

# NATIONAL DISCIPLINARY POLICY



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## Glossary of Terms

In these Disciplinary Procedures the following words shall have the meaning set out opposite them:

<b>“ADT”</b>	means the Athletics Disciplinary Tribunal
<b>"Appeal"</b>	means an appeal from a decision of a Disciplinary Panel under these Disciplinary Procedures;
<b>“Appeal Hearing”</b>	a hearing conducted by the Appeal Panel as further described in paragraphs 11 to 14;
<b>"Appeal Panel"</b>	the appeal panel that may be convened to conduct an Appeal Hearing under these Disciplinary Procedures;
<b>"Board"</b>	the board of England Athletics from time to time as constituted under England Athletics’ Memorandum and Articles of Association;
<b>“Chair”</b>	the person appointed from time to time to be the chair of the Disciplinary Panel or the Appeal Panel (as the context requires) under these Disciplinary Procedures;
<b>“Chief Executive”</b>	the chief executive officer of England Athletics, or his or her nominee;
<b>“Club”</b>	an athletics club affiliated to England Athletics;
<b>“Complainant”</b>	the person who makes a Complaint or allegation of Serious Misconduct against the Respondent (under these Disciplinary Procedures) and may be an individual, a Club, an association or any other body within the jurisdiction of England Athletics;
<b>"Complaint"</b>	a complaint of Serious Misconduct referred to the Investigating Officer and made by a party who is an individual, a Club, an association or any other body that is subject to England Athletics' jurisdiction [and which alleges a breach of a rule, policy, procedure, code of conduct, or similar regulation];
<b>"the Decision"</b>	the written decision of either the Disciplinary Panel or the Appeal Panel (as the case may be) given in accordance with these Disciplinary Procedures;
<b>“Disciplinary Hearing”</b>	a hearing conducted by the Disciplinary Panel as further described in paragraph 10;
<b>"Disciplinary Panel"</b>	the disciplinary panel that may be convened to conduct a Disciplinary Hearing under these Disciplinary Procedures;
<b>"Disciplinary Procedures"</b>	the procedures set out in this document, as amended from time to time;
<b>“England Athletics”</b>	England Athletics Limited (CRN: 0558371) whose registered address is at Athletics House, Alexander Stadium, Walsall Road Perry Barr, Birmingham, B42 2BE
<b>“England Athletics’</b>	a person employed as Club Standards & Compliance Manager for England Athletics, or his or her nominee”

<b>"Interested Party"</b>	any person or member, who in the Investigating Officer's opinion, is likely to be affected by the outcome of any Complaint raised under these Disciplinary Procedures;
<b>Investigating Officer"</b>	the investigating officer(s) appointed by the England Athletics on a case by case basis or generally and includes any deputy appointed by them;
<b>"Misconduct"</b>	improper or unprofessional conduct;
<b>"National Association"</b>	England Athletics; Scottish Athletics Limited (CRN: SC217377); Welsh Athletics Limited (CRN: 06179841); and Athletics Northern Ireland Limited (CRN: NI059740) or their respective successor bodies;
<b>"Natural Justice"</b>	<p>A term that denotes the basic principles of justice, which are considered so fundamental as to be self-evident. The principles of natural justice include, for example, the following:</p> <p>there is a duty to give a fair hearing to everyone with a concern in the case; there may be a duty to explain the reasoning behind a decision; and there is an obligation for the decision maker to be impartial.</p> <p><i>Kelvin's English Law Glossary 2002</i></p> <p>Where a person's legal rights are concerned, the principles of natural justice are bolstered by Art. 6 (1) of the European Convention on Human Rights, and the Human Rights Act, 1998;</p>
<b>"Notice of Appeal"</b>	the notice of the Respondent that they wish to Appeal the Decision of the Disciplinary Panel as further described in paragraph 11;
<b>"Notice of Complaint"</b>	the notice of the Complaint to be given to England Athletics' Club Standards & Compliance Manager as further described in paragraph 6;
<b>"Objection"</b>	any objection by the Respondent to the composition of the Disciplinary Panel or Appeal Panel notified to the England Athletics' Club Standards & Compliance Manager;
<b>"Participant"</b>	an athlete, runner, Club, competition, league, association, official, manager, coach, committee member, member or employee of a Club or any such other person who is from time to time participating in any activity sanctioned either directly or indirectly by and in each case is affiliated to England Athletics;
<b>"Party (ies)"</b>	a party or parties involved in the proceedings conducted under these Disciplinary Procedures;
<b>"Respondent"</b>	the person who is the subject of the Complaint by a Complainant (under these Disciplinary Procedures) and may be any Participant within the jurisdiction of England Athletics (excluding any paid employee(s) whilst carrying out their duties under the terms of their employment, in which case the terms and conditions of their employment will apply);
<b>"Rules for Competition"</b>	the rules for competition of UKA adopted by the UKA Board from time to time;
<b>"Serious Misconduct"</b>	matters of criminality or any matter specified in paragraph 4.2 of these Disciplinary Procedures;

## **“UKA”**

UK Athletics Limited (CRN: 03686940) whose registered address is at Athletics House, Alexander Stadium, Walsall Road Perry Barr, Birmingham, B42 2BE;

Words denoting the singular number shall include the plural number and vice versa and words denoting the masculine gender shall include the feminine gender and vice versa.

