

**WELSHROWING**



**RHWYFOCYMRU**

# Disciplinary Procedures

<b>Name of Author</b>	<i>Chair</i>
<b>Approved by</b>	<i>Board of Directors</i>
<b>Approval date</b>	<i>February 2016</i>
<b>Review date</b>	<i>February 2020</i>

**Policy Applies to:** all persons involved with the business operations, national teams and decisions of the Company involving key volunteers

## **1. Disciplinary Policy**

Welsh Rowing is responsible for setting and maintaining the standards of behaviour within the sport and for ensuring that disciplinary procedures and Codes of Conduct are in place. All members are responsible for being aware of and abiding by the Welsh Rowing rules and regulations and for maintaining high standards. Any disciplinary issues that arise will be dealt with as promptly as possible and disciplinary action will only be considered when the facts of the case have been established. Disciplinary action will always be appropriate to all the circumstances of the case in question and processes and procedures will be applied in a consistent manner.

### **Responsibility of Welsh Rowing to Limit Disciplinary Problems**

Ambiguity or misunderstanding of rules and regulations can lead to them being broken so Welsh Rowing will try to be clear and transparent in all its activities and ensure good levels of communication. Rules, regulations and codes will be applied consistently and appropriately at all times. There will be clear expectations in terms of standards of behaviour that apply throughout the organisation.

Welsh Rowing will always respond to any disciplinary problems as soon as possible so that they do not persist or develop into potentially damaging issues. Welsh Rowing will deal with these problems consistently using clear written procedures that everyone understands.

## **OVERVIEW**

### **What constitutes a Disciplinary Matter?**

In very simple terms a disciplinary matter can arise if any rule, regulation or agreement that is in place is "broken" in some way that leads to a problem. The points below expand on this simple explanation highlighting the main areas that might give rise to a disciplinary complaint:

1. any breach, failure, refusal or neglect to comply with a provision of
  - a. the Company Memorandum and Articles of Association, Regulations, Byelaws or Standing Orders;
  - b. any policy, resolution or determination of the Welsh Rowing Board or subcommittee;
  - c. any regulations of an event except where such breach, failure, refusal or neglect is of the Welsh Rowing Anti-Doping Regulations or Safeguarding Policy in such circumstances the matter shall be dealt with as set out in those Regulations as amended from time to time;
2. any refusal or neglect to comply with the rules and regulations of the International Rowing Federation, European Rowing Association or Welsh Rowing; or specific Regional or League regulations; or
3. failure to abide by the terms of any agreement notified to members including the provision of any facilities entered into by Welsh Rowing on behalf of members;
4. breaching Welsh Rowing Equity Policy
5. breaching any terms of reference, codes of conduct, regulations or other general policies of the organisation;
6. conduct that is disgraceful or opposed to the general interests of Welsh Rowing or the sport of rowing (including, without limitation, conduct that brings the sport into disrepute, discriminatory conduct, harassment and inappropriate behaviour);
7. behaviour that is otherwise considered generally unacceptable and contrary to the conduct expected of a member or a registered participant or anyone acting in any other capacity on behalf of Welsh Rowing;
8. behaviour that is or is likely to be prejudicial to the smooth running of an event organised by or on behalf of Welsh Rowing or any event that Welsh Rowing is associated with;
9. any other matter raised by or about a member, registered participant or anyone acting in any other capacity on behalf of Welsh Rowing which raises concerns with the Board of Directors.

### **Criminal offences**

Any matter that is brought to the attention of a Disciplinary Officer where the Investigation Committee decides that the matter should be dealt with by the Police will be referred accordingly. Any action to be brought by way of the Welsh Rowing disciplinary procedures may be suspended until the outcome of the criminal investigation is determined.

### **Anti doping regulations**

Welsh Rowing has adopted unconditionally the 'UK Sport Doping Rules' and all matters regarding Doping shall be dealt under such 'UK Sport Doping Rules' which shall take precedence over the Disciplinary Procedures. Further information on all matters relating to the Anti doping Regulations may be found at [www.welshrowing.com](http://www.welshrowing.com) or by contacting Welsh Rowing Head Office.

