



## Complaints and Disciplinary Policy

<i>Version</i>	<i>Date</i>	<i>Author</i>	<i>Changes</i>
1.0	28 <sup>th</sup> of February 2014	Kieron Stout & Liam Hennessy	New Version
2.0	12 <sup>th</sup> of October 2018	Kieron Stout	Update to include Complaints and Disciplinary Officer
3.0	9 <sup>th</sup> of November 2018	Kieron Stout	Update to include sanctions Board Approved 3/12/2018
4.0	17 <sup>th</sup> of January 2019	Kieron Stout	Include Glossary
5.0	20 <sup>th</sup> of May 2019	Kieron Stout	Update appendix complaint diagram
6.0	5 <sup>th</sup> of February 2020	Kieron Stout	Update appendix with guidance on chairing an appeal hearing
7.0	January 2024	Kieron Stout, CEO, Legal Advisor	Complaints & Disciplinary Policy completely reviewed. Board Approved 22 <sup>nd</sup> Jan 2024

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## Introduction

The Board of Athletics Ireland (hereinafter referred to as 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 policy document outlines the terms of reference for a Complaints and Disciplinary Officer (CDO) and the Athletics Ireland Complaints and Disciplinary Process (CDP). It is read in conjunction with the relevant Articles of the Constitution of Athletics Ireland and associated Byelaws.

## Relevant Section of the Constitution of Athletics Ireland

### Article 25

- (a) The Board shall have the power to discipline any Member, Affiliated 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. The Board recognises that County Boards and Provincial Councils should manage any disputes at a local level initially.
- (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 20 to 22. Subject to those procedures and rules the Board may establish an appeal 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 Sport Dispute Solutions 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 Sport Dispute Solutions Ireland Arbitration Rules (as amended from time to time). 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.

### Terms of Reference for the Complaints and Disciplinary Officer (CDO)

The Board of Athletics Ireland, if it decides to delegate the exercise of its disciplinary functions under Article 25 (d), anticipates that the committee to whom its functions are delegated, which committee is to be described as a Complaints and Disciplinary Committee (CDC) will appoint a CDO. The CDO 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. See Appendix 1 for the Functions of the CDO.

### Timelines

All complaints must be made in writing to the CDO within six months of the alleged issue occurring.

### Discipline and the Complaints and Disciplinary Committee

All those subject to these Rules is 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 such person or body proved guilty (on the balance of probability) of 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 CDO (whose powers and functions may be delegated to such deputy as he or she may appoint with prior approval of the CDC) shall have the authority to commence disciplinary proceedings against any person or body subject to these Rules, 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 person or body in question (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. Where suspension of a person or body is to be considered, the Notice shall specifically mention same. The Notice shall invite the person or body to respond by either: a) admitting the breach, or b)

denying the breach. Failure by the person or body to respond (unless there is an exceptional reason for this) within a period of three (3) working days shall be considered an admission of the breach.

The CDO may at any time suspend membership of any person or body pending the outcome of any investigation process pursuant to Article 25(c) of the Constitution. In deciding whether to impose such a suspension of Membership, the CDO shall consider the gravity of the breach alleged, the possibility of other members of any 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 a suspension is imposed in such circumstances, the suspended person or body shall be informed in writing with the Notice of Disciplinary Proceedings, or in writing thereafter, of the decision to impose a suspended Membership and in broad terms, the grounds for the suspended Membership. Wherever possible, prior to the next athletic event affecting them, the suspended person or body must be offered an opportunity to address the CDO to argue against the imposition of the suspended Membership.

The CDC should be comprised of AAI Board members who are impartial to and independent of the complaint or disciplinary action being considered. The Chair of the CDC will be appointed by agreement with the President and CEO provided both are independent of the complaint. If either are not independent of the matter at hand, then the decision is taken by the other and if neither are independent the Board appoints the Chair.

Where a breach is admitted by the person or body involved, the CDO shall send notice to the CDC, to whom the CDO is answerable, of the penalty which, if approved, will be imposed. The CDC shall communicate with the CEO of Athletics Ireland who in turn shall communicate with the Board of Athletics Ireland which under Article 25(d) has final approval of any discipline recommended. Should the Board decide on a disciplinary sanction, same shall be notified by the CDO to the relevant person or body.

