
**Irish Canoe Union
Disciplinary & Appeals Procedures**

Irish Canoe Union
Sport HQ
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Introduction

The Irish Canoe Union's Board of Management is empowered at any time to establish Disciplinary and Appeal Panels to hear and determine matters requiring judicial decisions.

In exceptional circumstances, Disciplinary or Appeal Panels may also be established by the Executive. In such circumstances the same procedures must be followed by the Executive as apply to the Board. The establishment and proceedings of any Disciplinary or Appeal Panels instigated by the Executive will require subsequent Board approval.

The composition, service and tenure of panels will be determined by the Board. The Board will also establish the terms of reference, procedures to be adopted, and have the power at any time and from time to time to alter, amend, add to, delete or otherwise vary the membership, terms of reference, and/or procedures of panels.

In the case of infringements of the Irish Doping Control Regulations, the procedures as contained in the Irish Doping Control Regulations will take precedence over any other disciplinary or appeal procedures in place at the time of such an infringement.

Disciplinary Panels will deal predominantly with complaints of a nature which involve alleged contravention of the Union's articles, regulations, policies, procedures, or infringements deemed to have brought the Union or the sport into disrepute.

When a Disciplinary Panel is established it can hear and determine upon any aspect of a complaint within its jurisdiction. Disciplinary Panels cannot make decisions on what disciplinary sanctions are to be imposed. Decisions relating to disciplinary sanctions can only be determined by the Board acting upon recommendations of a Disciplinary Panel.

Clubs and technical committees should have their own internal complaints procedures to deal in the first instance with complaints involving alleged breaches of a club's or technical committee's own rules or procedures, misconduct, or conduct which would not tend to bring the Union or sport as a whole into disrepute.

This internal complaints procedure should be set out in the regulations of each club or committee and should be reviewed and amended, if necessary, on a regular basis. The basic format of any internal complaints procedure should be a hearing by a panel comprising three individuals with a chairman and secretary.

No member of the Union's Board of Management can be a member of a Disciplinary or Appeal Panel set up by the Board. Panels will elect a chairman and secretary at their first meeting.

Disciplinary Panels should investigate and determine on the validity of any complaint on the balance of probability, and make recommendations to the Board on what disciplinary action should be taken. The Board should consider such recommendations persuasive in nature and follow the recommendations unless these are mitigating or other justifiable circumstances.

Appealing against a decision of a Club or Technical Committee

1. Notice to appeal the decision of a club or technical committee should be made in writing by an appellant to the Irish Canoe Union Office within 14 days of a club / technical committee's decision. An appeal will only be accepted if it is submitted within the 14 days immediately following a decision of a club / technical committee.
2. The notice of appeal should set out the appellant's name, the nature of the original complaint(s) and grounds for the appeal, together with any supporting statements or documentation in support of the appeal.
3. A copy of the notice of appeal will be given to both the club or technical committee and the original complainant(s) by the Irish Canoe Union Office within 7 days of receipt of the notice of appeal.
4. Within 7 days of receipt of the notice of appeal the club or technical committee will be required to submit its comments in writing to the Irish Canoe Union Office together with the entire file dealing with the particular complaint(s).
5. Depending on the nature of the complaint the Irish Canoe Union Office may refer the matter to a standing Appeal Panel previously established by the Board. In the absence of such an Appeal Panel being in place or if a standing Appeal Panel considers itself unsuitable to deal with a particular appeal the Irish Canoe Union Office will refer the matter to the next scheduled meeting of the Board or Executive for the purpose of establishing an Appeal Panel.
6. An Appeal Panel when established and having considered an appeal and all relevant documentation submitted to it will issue its recommendations to the Board which will be considered by the Board at its next scheduled meeting.
7. In considering an appeal and related documentation, an Appeal Panel will not necessarily be required to hold an oral hearing, unless it considers it necessary to do so in order to properly ascertain the facts of the matter or any mitigating circumstances or there is a demand from the appellant that an oral hearing take place. In the event that an Appeal Panel is required to hold an oral hearing, a date and venue for the hearing must be notified to the appellant, the club or technical committee, and the original complainant(s) at least 14 days in advance of the hearing. The appellant, the club or technical committee, and the original complainant(s) may have a representative at the hearing, who must be either a member of the Irish Canoe Union or a close family member (such as parent, sibling etc).
8. The Board will issue the decision on an appeal within 7 days of the Board meeting to which an Appeal Panel makes recommendations. The Board decision will be final and binding on all parties.