### **Safeguarding Policy**

In all cases where there is concern about the safety or protection of children, the matter must immediately be referred to the Welsh Rowing Safeguarding Officer.

Welsh Rowing Safeguarding Policy, when appropriate, shall take precedence over the Disciplinary Procedures. Further information on all matters relating to the welfare of children and vulnerable adults may be found at [www.welshrowing.com/policies.php](http://www.welshrowing.com/policies.php)

### **Where should Discipline be addressed?**

Disciplinary issues and complaints should be dealt with at the most local and suitable place and should only be advanced upwards from Club to National if the individual circumstances warrant transfer.

Welsh Rowing and each Club shall have a named Disciplinary Officer to whom any disciplinary complaint should be referred within 10 working days of its incidence.

- In all cases establish facts before taking any action.
- Always deal with cases of minor misconduct or unsatisfactory behaviour informally.

### **Informal Guidelines**

Due to the informal nature of dealing with minor problems a set process cannot be followed but these guidelines may be of assistance:

- Invite the person(s) to attend a meeting and suggest they be accompanied.
- Where discipline is unsatisfactory explain to the person(s) the improvement required, and why it is necessary, the support that will be given to allow the improvement and when and how discipline will be monitored and/or reviewed again.
- Tell the person(s) why and how they need to change, the consequences of failing to improve including that formal procedures may be started if appropriate.
- Follow up the meeting with a written notification of all agreed actions and timeframes as soon as possible.

### **Formal Disciplinary Route**

All formal disciplinary procedures must be followed diligently.

### **Appeals**

Deal with these as promptly as possible using set procedures.

### **Records**

Keep written records for future reference of all instances whether formal or informal, records must be stored confidentially and securely for at least 5 years.

### **Monitoring and Assurance of the Disciplinary Procedures**

The appropriateness of and the compliance with these procedures will be monitored by the Board of Directors.

### **Policy and Procedure Changes**

The Welsh Rowing policy above may only be amended by the Board of Directors. The Disciplinary Procedures of Welsh Rowing are subject to change from time to time as recommended by the Board.

### **Employee Disciplinary Matters**

All employees are expected to meet the required standards for attendance, performance and conduct at all times as outlined in the Staff Handbook. All matters regarding breaches of employee discipline will be dealt with under the Staff Disciplinary Procedures which shall take precedence over these procedures. Any employee participating in rowing as a participant, coach, volunteer or official is also subject to these Disciplinary procedures.

### **General Complaints**

These procedures should not be used to deal with general complaints; the complaints guidelines document should be followed in all instances.

Acceptable levels of Service of Notices and / or Documents relating to any Welsh Rowing Disciplinary Procedure or Appeal shall be by:

- Hand
- Recorded Delivery
- Standard first class mail
- Electronic means (e-mail or facsimile) provided at all times receipt is acknowledged by the recipient or proved by the sender

## Definitions and Interpretation

In these Procedures, the following terms shall have the meanings as set out below:

