorandum & Articles of Association shall be referred to Just Sport Ireland for resolution by mediation in accordance with the Just Sport Mediation Rules (as amended from time to time). In cases where the dispute remains unresolved following the mediation process, the dispute shall be referred to Just Sport Ireland for final and binding arbitration in accordance with the Just Sport Arbitration Rules (as amended from time to time). The decision of the arbitrator(s) thereunder shall be final and binding on all concerned.

### **Article 21. ANTI-DOPING**

The anti-doping rules of the Association are the Irish Anti-Doping Rules published by Sport Ireland and as amended from time to time by the Irish Sports Council and the equivalent rules published by Sports Northern Ireland as amended from time to time by Sports Northern Ireland, as applicable. The Association accepts the right of IAAF, the Irish Sports Council, Sports Northern Ireland, the Olympic Council of Ireland, or duly authorised representatives of such bodies, to dope test, in accordance with law, any Registered Member both in-competition and out of competition (i.e. unannounced testing).

### **Article 22.**

It shall be a fundamental condition of Membership, in addition to any other provisions concerning membership and the various categories of membership as laid down in these Articles, that, subject to Article 23, Registered Members submit to and comply with any dope testing by the Association or any of the bodies referred to in Article 21.

### **ATHLETIC ASSOCIATION OF IRELAND LTD. BYE LAWS 2012 (excerpts from Bye Laws)**

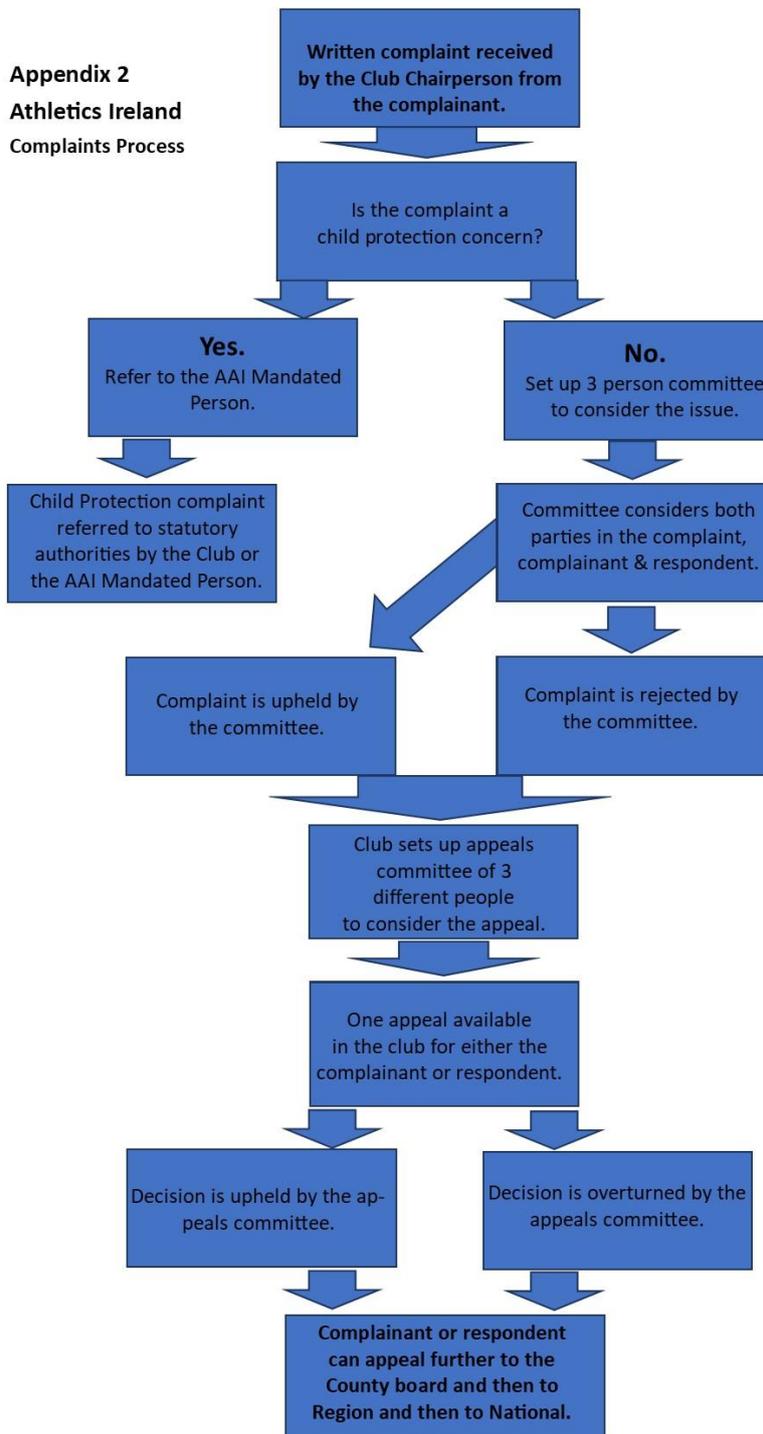
8. Shall decide any dispute that may arise between registered members, if called upon to do so.