Complaints of a Serious Nature

1. A complaint which is serious in nature and which it would not be appropriate to deal with at club or technical committee level should be made directly to the Irish Canoe Union Office.
2. The complaint should be made in writing setting out the name of the plaintiff, the individual, club or committee against whom the complaint is made (the "respondent") and should give sufficient details of the complaint and specifying the article, regulation, policy, or procedure, which has been allegedly infringed. The name and address of any witness together with any witness statements should also be given.
3. Depending on the nature of the complaint the Irish Canoe Union Office may refer the matter to a standing Disciplinary Panel previously established by the Board. In the absence of such a Disciplinary Panel being in place or if a standing Disciplinary Panel considers itself unsuitable to deal with a particular matter the Irish Canoe Union Office will refer the matter to the next scheduled meeting of the Board or Executive for the purpose of establishing a Disciplinary Panel.
4. On receipt of the complaint by the Irish Canoe Union Office and its referral to a Disciplinary Panel, a preliminary assessment of the complaint will be made by a Disciplinary Panel, which can determine as follows:
 - (i) Decline to hear the complaint on the grounds that it is frivolous or vexatious or outside its jurisdiction to hear.
 - (ii) Refer the complaint to the relevant club or technical committee.
 - (iii) Agree to proceed with the hearing of the complaint.
5. The plaintiff must co-operate with the Disciplinary Panel and provide any further information/documentation requested.
6. The procedure to be followed for the hearing of complaints will be as follows:
 - (i) The respondent should be notified in writing by the Disciplinary Panel's secretary of the complaint and given full details, including a copy of the written complaint and any supporting documentation or witness statements. The respondent will be invited to reply in writing to the complaint and furnish to the Panel any supporting documentation or witness statements in the respondent's answer to the complaint.
 - (ii) If both the plaintiff and respondent consent in writing to the Panel considering the complaint solely on the basis of the documentation submitted, then the complaint can be dealt with in similar fashion to that set out above.

- (iii) In the event that either or both parties wish the matter to go oral hearing, then the secretary will within 7 days of either party having requested an oral hearing, give not less than 7 days notice of such hearing to the plaintiff and the respondent, specifying the time and venue.
- (iv) The notice of hearing which will be dispatched by registered post will:
 - (i) state the purpose of the hearing.
 - (ii) inform the respondent of the specific complaints made.
 - (iii) request the attendance of the plaintiff and respondent.
 - (iv) advise the plaintiff and respondent of their right to produce witnesses and to nominate representatives in similar fashion as set out in above to appear on their behalf.
- (v) If notification of a hearing has been duly served in accordance with the terms set out above the hearing may proceed in the absence of the respondent.
- (vi) It is for the plaintiff and respondent to secure the attendance of any witnesses they wish to appear on their behalf at the hearing.
- (vii) Minutes of the hearing must be taken by the secretary specifying the names of all those present and the capacity in which they attend and what evidence or submissions was taken by the Panel.
- (viii) Both the plaintiff and the respondent may be present for the full hearing. Witnesses who are called by either side may only be present to give their evidence and be questioned by the Panel. Both plaintiff and respondent will be entitled to make a closing submission to the Panel, or, in the case of the respondent, set out any mitigating circumstances.
- (ix) Within 14 days of the conclusion of the hearing, the Panel must forward full details of the complaint to the Board, comprising the original complaint and supporting documentation / statements, any written response by the respondent together with supporting documentation / statements, minutes of the hearing and the Panel's determination on the complaint and recommendation for further action (if any). The recommendation to be made to the Board will set out what action (if any) it recommends should be taken. The Board will take the final decisions as to whether or not to follow this recommendation.
- (x) Both the plaintiff and respondent will be informed of the decision of the Board within 7 days of the meeting of the Board which considered the recommendations of the Disciplinary Panel.
- (xi) Both the plaintiff and respondent will have the right to appeal the decision of the Board to an Appeal Panel.

