

Triathlon Ireland Disciplinary Policy

1. Context

The purpose of this Disciplinary Policy is to ensure justice in disciplinary proceedings and to provide a framework within which decisions relating to Triathlon Ireland (hereafter referred to as 'TI') and its membership can be made in a fair, consistent, independent and expeditious manner and in accordance with the requirements of natural justice.

It is the policy of TI to ensure

that any disciplinary matters are dealt with fairly, that steps are taken to establish the facts and that there is an entitlement to a fair and reasonable hearing within a reasonable time by an independent and impartial body.

TI may invoke disciplinary action in the case of any club, member, athlete, or the parent/guardian/accompanying adult of

any athlete, whose conduct has, or is likely to bring the sport, and/or Triathlon Ireland, into disrepute.

TI reserves the right, where deemed necessary in view of the gravity of any allegation made, to appoint a Disciplinary Committee to conduct all necessary investigations and make appropriate sanctions as per the Policy.

2. Scope Of the Disciplinary Policy

The following will be dealt with under the Disciplinary Policy and in accordance with the procedures unless otherwise indicated:

2.1.1 Every event and competition under the jurisdiction of TI;

2.1.2 Any violation of the statutes, rules, regulations, codes, plans, policies, directives, decisions or guidelines of TI, the European Triathlon Union, the International Triathlon Union, the Olympic Federation of Ireland, Sport Ireland and/or Sport Northern Ireland;

2.1.3 Non compliance of anti-doping procedures and misconduct towards anti-doping officials as referred by Sport Ireland.

The following are subject to these rules:

2.2.1 Members of Triathlon Ireland;

2.2.2 Race & Training licence holders (including one day membership licences & club volunteers);

2.2.3 Anyone with an authorisation from Triathlon Ireland, in particular with regard to a club, competition or other activity or event under the jurisdiction of Triathlon Ireland;

2.2.4 Parent/guardian/accompanying adult of junior and / or vulnerable adults participants;

2.2.5 All Board Directors and Sub-Committee Members.

These rules do not apply to:

- Doping Offences which are sanctioned by Sport Ireland, unless referred to TI by Sport Ireland;
- Disputes between a club member or clubs and clubs regarding financial obligations such as employment and contractual stability, training compensation, solidarity contribution, overdue payables and other relevant matters.

3. Disciplinary Process – Formal Procedure

TI reserves the right to enter a formal disciplinary procedure at any stage. The following points will be observed when conducting any disciplinary hearing:

3.1 A Disciplinary Committee (DC) will be convened and meet within thirty(30) days of appointment. Meetings may be held via video conference subject to the agreement of DC and any party subject to disciplinary hearing.

3.2 Any party who is subject to disciplinary action will be asked to attend the hearing, in order to present their case.

3.3 In cases of certain gravity, the TI CEO may decide upon the provisional suspension from TI and/or any event or competition under the jurisdiction of TI until the case is heard by the Disciplinary Committee(DC). While suspended, the member concerned shall not participate in any activity

related to the sport (including competition or coaching).

3.4 Any party subject to the disciplinary action will be informed in writing prior to any hearing of the nature of the complaint/alleged offence:

3.4.1 The notification of the hearing will be provided a minimum of 14 days in advance, the notification will give details of the date, time, hearing venue and appointed DC members.

3.4.2 A reasonable investigation will be carried out in order to establish the facts of the case. This will be led by the TI Executive.

3.4.3 The party will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of the hearing.

3.4.4 The party may choose not to attend and the case will proceed, or if a suitable time and venue cannot be arranged, the member may face suspension until the case is heard.

If the party declines to attend no negative inference will be drawn.

3.4.5 The party will be advised of their right to be accompanied by a fellow club member or club committee representative, acting as a witness to the proceedings. (For members under 18 a parent or guardian must accompany them as a witness to the proceedings).

3.4.6 At the hearing, the Committee Chair will inform the member of the basis of the issue/complaint and give them an opportunity to state his or her case before any decision is made.

3.4.7 The hearing will always be adjourned before any decisions are reached.

3.4.8 The party will be notified of the outcome of disciplinary action in writing(email is acceptable if all parties agree) within 14 days of the hearing being made.