Where a breach is denied by a person or body, the CDO shall, as soon as reasonably practicable, investigate and furnish an Investigation Report to the CDC, to include any proposed sanction, whereupon a Disciplinary Hearing shall take place. The CDO shall at all times act independently of the CDC but is answerable to the CDC. Copies of any communications between the CDO and the CDC shall be made available to any person or body, the subject of the disciplinary process, on request.

The CDO's Report when communicated to the CDC shall result in a disciplinary hearing, to be conducted by a panel of three (3) members of the CDC, selected by the Chairperson of the CDC. The CDC shall conduct the hearing in such manner as it deems fit and shall apply such rules of evidence as befit the circumstances, always subject to the rules of natural justice.

The CDO shall present the case for disciplinary action. In all cases, a written statement from a witness shall be presumed correct unless shown to be clearly in error and challenged. In the event of challenge, the witness shall be requested to attend the disciplinary hearing and explain his or her position, in place of the written statement. The person or body, the subject of the disciplinary hearing, shall be entitled to attend and to challenge any matter raised.

The CDC Panel shall determine the question of liability and any recommended penalty at a hearing by simple majority, noting the sanctions permitted under Article 25(b) of the Constitution. 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.

Upon completion of its deliberations, the CDC Panel will report to the CDC, who will forward the CDO's Investigation Report and the outcome of the CDC Panel Hearing to the CEO of Athletics Ireland, for onward transmission to the Board.

Should the Board decide to accept any disciplinary recommendations put to it, same shall be notified by the CDO to the relevant person or body.

## Proof

All decisions on culpability are based on the 'balance of probabilities' meaning that the incident or breach in question was more likely than not to have occurred.

## Criminal Charges

The CDC reserves the right to recommend a person or body be suspended where that person or body is subject to a criminal charge where that charge has the potential to bring the Association or the Sport of Athletics into disrepute. Once the charge has been dealt with by the statutory authorities, the CDC reserves the right to take further action in accordance with these procedures including referring the matter to another Officer such as the National Children's Officer, as appropriate. In the event of criminal charge/s being initiated in relation to the alleged misconduct of a person or body the subject of a Complaint received by the CDO, then the person or body may be suspended pending the outcome of the said charge/s. Once the statutory authorities have dealt with the matter, even if the person or body concerned is not eventually convicted of the charge/s, the **CDC** shall nevertheless have the right and power to review all circumstances in accordance with these Rules and Procedures and decide to recommend the continuation of the suspension, including indefinitely, if it deems it so necessary in the interests of the Association.

## 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 Athletics Ireland National Children's Officer should be contacted for advice. Matters of poor practice are dealt with pursuant to these Rules and Procedures.

## Notification Process

Prior to reporting a matter where a breach is denied to the CDC, the CDO shall notify the person or body involved and shall, where available and applicable, furnish the following information and documentation; -

- (i) Copy of the CDO's Investigation Report;
- (ii) Details of the relevant Rule allegedly breached;
- (iii) Copy of supporting documents relied on by any Party;
- (iv) The parties to the complaint;
- (v) The procedures involved;
- (vi) The possible sanctions (if known);
- (vii) The rights of the parties at any Hearing that may occur;
- (viii) Any other procedural requirements.

## Mediation and Arbitration

Mediation will be considered in respect of a Complaint only and the 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.

In such instances, the CDO's recommendation of referral shall be notified to the CDC and if the CDC agrees then it shall inform the CEO who shall refer the matter to Sports Dispute Solutions Ireland (SDSI). Any costs arising from Mediation shall be borne equally by the parties involved in the Complaint.

## 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 24 requires all members to accept and abide by the Code of Ethics and Good Practice for Children's sports.

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. An investigation into the matter should be conducted taking into account all parties in the dispute or complaint.
4. 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 investigation into the complaint and discuss separately with the complainant and the accused member. This should be done within 10 working days.
5. 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.
6. 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.

## Complaints and Disciplinary Appeals Escalation Procedure

The following are the steps that a club appeal must go through before it can be referred to Athletics Ireland for consideration by the CDO.