<b>“Welsh Rowing”</b>	means the Welsh Amateur Rowing Association, Company Registration No 06500231;
<b>“Members”</b>	means all Rowing clubs, British Rowing and the Welsh Sea Rowing Association that have applied for and have been granted membership of Welsh Rowing through paid affiliation;
<b>“Appeals Committee”</b>	means the body of (three) members of a committee formed to hear any given disciplinary appeal, all of whom shall be fully aware of Welsh Rowing Rules and Regulations and these procedures;
<b>“Appellant”</b>	means the respondent who makes an appeal;
<b>“Appropriate Adult”</b>	means a child’s parent or guardian (or local authority if he is the subject of a care order), a social worker or failing either of these, another responsible adult aged 18 years or over;
<b>“Board”</b>	means the Board of Directors of the Welsh Amateur Rowing Association Limited;
<b>“Complainant”</b>	means the person who submits a written complaint concerning a disciplinary matter; this person may be required or directed to present their case at any discipline and/or appeal hearing;
<b>“Complaint”</b>	means a written complaint that relates to a disciplinary matter;
<b>“Disciplinary Panel”</b>	means the body of (three) members of a Disciplinary Panel formed to hear any given disciplinary matter, all of whom shall be fully aware of Welsh Rowing Rules and Regulations and these procedures;
<b>“Disciplinary Officer”</b>	means the Disciplinary Officer dealing with the complaint
<b>“Disciplinary register”</b>	means the list of appropriate personnel that may be called upon to undertake any part in the disciplinary or appeals process;
<b>“Welsh Rowing Safeguarding Officer”</b>	means the Welsh Rowing Safeguarding Officer as appointed from time to time;
<b>“Investigation Committee”</b>	means the Disciplinary Officer plus at least one other person from the disciplinary register of appropriate personnel;
<b>“National Disciplinary Officer”</b>	means the Disciplinary Officer of Welsh Rowing;
<b>“Procedures”</b>	means the Welsh Rowing Disciplinary Procedures as set out herein and any amendments from time to time;
<b>“Respondent”</b>	means the Member Club (or officer or registered member thereof), coach, umpire, official, registered individual or volunteer of Welsh Rowing against whom disciplinary action is being brought;
<b>“Recorder”</b>	means a person appointed to the disciplinary panel or appeals committee to record its proceedings – together with providing an accurate transcript if requested, these are the primary and only tasks;
<b>“Rules”</b>	means the Welsh Rowing Memorandum and Articles of Association, Safeguarding Policy, Equity Policy and all other rules, regulations, codes, policies and procedures adopted by the Board of Welsh Rowing from time to time;
<b>“Skeleton Arguments”</b>	means an outline of the reasons for or against the complaint.

Words importing the masculine gender only shall include the female gender and vice versa.

Words importing the singular number only shall include the plural number and vice versa.

References in these Procedures to the “sport” are references to the sport of rowing.

## **Formal Disciplinary Procedures of Welsh Rowing**

### **1. Emphasis of the Procedures**

The emphasis of these will be on the early resolution of problems with a minimum of cost and formality. These regulations set out a process by which Welsh Rowing can adjudicate disciplinary matters in a fair and timely manner, allowing all parties proper rights to be heard and put their case.

### **2. Jurisdiction of Powers**

- 2.1. Welsh Rowing shall have the power and jurisdiction to act in relation to all disciplinary matters, including holding inquiries and imposing penalties and sanctions or to take such action as it sees fit, concerning the following:
  - 2.1.1 breaches of the Rules and Regulations of Welsh Rowing; and
  - 2.1.2 conduct, whether in breach of the Rules and Regulations or not, which is believed seriously prejudicial to the interests of Welsh Rowing and/or which brings the sport into disrepute.
  - 2.1.3 This power and jurisdiction shall be in respect of and in relation to:
    - Welsh Rowing Directors and Officers
    - Associations affiliated to Welsh Rowing
    - Clubs affiliated to Welsh Rowing
      - individual club members and officers
    - Schools and Universities registered with Welsh Rowing
      - individual students, teachers and officers
    - Sub Committees and subcommittee members acting on behalf of Welsh Rowing
    - Coaches, Umpires and Administrators
    - Athletes affiliated directly to Welsh Rowing
    - Volunteers acting on behalf of Welsh Rowing
- 2.2 The conduct of any disciplinary hearings held under these Procedures shall be determined by the Chair of the Disciplinary Panel. It should be noted that a Disciplinary Panel is not governed by rules of court or legislative provision however Chairs must ensure at all times that common sense, fairness and natural justice prevails.
- 2.3 Unless delegated otherwise, the Disciplinary Officer shall be responsible for ensuring due notice is provided to all parties in all proceedings of all times, dates and venues.