Any term(s) which are not defined in these Disciplinary Procedures shall have the meaning attributed to them in England Athletics' Articles of Association.

## **1. Guiding Principles**

- 1.1. There are standards of conduct and behavior required of all athletes and volunteers and others engaged in athletics and regrettably there will be occasions when someone will breach those standards. Although such incidents are rare it is important that England Athletics is seen to deal with Serious Misconduct breaches in a fair, consistent and timely manner.
- 1.2. The vast majority of people engaged in athletics in England are committed to the sport and take part because they choose to do so. The use of formal Disciplinary Procedures by England Athletics to deal with such individuals should only be resorted to in cases where issues of Serious Misconduct are involved for the purpose of these Disciplinary Procedures (refer to paragraph 4.2).
- 1.3. Confidentiality, diligence, fairness, impartiality, natural justices are key features of these Disciplinary Procedures and will be applied at all times.
- 1.4. This document describes the Disciplinary Procedures to be followed in the event of a Complaint to England Athletics for an offence which constitutes alleged Serious Misconduct, as described above.
- 1.6. Alternatively, England Athletics may at its sole discretion and at any time, refer any disciplinary matter over which it has jurisdiction under this Policy to the ADT, following which the referred matter and any appeal will be dealt with under the Rules and Procedures of the ADT, which can be accessed here.
- 1.6. All other complaint(s) which do not constitute Serious Misconduct shall be dealt with by the relevant Club or association itself in accordance with its governing document(s) and any related internal policies.
- 1.7. England Athletics has a number of other complaints policies, which are separate to these Disciplinary Procedures as follows:
  - 1.7.1 Persistent or Vexatious Complaints (relates to complaints made about any of England Athletics services or activities)
  - 1.7.2 Complaints Policy (relates to complaints made about any of England Athletics services or activities)
  - 1.7.3 UKA Whistleblowing Policy

## **2. Role and Jurisdiction of England Athletics**

- 2.1. England Athletics is the governing body for all branches of athletics in England incorporating cross country, fell and hill, race walking, trail running, road running and track and field.

These Disciplinary Procedures apply to all Participants in all branches of athletics in England.

2.2. The Articles of Association of England Athletics grant under Article 14 authority for the directors, following consultation with the England Council and the Regional Councils and (where practicable) the Members, from time to time make, vary and revoke rules relating to all aspects of membership of England Athletics including, (without limitation) rules addressing “the organisation of Members” which includes disciplinary procedures relating to athletes and participants in athletics.

### 2.3 Jurisdiction over Misconduct and Serious Misconduct

2.3.1 It is accepted that England Athletics may refer certain responsibilities to UKA on receipt of a Complaint when considered appropriate (for more information, see section 3 below).

2.3.2 Where England Athletics has non-exclusive jurisdiction with respect to Misconduct or Serious Misconduct but decides to take no action, UKA may charge the persons concerned under its own procedures and vice-versa.

2.4 Where a Respondent falls under the disciplinary jurisdiction of both UKA and England Athletics, UKA and England Athletics may jointly appoint the UKA Disciplinary Panel. In such case:

2.4.1 The UKA Disciplinary Panel shall also act as the disciplinary panel for England Athletics and shall have the sanctioning and procedural powers set out in this Policy in addition to its powers under the UKA Disciplinary Rules and Procedures. In the event of any conflict between UKA Disciplinary Rules and Procedures and this Policy, the UKA Disciplinary Rules and Procedures shall prevail.

2.4.2 UKA and England Athletics shall jointly prosecute the case, and each shall have the full right to determine the submissions to the UKA Disciplinary Panel in relation to the matters over which they have jurisdiction, including to delegate such authority to the other.

2.4.3 The UKA Disciplinary Panel shall hear the evidence in relation to all charges brought by UKA and England Athletics in the same process.