### **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, 2022), Objectives of a County Board).

### **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, 2022, Objectives of a Provincial Council).



**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.

## Appendix 1

### Functions of the Complaints and Disciplinary Officer:

1. To be the recipient of any written Complaint and Disciplinary Report (CDR) received in whatever format from any stakeholder.
2. To investigate a CDR. Where any CDR refers to suspected child abuse the CDO shall immediately notify the Mandated Person of Athletics Ireland.
3. To investigate an incident which comes to the attention of the CDO, but which is not contained in a CDR.
4. To determine whether a prima facie case has been made against a person or body on receipt of a Complaint or an incident which comes to the attention of the CDO, but which is not contained in a CDR.
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 is within the jurisdiction of the CDP.
8. To refer the parties to a Complaint (not a disciplinary matter) to Mediation and / or Arbitration, via the CDC and the CEO of Athletics Ireland, with SDSI.
9. To refer the outcome of his or her investigation to the CDC 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 CDC.
11. To prepare documents for the CDC.
12. To present the case in respect of a disciplinary matter before the CDC including the calling of witnesses.
13. To maintain a record of decisions of the CDC.
- ~~14.~~ To ensure that sanctions are upheld and observed by the relevant person or body.

### Conflict of interest

Where the CDO has any actual, perceived, or potential conflict of interest, he/she shall stand aside from investigating any matter or from performing any functions otherwise to be performed by him / her, and the CDC of Athletics Ireland shall appoint another CDO in respect of that matter. If the CDO does not stand aside, the CDC shall be entitled to remove the CDO from the investigation and appoint another CDO.

### Obligation

The CDO is not obliged to investigate any matter if the matter is deemed to be invalid or vexatious.

## Scope of an investigation

In the course of an investigation of any matter, 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 or body to clarify any issues arising during any investigation.

## Jurisdiction

Any of the following will be dealt with under this Policy and in accordance with the CDP unless otherwise indicated:

- (i) Offences;
- (ii) breaches of the Athletics Ireland Constitution where not otherwise provided for in the said Constitution;
- (iii) breaches of Athletics Ireland Code of Conduct and Safeguarding Children Policies and Procedures, as amended from time to time;
- (iv) breaches of other Athletics Ireland regulations in existence.

This Policy together with the CDP 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 this Policy, the CDC shall decide according to the general principles appearing in this Policy or, failing that, according to the general principles of Irish law.

The following natural and legal persons are subject to this Policy:

- (a) Member of Athletics Ireland;
- (b) Teacher/Coach/Official;
- (c) Participant in an AAI sanctioned event;
- (d) Affiliate Member;
- (e) Associate Member;
- (f) Unit or club;
- (g) Parent of a juvenile member.

Notwithstanding any other provisions in this Policy, the following matters are excluded from the provisions of this Policy:

- (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 current Board Members of Athletics Ireland, noting that a clear conflict would arise in view of the membership of the CDC and the position of the CDO (which shall be referred by the

CDO to the CDC and then to the Chair of the Board of Athletics Ireland, who shall decide, along with the CEO, if an Independent Investigation is required and, if so, proceeding accordingly);

(d) Allegations of child abuse. Such allegations shall be referred by the CDO 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 by the CDO to the 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

The following are non-exclusive examples of possible offences which can be considered in the context of this Policy by the CDO.

(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, to include any breach of the Equal Status Act 2000 or as amended.

(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 when representing Team Ireland.
- (w) Alcohol or substance use.
- (x) Criminal conviction which is likely to bring Athletics Ireland into disrepute.
- (y) Mischievous or vexatious Complaints.

### Schedule of Sanctions.

Please note that the following sanctions are to provide guidance only for CDCs, subject as always to final Board approval. CDCs should always consider aggravating and mitigating circumstances before deciding on a sanction to be imposed.

CDCs should reduce the scale of an offence when there are compelling mitigating circumstances. Likewise, CDCs should increase the scale of an offence where there are compelling aggravating circumstances.