3.4.9 The party will be made aware of their right of appeal and the appeals procedure.

4. Disciplinary Committee(DC) Composition

The **TI Programme Executive (Technical) under the supervision of the TI Operations Director** will appoint the members of the Disciplinary Committee as follows:

4.1 The Disciplinary Committee consists of three people being selected from one or all of:

- Members of TI appointed Disciplinary Panel. This Panel will consist of a number of appropriately qualified and/or experienced individuals in sporting and/or judicial matters. This Panel will be appointed and approved by the Board of Triathlon Ireland.
 - Member(s) of the TI Board or Senior Staff Panel(approved by CEO/President)
 - Member(s) of the TI Technical Committee
- The committee may invite subject matter experts to the hearing, whereby they may have

voice but no vote. The committee members will have no connection to any of the involved parties.

4.2 The Chair of the DC will be appointed by the TI Programme Executive(Technical). The Chair manages the DC and shall sit on the DC. The Chair's responsibility is to control the development and regularity of the procedures and to take appropriate measures to ensure the fair operation of all disciplinary and appeals processes. The Chair is a voting member of the DC.

4.3 A party may challenge the appointment of any member of the DC (including the Chair) where there are justifiable doubts as to the member's impartiality or independence or where the party raises any other valid and material objection(s). If a party intends to challenge any appointment that party shall, within 7 days of the notification of the members of the DC to the party, or any appointment or change in a member of the DC, provide in writing to the Chief Executive Officer the reasons why that party is challenging the position of the member of the DC. The CEO shall determine

the outcome of the challenge in accordance with Triathlon Ireland's procedures and rules and, if the challenge is upheld, shall appoint another member in place of the relevant member of the DC.

4.4 For the avoidance of doubt the DC shall not act in relation to any policy matters that have been determined by the Executive Committee in relation to the Company that are not disciplinary matters, in relation to any employment or anti-doping matters not referred to TI by Sport Ireland.

4.5 The DC shall not deal with disciplinary matters where the European Governing Body or the World Governing Body has jurisdiction in accordance with its rules.

4.6 The DC shall be entitled to call upon, receive and consider such evidence as it thinks appropriate. The DC may require the attendance at a hearing of any person. In any case where a person required by the DC to attend a hearing refuses or fails to attend, the DC may adjourn the hearing, proceed with the hearing in the absence

of that person, allow or refuse to allow the evidence of that person or allow their evidence to be given in any other form. For the avoidance of doubt nothing in this Disciplinary Policy shall prevent the DC from determining the matter in question without the person concerned being present.

4.7 When the DC decides to have hearings these will not be public and only members of the DC and the parties concerned (together with their duly appointed representatives) shall be entitled to attend. The deliberations of the DC shall be held in private.

4.8 Where disciplinary proceedings are taken against more than one Respondent as a result of an incident or incidents occurring at or in connection with the same competition or circumstances, any such proceedings may be heard together, where the Chair of the DC so determines, provided that there is no manifest prejudice to anyone against whom such proceedings are taken.

4.9 All minutes of any meeting of the DC will be signed by the Chair of the DC.

5. Voting of the Disciplinary Committee

5.1 Each member of the DC shall have one vote. Decisions of the DC on any case shall be determined by a majority vote.

5.2 The DC shall have due regard to natural justice at all times and the standard of proof in all questions for determination

by the DC shall be proof on the balance of probabilities.

6. Sanctions of the Disciplinary Committee

6.1 The disciplinary penalties open to the DC to impose on all Members and Persons include but are not limited to:

6.1.1 Warning: a warning may be given by the DC for a minor act of misconduct where no other warnings have been given to the Member or Person in question. A warning may set out the nature of the misconduct, the change of behaviour required and (if possible) the likely outcome of further misconduct.

6.1.2 Reprimand: a reprimand may be given in a case which is more serious than a minor act of misconduct or where previous warnings have been issued to the Respondent. The reprimand may set out the nature of the misconduct, the change of behaviour required and (if possible) the likely outcome of further misconduct.