### 2.4 Jurisdiction under Rules for Competition

Under the Rules for Competition, England Athletics:

2.4.1 has its own jurisdiction to **resolve** disputes arising in certain areas (namely eligibility (Rule UKGEN 2 S2 and UKGEN 2 S8), hardship (Rule UKGEN 2 S8) permission to promote (Rule CR1 S1), misconduct (Rule TR7 S1) and protests and appeals (Rule TR8 S1);

2.4.2 has its own procedures for disputes and disciplinary matters falling within its jurisdiction (see above) and these may provide for an appeal to UKA

2.4.3 has jurisdiction under the Rules for Competition to **decide** disputes arising under Club Membership (Rule UKGEN 2 S2), Eligibility Committee and Hardship Applications (Rule UKGEN 2 S8), Permission to Promote (Rule CR1 S1), Misconduct (Rule TR7 S1) and Protests and Appeals (Rule TR8 S1).

2.5 England Athletics is an employer and any grievance or disciplinary matters concerning members of England Athletics' staff shall be dealt with under separate procedures. A copy is available to staff members on request.

### **3. Role & Jurisdiction of UKA**

**3.1.** UKA has its own disciplinary rules and dispute resolution and disciplinary procedures, adopted by its Board under UKA's Articles of Association.

#### **3.2. Jurisdiction under Rules for Competition**

**3.2.1.** UKA has jurisdiction under the Rules for Competition to deal with appeals from decisions of England Athletics under Rule TR7 S1 and TR8 S1. Such appeals or dispute resolution would be dealt with in accordance with UKA rules and procedures.

**3.2.2.** UKA has jurisdiction under the Rules for Competition to deal with appeals from decisions made by England Athletics under paragraph 2.4 above.

#### **3.3. Jurisdiction under Safeguarding Policy and Procedures**

**3.3.1.** Under UKA's safeguarding policy and procedures, in certain circumstances UKA will exercise disciplinary jurisdiction. UKA has exclusive jurisdiction over licensed coaches and officials (who are dealt with under separate procedures). Either England Athletics or UKA may have disciplinary jurisdiction where the person concerned is not licensed but otherwise participates in the sport. Where UKA deals with such a matter it would do so under its own rules and procedures.

#### **3.4. Jurisdiction under the Athlete Agreement in relation to members of the GB and NI Team and World Class Pathway Funded Athletes.**

**3.4.1.** UKA has entered agreements with athletes who are funded through World Class Pathway (WCP) and also those (non-funded) athletes who are members of the GB and NI Team. Under those agreements, UKA has exclusive disciplinary jurisdiction and its rules and procedures apply.

#### **3.5. Jurisdiction over Clubs**

**3.5.1.** The Articles of Association of UKA recognise only those Clubs and organisations, which are affiliated or associate members of a National Association. UKA has the right to withdraw or cancel an affiliated or associate membership by a majority vote of its executive board if, after investigation, the executive board is of the opinion that this is in the interests of UKA.

#### **3.6. Separate Rules and Procedure**

**3.6.1.** UKA has separate rules and procedures, which apply in relation to:

**3.6.1.1.** an anti-doping rule violation alleged to have been committed (the Anti- Doping Rules);

**3.6.1.2.** a coach who has his or her UKA Coaching License withdrawn (Appeal Procedures for Coaches);

**3.6.1.3.** an official who has his or her UKA License withdrawn (Appeal Procedures for Officials);

**3.6.1.4.** UKA general complaints policy;

**3.6.1.5.** a challenge by an athlete to a selection decision taken by UKA;

**3.6.1.6.** UKA & National Associations Safeguarding Regulations

**3.6.1.7.** a challenge by an athlete to a decision taken in relation to his/her membership of the WCP.

#### **3.7. Copies of UKA rules and procedures are available on request from UKA.**

## **4. Serious Misconduct**

### **4.1 Complaints which constitute Serious Misconduct**

**4.1.1** A Complaint may be made against a Respondent and may be referred to a Disciplinary Panel at England Athletics where a Participant:

**4.1.1.1** refuses or neglects to comply with England Athletics' Articles of Association;

**4.1.1.2** breaches UKA's Safeguarding Policies and Procedures or any terms of reference, regulations or other rules of UKA as adopted by England Athletics; or

**4.1.1.3** behaves (whether by action or omission) in a manner which England Athletics considers (acting reasonably) is disgraceful or opposed to the general interests of England Athletics or the sport of athletics or is likely to bring the sport into serious disrepute.

**4.2** Serious Misconduct: examples of Serious Misconduct include (without limitation) theft, doping violations, fraud, physical violence, safeguarding policy breaches, serious breach of applicable health and safety, gambling and/or ticketing regulations or any act or omission of the Respondent which in the opinion of England Athletics, acting reasonably, brings or is likely to bring the sport of athletics into disrepute.