OFFENCE	LOW OFFENCE	MEDIUM OFFENCE	HIGH OFFENCE
<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



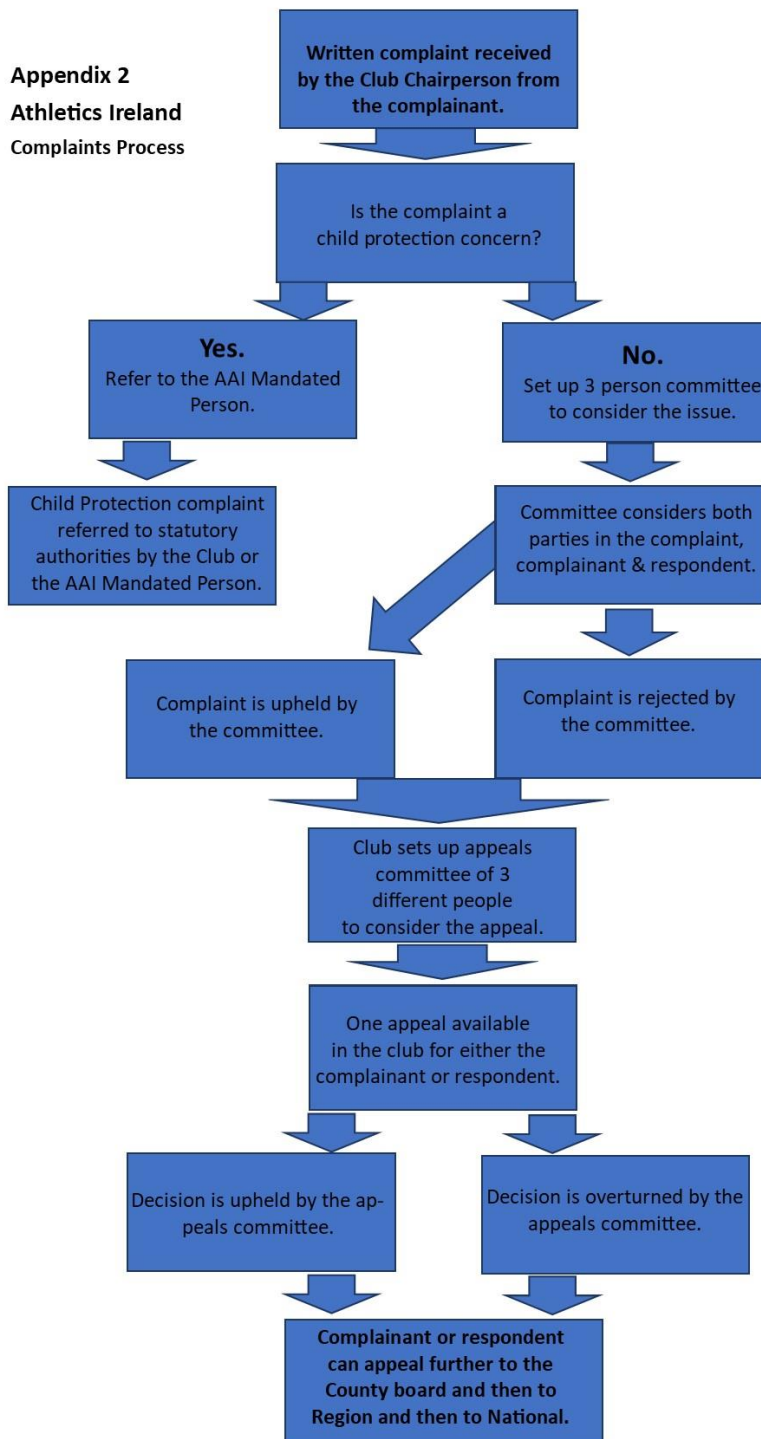
OFFENCE	LOW OFFENCE	MEDIUM OFFENCE	HIGH OFFENCE
<b>Intimidation or threats</b>	Reprimand	Written Warning Membership/Affiliation €50 Fine	Expulsion from Membership €100 Fine Other
<b>Coercion</b>	Reprimand	Written Warning	Severe Reprimand Suspension from Membership/Affiliation
<b>Discrimination</b>	Reprimand	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

## Appendix 2 – Athletics Ireland Club Complaints Process



The above process outlines how a complaint received by a club should be handled in the first instance. The CDO can be consulted regarding this process as to how best to proceed on receipt of a complaint by a club, county, or provincial council.

## 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 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.

## Athletics Ireland Complaints and Disciplinary Process

### 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.

## Athletics Ireland Complaints and Disciplinary Process

### Glossary (*Further terms may need to be defined*)

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 or volunteers fail to provide a good standard of care and support. It occurs when staff or volunteers 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.