### **3. Procedure for making a complaint relating to a disciplinary matter**

- 3.1. A complaint is a formal written statement of allegation made by an individual or organisation regarding the actions or behaviour of any person or body of persons in membership of Welsh Rowing or connected with Welsh Rowing in any capacity. The complaint must be sent to the Welsh Rowing Disciplinary Officer or the Regional Disciplinary Officer and must set out in as much detail as possible what rule or rules/regulations it is alleged have been breached or what other conduct has resulted in the complaint.
- 3.2. A complaint may be made by:
  - 3.2.1 any individual Welsh Rowing member registered through an Association, a Club, a School or a University who is aged 18 years or over on the date of the complaint;
  - 3.2.2 the parent or other person with parental responsibility for a registered member who is under the age of 18 years of age on the date of the complaint, on his behalf (any complaint made relating to a child or children must be referenced under the Welsh Rowing Safeguarding Procedures to ensure compliance);
  - 3.2.3 any Member Club through its Secretary or other Club Officer acting on its behalf;
  - 3.2.4 any Association through its Chair, or any other Officer acting on its behalf;
  - 3.2.5 any person from the general public who has had direct contact or any dealings with Welsh Rowing in any capacity.
- 3.3 Complaints must be acknowledged on receipt and dealt with as quickly as possible.
- 3.4 A complaint should normally reach the Disciplinary Officer within 10 working days after the alleged incident that gave rise to it. Complaints received relating to an incident outside of this time may not be considered unless the severity of the complaint is such that it is in the best interests of Welsh Rowing to take it forward.

#### **4. Procedure for dealing with a complaint**

- 4.1. The Disciplinary Officer plus at least one other person chosen from the "disciplinary register of appropriate personnel" shall form an Investigation Committee which shall make an initial decision on the progress of the complaint. They shall decide if the complaint be allowed to proceed formally using these regulations, be dealt with informally because it is not severe enough to warrant full disciplinary measures, or be rejected because it is either invalid within Welsh Rowing procedures or should be dealt with by another authority including but not limited to the NSPCC for Child Welfare or the Police for criminal matters or under a different set of Welsh Rowing regulations, such as Anti-doping.
- 4.2. If it is decided that the complaint should not be allowed to proceed to a full disciplinary hearing, the Disciplinary Officer shall notify the complainant of this decision and provide brief reason(s) for the decision. There is no right of appeal by the complainant to the decision made to reject the complaint; the decision made in relation to 4.2 is final.
- 4.3. Where the decision is that the complaint should proceed and there is a prima facie case to answer, these Disciplinary Procedures will be followed diligently.
- 4.4. If the Investigation Committee believes the complaint is of sufficient gravity or concern, a request for interim sanctions may be made.
- 4.5. If it is recommended that there is a prima facie case to answer, the Disciplinary Officer shall draw up a Disciplinary Notice Form which details the complaint and any relevant Rule(s) or Regulations that have allegedly been breached and confirm any interim sanctions that might apply.
- 4.6. The Disciplinary Notice shall be served on the Respondent by the Disciplinary Officer within 10 working days of the decision to follow through with formal Disciplinary Procedures.

#### **5. Interim sanctions**

- 5.1. The National Disciplinary Officer will refer any request from the Investigation Committee to apply interim sanctions to the Chief Executive Officer in the first instance and, if in agreement, the Chief Executive Officer shall raise the matter immediately with the Chair of the Board for their approval.
- 5.2. An interim sanction may consist of, without limitation, a suspension from membership (and associated rights) and/or a prohibition of any person or club taking part in any capacity in all Welsh Rowing activity including participating, umpiring, officiating, coaching, management, attending meetings, volunteering at clubs or competitions or from entering the venue where rowing events are being held under Welsh Rowing jurisdiction.
- 5.3. The only criteria to be used when deciding whether an interim sanction is appropriate are:-
  - 5.3.1. the matter is considered sufficiently serious and
  - 5.3.2. there is a need to protect the interests and the credibility of Welsh Rowing or
  - 5.3.3. to protect the rights of an individual, or individuals whether identifiable or not against potential harm.