## **5. Rapid Repatriation – England Representative Teams**

**5.1** Managers of England Athletics' national teams and training squads in the United Kingdom and abroad, appointed by or on behalf of England Athletics, may (in conjunction with the coaching staff for that team or training squad and England Athletics' head of competitions and teams or members of his or her staff authorised by him or her) take immediate disciplinary action to repatriate or otherwise exclude any member of the team or training squad due to Misconduct after the team or training squad has been formed (i.e. the members of that team or squad have come together either at the point of departure from the UK or at the competition or training venue, whichever is the earlier). For the avoidance of doubt, such persons shall not be entitled to use the power to take immediate disciplinary action for the sole purpose of altering the composition of the team or squad of which they are in charge.

**5.2** In the event of such immediate disciplinary action being taken, the team leader/ manager shall report the matter to England Athletics' Club Standards & Compliance Manager as soon as practical but at least within 24 hours of the event. England Athletics may at its discretion invoke disciplinary proceedings under paragraph 2 above, if it considers further action is necessary.

### **5.3 Jurisdiction over Serious Misconduct**

**5.3.1** England Athletics shall have exclusive jurisdiction to investigate and discipline any Complaint which constitutes alleged Serious Misconduct by athletes who have signed an athlete agreement or who are current members of the England Representative Athletics Team.

## **6. Procedure by England Athletics on Receipt of a Complaint**

**6.1.** This paragraph 6 of the Disciplinary Procedures describes the steps to be taken when the initial complaint is made to England Athletics or delegated to it by UKA.

## **6.2.** Complaints Process

**6.2.1.** Any Participant who or which is an affiliated member of England Athletics, and that is subject to England Athletics' jurisdiction, may make a complaint which, depending on the severity of the alleged offence, may be categorised in accordance with these Disciplinary Procedures and then made:

**6.2.1.1** (where the Complaint is one of Misconduct only and does not relate to or constitute a matter of alleged Serious Misconduct) to:

**6.2.1.1.1** (where the relevant Participant(s) are individual members of the same Club) the management committee or similar governing body of their own Club; or

**6.2.1.1.2** (where the relevant Participant(s) are individual members of different Clubs) the management committee or similar governing body of the Club to which the respondent is a member; and/or

**6.2.1.1.3** the relevant competition, league or association (as the case may be) for determination in accordance with that Club, competition, league or association's own grievance and disciplinary procedures; or

**6.2.1.2** (where the complaint falls within the definition of or constitutes Serious Misconduct as defined and referred to at paragraphs 4.1 and 4.2 above and will be classed as a Complaint for the purposes of these Disciplinary Procedures) to England Athletics.

Only Complaints of Serious Misconduct may be referred to and investigated by England Athletics under the terms of these Disciplinary Procedures and 'Complaint' in this paragraph 6 shall be construed accordingly.

**6.2.2** The Party making a Complaint under paragraph 6.2.1.2 shall do so by giving a Notice of Complaint in writing to Membership Services Manager as soon as practicable and in any case within 30 (thirty) calendar days of the date of the incident and shall set out full details of the Complaint and the alleged Respondent.

## **6.3** Responsibility of the England Athletics' Club Standards & Compliance Manager

**6.3.1** The England Athletics' Club Standards & Compliance Manager (or a nominated deputy) shall have responsibility for the management of Complaints, disciplinary investigations and hearings in accordance with the procedures set down in these Disciplinary Procedures. This responsibility shall extend to making every reasonable effort to select an Investigating Officer and Disciplinary Panel, who at all times may be expected to operate within these Disciplinary Procedures in a fair and impartial manner, solely on the basis of the evidence before them.

## **6.4** Action on the receipt of a Complaint

- 6.4.1** If a Notice of Complaint is received by England Athletics outside the 30-day period, it may, in exceptional circumstances and with complete discretion, process the Complaint.
- 6.4.2** Where the matter (in the view of the England Athletics' Club Standards & Compliance Manager or their nominated deputy) justifies such action, he or she must refer the matter to the police for investigation and must then postpone consideration of the matter under these Disciplinary Procedures until the police investigation has been concluded.
- 6.4.3** Where any matter referred to England Athletics does not amount to an allegation of Serious Misconduct and arises from one or more incidents within an affiliated Club, association or any other body that is subject to England Athletics' jurisdiction, the England Athletics' Club Standards & Compliance Manager will refer the matter to the Club or association concerned in accordance with paragraph 6.2.1.1 above, for the affiliated Club, association or other body to deal with under their own internal procedures.