### **PROVINCIAL COUNCILS**

6. Shall decide any dispute that may arise between registered members, if called upon to do so.

## Athletics Ireland Complaints and Disciplinary Process

### Appendix 2 – Athletics Ireland complaints process



The above process outlines how a complaint received by a club should be handled in the first instance. The Complaints and Disciplinary Officer can be consulted regarding this process as to how best to proceed on receipt of a complaint by a club, county or regional board.

## Athletics Ireland Complaints and Disciplinary Process

### Appendix 3 – How to Chair an Appeal Hearing/Meeting

For all Athletics Ireland appeals procedures. The below checklist is for guidance purposes only, as it is recognised that the Chair will need to determine how best to manage any hearing given the individual circumstances of the case.

Please ensure that all discussions during this process are fair, appropriate and above reproach.



#### Introductions

- Welcome attendees.
- Request that all attendees turn off any electronic devices to avoid unnecessary interruptions during the meeting and advise that Athletics Ireland expressly prohibits the recording of meetings.
- Introduce those present and their roles, this may include panel members, National Children’s Officer/HR panel support/note-taker, members of the original panel etc.
- Ask the individual/appellant to introduce themselves and the two companion they may have with them.
- Confirm with the appellant that they have received the letter notifying them of the appeal hearing/meeting and any associated documentation.
- Advise that any questions, comfort breaks and adjournments requests should be directed at the Chair.
- Identify the location of the rooms available to both the individual and member(s) of the original panel, to be used should any adjournments be required.

#### Preliminary Matters

- Confirm that the appeal hearing/meeting is a result of the decision of a (disciplinary/dispute complaint/grievance/vetting decision making) panel (providing the date of original hearing/meeting and its outcome), and that the appeal will be heard in line with the relevant procedure.
- Reaffirm that the appeal process is not an opportunity for a re-hearing of the original submission but to: consider the grounds of their appeal e.g. this could be to determine if previous decision was fair, consider any new facts and judge reasonableness of procedure to date etc. (If exceptionally it is a rehearing advice should be sought from Human Resources before commencing the hearing/meeting).
- Advise that the decision of the appeal panel will be made after the hearing, either following an adjournment, or after closing the hearing, should it require more time to consider the case. The outcome will be confirmed in writing usually within 7 calendar days of the hearing.

#### Clarify Procedure

- Advise of the procedure.
- Representation of the appellant: If accompanied confirm the role of the companion, i.e. that they will be able to address the hearing in order to: put the individual’s case forward; sum up the case; respond on the individual’s behalf to any view expressed at the hearing; and confer with the individual. However, the representative will not usually answer questions on behalf of the individual but may do so with the agreement of the panel.
- If not accompanied note that the appellant has been advised of their right to be accompanied but has chosen to attend unaccompanied.