#### **6. Formation of Disciplinary Panel**

- 6.1. The Disciplinary Officer shall ensure that a Disciplinary Panel is formed (see 7.1)
- 6.2. The Disciplinary Officer shall then serve a Notice of Hearing on the Respondent and Complainant within 10 working days of receipt by the Respondent of the Disciplinary Notice.

#### **7. Constitution of the Disciplinary Panel**

- 7.1. The Disciplinary Panel shall be made up of three (3) members. The Disciplinary Officer shall appoint the Disciplinary Panel Chair and members from the list of appropriately qualified personnel and appoint a Recorder to record panel proceedings.
- 7.2. The names of the Disciplinary Panel members will be notified to the Respondent at the time of service of the Notice of Hearing.
- 7.3. Members of the Disciplinary Panel shall so far as possible have no connection with the Respondent or the Complainant, they shall not be involved in the complaint and shall be unbiased.

#### **8. Notice of Hearing**

- 8.1. Once the Disciplinary Panel has been constituted, the Chair of the Panel shall notify the Disciplinary Officer of a suitable date, time and place for the hearing. The Disciplinary Officer shall, in turn, immediately notify the Complainant and the Respondent of these details.



Whilst the needs of the Respondent will be considered, the primary consideration when deciding a venue for a hearing will be based on operational need.

- 8.2. The Respondent should be given at least 20 working days notice of the date and time of the hearing.
- 8.3. The Notice of Hearing shall name the three individuals, specifically identifying the Chair, who will constitute the Disciplinary Panel. The Respondent has 5 working days from the receipt of the Notice of Hearing in which to lodge with the Disciplinary Officer in writing, any objection to any member of the Disciplinary Panel stating the grounds for the objection.
- 8.4. The Disciplinary Officer shall immediately forward any objection received in relation to the Disciplinary Panel members to the Chair of the Panel who shall consider them, unless 8.5 applies.
  - 8.4.1. If in the opinion of the Chair of the Panel, the grounds for objection to any member of the panel are frivolous, unfounded or ill-informed, the Chair shall reject such grounds.
  - 8.4.2. If the Chair of the Panel is in agreement with the objection he shall be automatically authorised to make an alternative appointment forthwith and the date of the hearing shall be postponed to a date no less than 10 working days after the date of any such alternative appointment.
  - 8.4.3. His decision shall be final albeit he shall identify his grounds for rejection when requested.
  - 8.4.4. Wherever possible this process shall not prolong the time scales outlined within these procedures.

*It should be clearly understood that all appointed members of the Disciplinary Panel are deemed to be unbiased, fair and fully conversant with the principles of natural justice unless it is proved to the contrary.*

- 8.5. After informing the Chair of the Panel of the receipt of an objection relating to his Chairmanship of the Panel, the Disciplinary Officer, shall forward the objection to a Board member (or equivalent at Regional level) having no interest in the proceedings, personal or otherwise, whose decision on the matter shall be final.
- 8.6. The Notice of Hearing shall be accompanied by copies of all relevant documents which have been submitted to and/or which the Disciplinary Officer or Complainant has within his possession or control relating to the Disciplinary matter.
- 8.7. It is the responsibility of the Disciplinary Officer to ensure that everyone who is providing evidence should complete a 'Statement of Evidence form' in order that such evidence can be sent to the Respondent prior to the Hearing.
- 8.8. Within the Notice of Hearing the Respondent must be asked whether the allegations are admitted. If the allegations are being disputed, he is informed in the Notice of the need to identify any witnesses, provide brief details regarding their evidence and arrange for their attendance at the Hearing. The Disciplinary Officer once notified of the names and addresses of any witnesses will send them a 'statement of evidence form' for completion and return.