## **6.5. Referral to the Investigating Officer**

- 6.5.1** Where it is not appropriate to deal with the Complaint or dispute under the provisions of paragraphs 6.4.2 and 6.4.3, the England Athletics' Club Standards & Compliance Manager, or his or her nominee, shall appoint an Investigating Officer to investigate the matter and complete a report for the Disciplinary Panel. In the interests of impartiality, the Investigating Officer shall not have had any previous direct involvement in the matter, which has given rise to the Complaint.
- 6.5.2** Details of all Complaints shall be given to the Investigating Officer by the England Athletics' Club Standards & Compliance Manager. The details of the Complaint shall be given to the Investigating Officer in writing as soon as practicable and ideally within two weeks of the receipt of the Complaint and shall set out details of the Complaint and the terms of reference of the investigation.

## **7. Investigatory Procedure**

**7.1.** As soon as practicable (and without prejudicing any investigation into the matter by England Athletics or another Party) the England Athletics' Club Standards & Compliance Manager shall give the Respondent written notice:

- 7.1.1** of the nature of the Complaint;
- 7.1.2.** specify who the appointed Investigating Officer is; and
- 7.1.3** confirm that there is to be an investigation into the Complaint.

**7.2.** The Investigating Officer shall:

- 7.2.1** Carry out such investigations and gather such evidence as he or she in their sole discretion considers appropriate, which may include a voluntary recorded interview (provided that consent from all parties to the interview has been obtained);
- 7.2.2** Take such steps as he or she thinks appropriate to ensure that the Respondent concerned is informed of the evidence against him or her and has the

opportunity to respond to the allegations and evidence before any report of the investigation is completed. Any response must (unless the Investigating Officer decides otherwise) be in writing;

- 7.2.3** Complete a report for the Disciplinary Panel in relation to the Serious Misconduct (including where relevant, details of the breach of the relevant rule, policy, procedure or code of conduct, which may include a recommendation as to the outcome of the Complaint if appropriate).

### **7.3 Interim Suspension**

If the Investigating Officer considers that a Complaint or Appeal is to be referred to a Disciplinary Panel, the Investigating Officer will cast the final decision to decide whether or not the seriousness of the matter requires the Respondent to be suspended from Competition or participation in athletics pending determination of the matter. In some instances, an immediate interim suspension prior to investigation may be deemed necessary and/or appropriate by EA at its sole discretion. A Respondent so suspended may apply to the Disciplinary Panel considering the matter for the suspension to be lifted. Any Respondent so suspended shall be entitled to a full expedited hearing. For the avoidance of doubt, the Investigating Officer may communicate the fact of the suspension to relevant third parties, which includes but is not limited to, the Club or association to which the Respondent is affiliated.

### **7.4 Costs**

- 7.4.1** Each Party shall bear its own costs (including but not limited to legal costs, scientific or other experts' fees, witness costs) in connection with Complaints made or disputes or Appeals brought under these Disciplinary Procedures.

- 7.4.2** The costs of any mediator shall be shared by the parties equally and the costs of any arbitration body appointed shall be borne by the parties in such proportions as the arbitration body shall rule at the conclusion of the matter.

## **8. Hearing by the Disciplinary Panel**

- 8.1** The England Athletics' Club Standards & Compliance Manager shall appoint a Disciplinary Panel of three members, one of whom shall be designated as Chair, appointed by the England Athletics' Club Standards & Compliance Manager. No person may be appointed a member of an Disciplinary Panel if they have any current financial relationship with UK Athletics, or are biased or lack impartiality on any basis"
- 8.2** In the interests of fairness and impartiality none of the members of the Disciplinary Panel, including a co-opted member, if any, shall have been directly involved in the matter being heard. The England Athletics' Club Standards & Compliance Manager and/ or Investigating Officer are authorised to appoint co-opted members, where it has been identified that there is a requirement for a specialist opinion on the Disciplinary Panel.
- 8.3** The England Athletics' Club Standards & Compliance Manager shall inform the Respondent of the composition of the Disciplinary Panel.
- 8.4** The Respondent may object to the composition of the Disciplinary Panel by notifying the England Athletics' Club Standards & Compliance Manager of the Objection and setting out the reasons for such an Objection no later than 7 (seven) calendar days from the date of being informed of the composition of the Disciplinary Panel.

- 8.5** The England Athletics' Club Standards & Compliance Manager shall, within 7 (seven) calendar days (or such shorter time limit imposed by the England Athletics' Nominated Lead from the date of receipt of an Objection, notify in writing the parties that either:
- 8.5.1** The composition of the Disciplinary Panel has changed (in which case the England Athletics' Club Standards & Compliance Manager shall provide details of the new Disciplinary Panel); or
  - 8.5.2** The composition of the Disciplinary Panel has not changed (in which case the England Athletics' Club Standards & Compliance Manager shall give reasons why it has not accepted the Respondent's Objection).
- 8.6** The decision by the England Athletics' Club Standards & Compliance Manager on the composition of the Disciplinary Panel shall be final.