6.1.3 Sport Penalties: any such penalties shall be at the entire discretion of the DC to determine as appropriate in the circumstances and may include a temporary ban for the Respondent from participation in competition or any course or activity associated with the Sport;

6.1.4 Financial Penalties: any such penalties shall be at the entire discretion of the DC to determine

appropriate in the circumstances and may include a fine on any Person or Member;

6.1.5 Suspension: the Respondent may be suspended from membership of TI and/or from membership of any Member Club and/or from participation in the sport in a case of serious misconduct or suspected serious misconduct or where in the opinion of the DC (in their entire discretion) the suspension of the Respondent is required in order to secure the safety of any persons involved in the sport or the integrity or good reputation of the sport;

6.1.6 Expulsion: the Respondent may be expelled from membership of TI and/or from participation in the sport where the Respondent has been determined by the DC to be guilty of serious misconduct or where in the opinion of the DC, the expulsion of the Respondent is required in order to secure the safety of any persons involved in the Sport or the integrity or good reputation of the Sport.

6.2 The DC can impose any such measures as it deems necessary on the Respondent to ensure that the matter concerned is not repeated, the safety of those involved in the sport is protected and that the integrity and good reputation

of the sport is maintained. The DC may impose more than one sanction in relation to a disciplinary matter. The DC and TI shall retain a record of all sanctions and decisions made by the DC.

6.3 When determining any sanctions the DC shall, without limitation, have regard to:

6.3.1 the seriousness, size and nature of the disciplinary matter;

6.3.2 the extent to which the disciplinary matter was deliberate or reckless;

6.3.3 the general compliance history of the Respondent, and any specific history of the disciplinary matter in question; and

6.3.4 the responsiveness and conduct of the Respondent in relation to the disciplinary matter in question.

7. Offences

Disciplinary offences requiring the establishment of a Disciplinary Committee may include, but are not limited to:

- 7.1** Threatening Abusive or insulting words or conduct.
- 7.2** Fraud, e.g., joining Triathlon Ireland/entering competition under an assumed name or age, falsifying an affidavit, or giving false information.
- 7.3** Participating when not eligible.
- 7.4** Violations of International Triathlon Union Rules & TI Derogations.
- 7.5** Any breach of Triathlon Ireland Safeguarding policies or Code of Conduct.
- 7.6** Unauthorised use of TI logo or branding.
- 7.7** Failure to comply with Club Affiliation Terms & Conditions.
- 7.8** Breach of Anti-Doping requirements as referred by Sport Ireland.

8. Exclusions

This Policy is not an appropriate mechanism for dealing with certain complaints such as allegations of physical or sexual abuse or other potential child abuse issues for which other procedures exist

using the appropriate statutory authorities. In respect of such allegations, parties are referred to the Triathlon Ireland Safeguarding Policies, as amended from time to time.

9. Confidentiality

9.1 Subject to the provisions of these Rules, the proceedings of the DC shall be confidential. The parties and the DC undertake to keep confidential all documents and other materials produced for the purpose of the disciplinary matter by any party and/ or participant in the disciplinary matter except to the extent that disclosure may be required by a legal duty, to pursue or protect a legal right, to enforce or challenge an award in bona fide legal proceedings or that such

documents may already be in the public domain (otherwise than in breach of this undertaking).

9.2 Notwithstanding 9.1 above, TI may publish the DC's award or decision and its reasons unless the parties agree prior to the DC making its award or decision that they should remain confidential. In the case of any disciplinary matter conducted under this Policy, TI may publish generic, non-identifying information in relation to the findings of the DC.

10. Appeals

10.1 The party charged with a violation has the right to appeal disciplinary sanctions to a TI Appeals Panel. Appeals against disciplinary action may be made in writing or by email within seven days of notification of the original judgement.

10.2 This appeal will be heard, within 14 days of receipt of appeal, by an Appeals Panel of 3 members, chaired by a Board Member of TI and made up of two members of the Disciplinary Panel (all three will be independent of the original disciplinary hearing). Notification of outcome will be provided to all relevant parties, in writing (or email if all parties agree), within 14 days of the hearing.

10.3 In the event that member/ clubs are not satisfied with the outcome of the appeal, member/ clubs are required to use the services of Sport Dispute Solutions Ireland for any further mediation or arbitration. TI must be notified of this intention, in writing, within 14 days of an appeal result being received.