## **9. Pre-hearing timetable and procedure**

- 9.1. It shall be the duty of the Complainant and Respondent to notify and arrange for the attendance of any witness they may wish to call.
- 9.2. The Chair of the Disciplinary Panel may issue directions as he thinks fit relating to the procedural aspects in the period leading up to the hearing in order that the hearing of the case itself may be properly and fairly conducted. Directions may include, but shall not be limited to the procedure and timetable for:
  - 9.2.1. The production, inspection and/or exchange of documents or property;
  - 9.2.2. The submission of the names and details of the witnesses the parties concerned wish to call; and
  - 9.2.3. The exchange of witness statements and skeleton arguments.
- 9.3. The Disciplinary Officer shall notify all the parties of any directions made by the Chair of the Panel.
- 9.4. The parties concerned may rely on written representations made prior to the hearing and / or appear in person. Parties must confirm whether they intend to attend the hearing.
- 9.5. Unless there is an order for directions by the appointed Chair specifying differently, at least 10 working days in advance of the Hearing date, each party to the proceedings must provide the Disciplinary Officer details of any witnesses he wishes to call together with copies of



their written statements and copies of any other documentary evidence he proposes to rely upon at the Hearing. In the case of the Respondent, details of evidence need only be brief. No further written evidence shall be accepted within 5 working days of the Hearing without the prior written agreement of the Chair of the Disciplinary Panel.

- 9.6. All documents provided to the parties and to the members of the Disciplinary Panel shall be used only for the purposes of the Disciplinary Hearing and the determination of the Disciplinary Panel and any appeal against the findings of the Disciplinary Panel.
- 9.7. All documents must be kept strictly confidential and it shall amount to a disciplinary matter for one party to make use of the material supplied under these procedures for a purpose unconnected with the proceedings.
- 9.8. Whenever possible, at least 10 working days in advance of the Hearing date, the Respondent shall provide to the Disciplinary Officer, the name and status of any representative, legal, technical or otherwise, who will be presenting his case or advising him.
- 9.9. It should be clearly understood that travel or other expenses will not be paid by Welsh Rowing to Respondents, Complainants, their legal/technical representatives or witnesses in these matters.
- 9.10. The Disciplinary Officer shall notify each of the parties to the proceedings of the names of the other party's witnesses and the name and status of any representative who will be presenting a Respondents case or acting as an advisor.
- 9.11. The Disciplinary Officer shall in advance of the hearing send to the Chair of the Disciplinary Panel the record of any previous offences of the Respondent. This shall be supplied in a sealed envelope which shall be opened only in the event that the Disciplinary Panel find that the charge is proven and they are considering the appropriate sanction.
- 9.12. The Respondent may request in writing an adjournment of the Hearing within 5 working days of being notified of the Hearing date, a detailed statement of the reasons for the request must be supplied. The request should be sent to the Disciplinary Officer addressed to the Chair of the Disciplinary Panel, he will consider the request and will make a decision that he, in his absolute discretion, shall consider fair and reasonable (although if any adjournment is ordered, this should, where possible, be for a period not exceeding 10 working days).
- 9.13. In making any order to adjourn, the Chair of the Disciplinary Panel shall bear in mind not only the interests of the party seeking the adjournment but the interests of any other party including the complainant, witnesses and the Region or Welsh Rowing.
- 9.14. The Chair of the Panel will determine the date, time and place of any adjourned hearing.

## **10. Improper conduct concerning the Disciplinary Procedures**

- 10.1. Any improper contact, approach or attempt to influence or intimidate a Disciplinary Panel member, Complainant, Respondent, any witness or representative either in person, in writing or through an intermediary must be immediately reported to the Disciplinary Officer who will report it to the Chair of the Disciplinary Panel who may take such action as he deems appropriate. Such improper conduct may in itself form the subject of disciplinary action.