## **9. Pre-hearing procedures**

- 9.1** Where the Disciplinary Panel has been convened the England Athletics' Club Standards & Compliance Manager shall forthwith:
- 9.1.1** Send a copy of the Complaint together with the charge and evidence gathered against the Respondent by special delivery post to the Respondent's last known address (subject to UK GDPR compliance). In all cases the Investigating Officer shall ensure that the Respondent is given full disclosure of the matter in dispute in writing.
  - 9.1.2** Ask each Party to submit written evidence in support of their case.
  - 9.1.3** Inform all Parties that they must provide in writing to the England Athletics' Club Standards & Compliance Manager within 14 (fourteen) calendar days of receipt of the request for written evidence or such alternative time limit as the Investigating Officer shall decide any information and copies of all documents relating to the Complaint that either Party wishes the Disciplinary Panel to consider in relation to the matter;
  - 9.1.4** Upon receipt of such documents under paragraph 9.1.3 above supply copies of such information to the Disciplinary Panel and the other parties within a 7 (seven) calendar days from the end of the 14 (fourteen) calendar day notice period for submissions of written evidence.
  - 9.1.5** Inform the Respondent that if no reply is received within the period of 14 (fourteen) calendar days (or such alternative time limit imposed by the England Athletics' Club Standards & Compliance Manager) under paragraph 9.1.3 above the Disciplinary Panel will consider the Complaint on the basis of the facts and statements in its possession.
  - 9.1.6** Give all parties a minimum of 14 (fourteen calendar) days' notice of the date, place and time of the Disciplinary Hearing when the Disciplinary Panel is to consider the matter;
- 9.2** The Chair of the Disciplinary Panel, in consultation with the England Athletics' Club Standards & Compliance Manager, shall be entitled to make directions as to any further exchange of evidence. The Chair may rule:
- 9.2.1** that the Disciplinary Hearing takes place on paper; evidence provided via telephone; video link or all parties attend and give oral evidence.

9.2.2 that the Disciplinary Panel is convened by telephone or video conference (provided that all information has been supplied to both parties and each has had the opportunity to respond to information supplied by the other).

9.3 The England Athletics' Club Standards & Compliance Manager shall also seek clarification of any matter that has previously been raised by either Party or at the request of the Disciplinary Panel members;

## 10. The Hearing

A Disciplinary Hearing or an Appeal Hearing conducted under these Disciplinary Procedures is not a judicial hearing and so evidence given will not be delivered under oath. All Parties will provide truthful evidence and all Parties may choose to be legally represented or accompanied by a supporter. The Disciplinary Panel or Appeal Panel adjudicating a Disciplinary Hearing or Appeal Hearing will, however, endeavor to apply the rules of Natural Justice and the Disciplinary Hearing or Appeal Hearing will be held in private.

Where the facts in the case are not contested by the Respondent, the Disciplinary Panel or Appeal Panel (where appropriate) may resolve the matter by considering the written facts as provided by the Complainant and other witnesses, without calling oral evidence.

10.1. The England Athletics' Club Standards & Compliance Manager or their appointed Investigating Officer shall decide the arrangements for and conduct of the Disciplinary Hearing.

10.2 The Disciplinary Panel or Appeal Panel must also consider any written submission made by the Respondent.

10.2.1 They may also rely upon a written and or oral submission by the Investigating Officer, which may include a recommendation as to disposal of the case.

10.3 Facts Contested:

10.3.1 Where the facts in the case are contested by the Respondent, the Disciplinary Panel may resolve the matter by considering all the evidence made available to it including oral and written evidence from any Party. It may question any Party present in relation to the matter. It may call upon any Party to supply additional evidence and may adjourn the Disciplinary Hearing for that or any other purpose.

10.3.2 The Disciplinary Panel must also consider any written submission made by the Respondent and any written evidence provided by witnesses called on his or her behalf.

10.3.3 In the event that on the balance of probability the Disciplinary Panel finds the Respondent guilty of Serious Misconduct they may rely upon a written and or oral submission by the Investigating Officer, which may include a recommendation as to disposal of the case.

10.3.4 The Chair of the Disciplinary Panel may vary this procedure in his or her absolute discretion if, after discussion with the other parties, he or she is of the opinion that such change would assist the Disciplinary Hearing process in a fair and impartial way.

10.3.5 The Disciplinary Panel shall consider a Decision in private and decide any matter on the basis of a simple majority.