7. Notice to appeal the decision of the Board should be made in writing by an appellant to the Irish Canoe Union Office within 14 days of the Board's decision.
8. The notice of appeal should set out the appellant's name, the nature of the original complaint(s) and grounds for the appeal, together with any supporting statements or documentation in support of the appeal.
9. A copy of the notice of appeal should be given to both the Board and the original complainant(s) by the Irish Canoe Union Office within 7 days of receipt of the notice of appeal.
10. The matter should then be referred to a standing Appeal Panel or to an Appeal Panel appointed by the Board comprising of at least three suitably qualified individuals none of whom have been members of the Disciplinary Panel in the case being heard by the Appeal Panel.
11. The Appeal Panel will have the power to vary any decision or sanction under appeal. The Appeal Panel will notify the Board and the individual, club or technical committee concerned in writing of its decision when it is reached. There will be no appeal of the decision of the Appeal Panel.
12. In considering an appeal and related documentation, an Appeal Panel will not be required to hold an oral hearing, unless it considers it necessary to do so in order to properly ascertain the facts of the matter or any mitigating circumstances. In the event that an Appeal Panel considers it necessary to hold an oral hearing, a date and venue for the hearing must be notified to all parties concerned at least 14 days in advance of the hearing. At a hearing of an Appeal Panel all parties will have the right to give and call evidence and to address the Appeal Panel.
13. The Appeal Panel will notify in writing all parties concerned of its decision as soon as practicable.

Child Protection Complaints Procedures

1. Any complaint of a child protection nature originating from within a club should in the first instance be made to a club's Child Liaison Officer. In the event that a club does not have a Club Child Liaison Officer then the complaint should be made to the Irish Canoe Union's National Child Protection Officer. Complaints, other than those of a sexual abuse nature, should be dealt under a club's disciplinary procedures. In the event that a club does not have disciplinary procedures or feels that the matter would be more suitable dealt with by the Irish Canoe Union the matter should be referred to the Irish Canoe Union and the complaint heard under the Irish Canoe Union Disciplinary Procedures.
2. Any complaint of a child abuse nature originating from outside a club but within an activity organised and run under the auspices of the Irish Canoe Union should be made directly to the National Child Protection Officer.
3. Any complaint of a serious child abuse nature should immediately made to a club's Child Liaison Officer or directly to the Irish Canoe Union's National Child Protection Officer who will advise what steps should be taken. Under all circumstances complaints of a serious child abuse nature will be dealt exclusively by the statutory authorities.
4. The Irish Canoe Union recognises that because of the nature of the child protection complaint, the complainant or victim may be reluctant or unwilling to set out the complaint in writing. The National Child Protection Officer, however, should endeavour to compile as much detail and information as possible in writing.
5. If the complaint involves allegations of sexual abuse or other serious physical abuse, when informed of such a complaint the Club Child Liaison Officer or the National Child Protection Officer should immediately inform the complainant that the Gardai and the local Health Board (the Authorities) must be notified of the complaint and should proceed to do so immediately.
6. A Disciplinary Panel will immediately notify the person complained against (the "respondent") that a complaint has been made and that a person complained against is subject to an automatic interim suspension from all activity with the complainant's club or the Irish Canoe Union. It should be stated that no finding of guilt or otherwise is being made, but simply that mandatory procedures are being followed. Notice will be given that a meeting will be held within 7 days at which the respondent may make representations concerning the suspension.
7. Relevant details of any complaint will be given to the respondent, bearing in mind at all times that the protection and confidentiality of the complainant child(ren) concerned is paramount.
8. At the suspension hearing the Panel will only consider the general nature of the complaint and what representations the respondent wishes to make. The Panel will determine whether or not the general suspension should continue or whether it should be restricted so that the respondent should only be suspended from any activity involving children.

9. Notification of the suspension will be given by the Panel to the complainant, and / or the secretary of the club in whom the respondent is a member, the National Child Protection Officer and the Irish Canoe Union Board.
10. No formal or final disciplinary action will be taken against the respondent until the conclusion of any investigation by the Authorities and findings/actions of the Authorities are made known to the Board, whereupon that part of the complaints procedure set out above which it is appropriate to follow in the circumstances will commence.