## **11. Procedure at a Disciplinary Panel Hearing**

- 11.1. The Hearing shall take place in private.
- 11.2. The procedure for the hearing shall be flexible and shall be at the discretion of the Chair of the Disciplinary Panel who may make such decisions as he feels necessary to ensure the orderly and effective conduct of the hearing. There will be a reading of the full Disciplinary Notice and the Respondent will be asked whether the charges are admitted or denied. The Chair of the Disciplinary Panel will then outline the basic procedure of the hearing going forward.
- 11.3. The Disciplinary Panel will take into account the principles of natural justice which must be applied in any hearing and the principles of proportionality which shall apply to the imposition of any sanction.
- 11.4. If he feels that it is necessary, bearing in mind all the circumstances surrounding the case, the Chair of the Disciplinary Panel may, at his discretion, request an independent person to act as adviser to the Disciplinary Panel.

## **12. Evidence**

- 12.1. The Disciplinary Panel shall not be bound by the rules of court (or any legislative provision) governing procedure or the admissibility of evidence. All hearings shall be conducted in a fair and orderly manner with each party having a reasonable opportunity to give and call evidence, address the Disciplinary Panel and present his case.
- 12.2. The Disciplinary Panel Chair has the discretion to adjourn the hearing for a maximum of 15 working days if at any time he feels that the interests of justice require it (e.g. to secure the attendance of a key witness or some other evidence that is important).
- 12.3. Any person who wilfully misleads a Disciplinary Panel will be liable to disciplinary action.

## **13. Sanctions**

- 13.1. Sanctions may include, but shall not be limited to:
  - 13.1.1. a written warning; and/or
  - 13.1.2. an order specifying certain training to be undertaken; and/or
  - 13.1.3. an order requiring an individual to be monitored in specific matters; and/or
  - 13.1.4. a requirement to change the rules or regulations of an affiliated club or other relevant body; and/or
  - 13.1.5. a suspension from any or all other activities under the jurisdiction of Welsh Rowing which may include suspension from a specified number of events or for a period of time. Where a period of suspension is imposed on an individual respondent, the Disciplinary Panel shall decide the date of commencement of the suspension and shall have power to provide for one or more breaks in the period of suspension; and/or
  - 13.1.6. a fine; and/or
  - 13.1.7. recommendation to the Board of Directors for expulsion from Welsh Rowing;
  - 13.1.8. any other appropriate sanction which may be levied from time to time.
- 13.2. In assessing any penalty, the Disciplinary Panel must take into account, and give credit for, the fact that the Respondent pleaded guilty or otherwise admitted any material fact(s) and any factors which the Respondent has put forward in mitigation.
- 13.3. Where a suspension from Welsh Rowing or from activities under the jurisdiction of Welsh Rowing is imposed, the wording and the exact dates of the suspension must be clear and specific.
- 13.4. Any period of suspension imposed may be back-dated to take into account any interim sanction which may have been imposed.
- 13.5. All necessary steps shall be undertaken to ensure that the sanction is complied with in every way.
- 13.6. Any sanction, including partial or full suspension by a Disciplinary Panel shall be binding on:
  - Welsh Rowing Directors and Officers
  - Associations affiliated to Welsh Rowing
  - Member Clubs affiliated to Welsh Rowing
  - individual club members and officers
  - Schools and Universities registered with Welsh Rowing
  - individual students, teachers and officers
  - Sub Committees and subcommittee members acting on behalf of Welsh Rowing
  - Coaches, Umpires, Officials and Administrators
  - Athletes affiliated directly to Welsh Rowing
  - Volunteers acting on behalf of Welsh Rowing

## **14. Fees and Costs**

- 14.1. The Chair of the Disciplinary Panel may, at their discretion, make an order for the costs of the hearing to be paid, in such proportion as he may decide, by any of the parties to the hearing. These costs may include expenses reasonably incurred in the preparation or holding of the hearing and in attending any hearing and otherwise in presenting or defending the case. In calculating the amount of such a sum, no legal representation or professional charges may be included in the costs.
- 14.2. Such orders for payments of costs shall not form any part of or influence any fines.
- 14.3. Failure to pay any costs and /or fines within 20 working days without reasonable cause may result in further disciplinary sanctions being imposed on any party.
- 14.4. Unless awarded by the Disciplinary Panel, no expenses shall be payable concerning the attendance of the Respondent and/or witnesses. If Welsh Rowing or the Chair of the

Disciplinary Panel 'directs' any person excluding the Respondent to attend a Hearing, Welsh Rowing may consider the payment of incurred expenses.