10.4 Powers of the Disciplinary Panel

10.4.1 The Disciplinary Panel may reject the Complaint or, where the Complaint is upheld, impose such sanctions upon the Respondent as it thinks fit including without limitation:

- 10.4.1.1 a warning in respect of the Serious Misconduct committed;
- 10.4.1.2 a recommendation to the Club or association of which he or she is a member to terminate his or her membership or remove him or her from any official position within the Club or association;
- 10.4.1.3 a requirement to complete education or training;
- 10.4.1.4 in the case of a Respondent who is an athlete, suspension from competition (or official participation within athletics) or from taking part in any event organised or run under the UKA Rules for Competition for a specified period;
- 10.4.1.5 In the case of a Respondent who is a UKA Licensed Coach or Technical Official a recommendation to UKA that the Respondent's license to coach or officiate be suspended for a period of time;
- 10.4.1.6 suspension for a specified period or removal from any office held within England Athletics;
- 10.4.1.7 exclusion from holding office within England Athletics for a specified period of time;
- 10.4.1.8 any combination of the above.

10.4.2 In the event that a Respondent fails or refuses to comply in whole or in part with the sanctions imposed by the Disciplinary Panel, the Disciplinary Panel may reconvene at its own discretion and treat the failure or refusal as a fresh Complaint and deal with the matter and impose any sanction in accordance with these Disciplinary Procedures.

10.5 The Decision of the Disciplinary Panel or Appeal Panel shall be issued in writing to the Parties concerned not more than 14 (fourteen) calendar days from the date of the Disciplinary Hearing. The Decision shall be accompanied by details of any disciplinary action that has been agreed by the Disciplinary Panel.

10.6 Any suspension, disqualification or expulsion shall, unless otherwise stated, start with immediate effect from the date of the Disciplinary Hearing. The Disciplinary Panel may take into account any period of suspension served prior to the date of the Disciplinary Hearing.

10.7 Any other Interested Party affected by the Decision of the Disciplinary Panel shall be notified of the Decision in addition to those referred to at paragraph 10.5 above.

After the Disciplinary Hearing, the Disciplinary Panel shall provide its full Decision in writing to the England Athletics' Athlete & Club Compliance Manager. The Disciplinary Panel may decide any issue by majority. The Decision shall include:

- (a) a summary of the Complaint;
- (b) the Disciplinary Panel's Decision in relation to the Complaint and its reasons;
- (c) the appropriate sanction (if any) to be imposed on the Respondent

The England Athletics' Athlete & Club Compliance Manager shall present the case but he or she shall not be a member of the Disciplinary Panel.

## 11 Appeal

11.1. The Decision of the Disciplinary Panel shall also set out the right to Appeal.

- 11.2** The Respondent or England Athletics (but not the individual(s) or organisation(s) that originally made the Complaint), may Appeal against the Decision of the Disciplinary Panel, by serving a Notice of Appeal on the England Athletics' Club Standards & Compliance Manager within 7 (seven) calendar days of receiving the written Decision. The Notice of Appeal must state the grounds on which the Decision of the Disciplinary Panel is challenged. The Notice of Appeal must be accompanied by a non-refundable cheque for £100 made payable to England Athletics, the appeal fee shall be held by England Athletics.
- 11.3** The England Athletics' Club Standards & Compliance Manager shall acknowledge a Notice of Appeal within 7 (seven) calendar days of its receipt. Following such acknowledgment, they shall establish an Appeal Panel within a further 14 (fourteen) calendar days.
- 11.4** The England Athletics' Club Standards & Compliance Manager, shall appoint an Appeal Panel of three members who have not been involved directly, either in the events giving rise to the Disciplinary Hearing, or in the Disciplinary Hearing itself.
- 11.5** The England Athletics' Club Standards & Compliance Manager shall inform the Respondent and any other Parties of the composition of the Appeal Panel.
- 11.6** Either Party may object to the composition of the Appeal Panel by notifying the England Athletics' Club Standards & Compliance Manager of the Objection and setting out the reasons for such an Objection no later than 7 (seven) calendar days from the date of being informed of the composition of the Appeal Panel.
- 11.7** The England Athletics' Club Standards & Compliance Manager shall, within 14 (fourteen) calendar days (or such shorter time limit imposed by the Chief Executive) from the date of receipt of an Objection, notify in writing the Parties that either:
- 11.7.1** the composition of the Appeal Panel has changed (in which case the England Athletics' Club Standards & Compliance Manager shall provide details of the new Appeal Panel); or
  - 11.7.2** the composition of the Appeal Panel has not changed (in which case the England Athletics' Club Standards & Compliance Manager shall give reasons why it has not accepted the Respondent's Objection).
- 11.8** The decision by the Appeal Panel's Chair on the composition of the Appeal Panel shall be final. The Appeal Panel's Chair is appointed by the England Athletics Club Standards & Compliance Manager.
- 11.9** Within 14 (fourteen) calendar days (or such shorter time limit imposed by the England Athletics' Club Standards & Compliance Manager) from the date of receipt by the Chief Executive of the Notice of Appeal or within 14 (fourteen) calendar days (or such shorter time limit imposed by the England Athletics' Club Standards & Compliance Manager) from the date the England Athletics' Club Standards & Compliance Manager responds to the Objection under paragraph 11.7 above (as appropriate), the Chair of the Appeal Panel, in consultation with the England Athletics' Club Standards & Compliance Manager, shall give such directions to the Complainant and Respondent and any Interested Party as are appropriate for consideration of the matter, and in particular:
- 11.9.1** the date and place at which the Appeal Panel will meet to determine the Appeal, provided that the Appeal shall not be heard later than 3 (three) calendar months from the date of the receipt of the Notice of Appeal by the England Athletics' Club Standards & Compliance Manager unless there are exceptional circumstances which should permit a longer period of time;