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### Documentation:

- Confirm the documentation provided, identifying, if appropriate, any other documentation the panel has at their disposal for reference purposes, or any additional information supplied by the individual.
- Advise that it is the appellant's responsibility to specifically draw the panel's attention to all relevant documentary evidence that should be considered in relation to their grounds for appeal.
- Explain that anything that does not relate to the grounds for appeal or which isn't directly referenced by the appellant, will not be taken into consideration for the purpose of this procedure.

### Taking of Notes:

- Advise that the note-taker will take summary notes to support the panel's consideration. Should the appellant want a summary of these notes these can be provided on request. Advise that both the appellant and their representative would be welcome to make their own notes.
- Respond to any procedural concerns/queries that may arise.

### Running Order

1. The appellant will be invited to present their case for 15 minutes, during which it would be helpful if they directed the panel to the issues that they would like the Appeals Panel to consider.
2. Where previously agreed with the Chair, witnesses may be called.
3. The Appeal Panels will ask questions/seek clarification as necessary.
4. A member of the original hearing/meeting panel member(s) responding to the appeal will be given an opportunity to respond to each of the points raised by the individual and make representation to the panel.
5. The individual to be given an opportunity to make a closing statement for 5 minutes.
6. The original hearing/meeting panel members to be given same opportunity for 5 minutes.
7. The Panel will adjourn for the Appeal Panel to consider the decision.

### Present Case

- Hear case based on the above running order.

### Adjournment & Decision

- If the panel is unable to decide as further information is required, inform the appellant as to when they can expect written notification of the decision (or if further action was deemed necessary what this would entail)
- Close the hearing, ensuring that everyone understands what is going to happen.
- Panel considers the case and decides if not done during an adjournment (Grounds for appeal: upheld, rejected, or require a full or partial rehearing)
- The outcome of the appeal hearing should be confirmed to the individual in writing, usually within 7 days of the hearing.

### Record

- Record summary of the discussions, (including any agreed actions and timescales for improvement etc).
- Ensure that the records are factual and constructive.
- Store records securely, as these may be subsequently required within later procedural stages and shared with all relevant parties, including the individual.

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### Glossary

1. Allegation: a claim or assertion that someone has done something illegal or wrong, typically one made without proof.
2. Arbitration: the use of an arbitrator to settle a dispute.
3. Balance of probabilities refers to burden of proof in civil trials. It is known as one party's case need only be more probable than the other.
4. Censure: express severe disapproval of (someone or something), especially in a formal statement.
5. Complainant: the party who makes the complaint.
6. Complaints and Disciplinary Committee: the relevant body appointed to deal with complaints and disciplinary matters.
7. Complaints and Disciplinary Officer: the relevant person appointed to deal with complaints and disciplinary matters.
8. Conciliation: the action of mediating between two disputing people or groups.
9. Enquiry: an official investigation
10. Evidence: the available body of facts or information indicating whether a belief or proposition is true or valid.
11. Interlocutory sanction: is a legal term which can refer to an order, sentence, decree, or judgment, given in an intermediate stage between the commencement and termination of a cause of action, used to provide a temporary or provisional decision on an issue.
12. Investigation: the action of investigating something or someone; formal or systematic examination or research.
13. Jurisdiction: the official power to make legal decisions and judgements
14. Mandated Person: A mandated person, under the Children First Act 2015 legislation is required to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed.
15. Mediation: intervention in a dispute in order to resolve it;
16. Offence: a breach of a law or rule; an illegal act
17. Poor practice: takes place whenever staff fail to provide a good standard of care and support. It occurs when staff ignore the rights of service users or deny them the chance to enjoy an ordinary life.
18. Reprimand: a formal expression of disapproval.
19. Respondent: a party against whom a complaint is filed or made.
20. Sanction: a threatened penalty for disobeying a law or rule.