11.9.2 whether the Appeal will proceed by way of written submissions or an oral hearing; and

11.9.3 whether the Parties should be required to submit statements of their evidence and/or written submissions prior to the Appeal Hearing and, if so, a timetable for doing so and the procedure for exchanging such statements and written submissions.

11.10 A supporter, who must be named, may accompany the Respondent throughout the appeal process.

## 12 Jurisdiction of the Appeal Panel

The Chair of the Appeal Panel may decide on its own jurisdiction, including whether the Appeal Panel is properly constituted and what matters have been submitted.

## 13 Powers of the Appeal Panel

13.1 The Appeal Panel shall meet on the date fixed by the England Athletics' Club Standards & Compliance Manager.

13.2 The Appeal Panel may at its sole discretion disregard any failure by a Party to adhere to this appeal procedure and may give such further directions as may be appropriate.

13.3 Prior to and at the Appeal Hearing, the Chair, after consulting with the England Athletics' Club Standards & Compliance Manager, may give such directions whether or not made at the request of the parties, for the proper conduct of the Appeal Hearing as he or she deems may be reasonably necessary for the fair conduct of the Appeal Hearing, including changes to the procedure as set out in these Disciplinary Procedures.

13.4 The Appeal Hearing shall be held in private unless the Respondent and other Party agree otherwise, or unless the Appeal Panel directs. The Appeal Panel shall have power to make a Decision on the facts as it thinks fit and may:

13.4.1 quash the original Decision;

13.4.2 confirm the original findings;

13.4.3 order the case be reheard (re-trial);

13.4.5 adjourn for further evidence;

13.4.4 increase the original sanction; and

13.4.5 reduce the original sanction.

13.5 The Appeal Panel shall inform the Respondent, the other Parties and any Interested Party (if any) of its Decision within 14 (fourteen) calendar days together with written reasons for its Decision. The Decision of the Appeal Panel shall be final and binding on the Respondent, the other Party and any Interested Party (if any). The Appeal Panel shall decide on any issue by majority.

## 14 Records of Hearings and Appeals

14.1 The Decisions of the Disciplinary Panel and Appeal Panel, including appeals, shall be recorded and retained in confidential records for a period of 6 (six) calendar years. Supporting documentation shall also be retained in the same fashion.

14.2 Notification to England Athletics

A record of the proceedings and decisions of Disciplinary Panels and Appeal Panels, including any sanctions imposed, shall be sent to the England Athletics' Club Standards & Compliance Manager within 14 (fourteen) calendar days of the Appeal Hearing.

### **14.3 Notification to UKA, National Association and others**

Where appropriate and in the absolute discretion of the Chair of a Disciplinary Panel or Appeal Panel, details of a Decision, including sanctions imposed, may be communicated to UKA, a National Association, Club, association or other body where it is considered necessary to ensure compliance with a sanction, or for the safety and well-being of those engaged in athletics activity. UKA/England Athletics may determine to publish details on their websites.

## **15. Co-operation of Respondent(s) and Other Parties**

The procedures described in these Disciplinary Procedures assume that the Respondent(s) and other Parties will co-operate in the interest of resolving the issue in question. In the absence of such co-operation, or if it is withdrawn at any stage, England Athletics reserves the right to proceed with any Disciplinary Hearing or Appeal Hearing based on such evidence and information as it is able to obtain and the Disciplinary Panels and/or Appeal Panels shall take such appropriate action as they consider necessary.

## Version Control

Issue Number	Date of Issue	Updated by	Update	Communication channel
1		Emma Davenport	Created	Email, Website,
2	July 22	Emma Davenport	Update to include the ADT process, UKA rule book changes	Website