**15 Procedure following a Disciplinary Hearing**

- 15.1 The Chair of the Disciplinary Panel shall report its findings to the Disciplinary Officer on a Disciplinary Hearing Record Form, as soon as reasonably practicable, but within 5 working days in all cases.
- 15.2 The Chair of the Panel in consultation with the Disciplinary Officer shall write to all parties involved setting out the decision and brief reasons thereof and any sanctions imposed.
- 15.3 Welsh Rowing will be entitled to publish the decision of the Disciplinary Panel in such a manner as it considers appropriate 11 working days following the notification of the decision, unless an Appeal is lodged, when the decision shall not be published until the appeal has been decided.
- 15.4 The Disciplinary Officer shall maintain a record of all offences and sanctions; all correspondence, documents, witness statements and minutes of the hearing shall be kept in secure conditions in the event they are required at a later appeal or otherwise.

## **Disciplinary Procedures Appeal Section**

### **16 Right of Appeal and procedure dealing with an Appeal**

- 16.1 The decision of a Disciplinary Panel may be appealed by the Respondent only.
- 16.2 Any appeal should be sent in writing, to the Disciplinary Officer who dealt with the disciplinary matter within 5 working days of the Disciplinary Panel decision and must set out the grounds of the appeal in detail explaining why the Respondent disagrees with the decision. The grounds so stated shall not thereafter be amended except with the leave of the Appeal Panel Chair appointed to hear such appeal.
- 16.3 Any appeal must be accompanied by the appropriate fee which will be either retained by Welsh Rowing or returned if the appeal is upheld or not taken forward.
- 16.4 The monetary level of the appropriate fee shall be set by the Board in the first instance and reviewed annually; the appropriate fee may be varied only with Board approval.
- 16.5 An appeal may be referred by the Board at its discretion to an independent body such as the Sports Dispute Resolution Panel in exceptional circumstances.

### **17 Constitution of the Appeal Committee**

- 17.1 The Disciplinary Officer will set up an Appeal Committee made up of three (3) members appointing the Appeals Chair and members from the list of appropriately qualified personnel, complying with 16.5 above as appropriate, and appoint a Recorder to record committee proceedings.
- 17.2 No person who has taken part in any way with the disciplinary decision being appealed may be appointed to the committee.
- 17.3 The Appeal Committee will hear the appeal no later than 20 working days after the receipt of the appeal by the Disciplinary Officer.

### **18 Notice of Appeal Hearing**

- 18.1 Notice of the Appeal Hearing date, time and place and the names of the members of the Appeal Committee shall be sent to the appellant no later than 10 working days prior to the date of the hearing.
- 18.2 The appellant(s) shall be entitled, within 48 hours of being so notified, to lodge an objection with the Disciplinary Officer against any member of the Appeals Committee who can be shown to have a direct personal involvement or interest in the matter. The appellant(s) shall provide appropriate evidence in support of any such claim. The Disciplinary Officer will review the appointment and if in agreement with the objection (consulting if appropriate with a member of the Board) shall be automatically authorised to make an alternative appointment forthwith. The date of the hearing shall be postponed to a date no less than 10 working days after the date of any such alternative appointment.

*It should be clearly understood that all appointed members of the Appeals Committee are deemed to be unbiased, fair and fully conversant with the principles of natural justice unless it is proved to the contrary.*

### **19 Appeal Pre-hearing timetable and procedure**

- 19.1 Not less than 10 working days prior to the date of the Appeal Hearing the Chair of the original Disciplinary Panel responsible for the decision which is the subject of the appeal shall provide to the National Disciplinary Officer a written statement for the Appeals Committee, detailing (as appropriate):-
  - The circumstances of the alleged breach or misconduct
  - The decision taken
  - Any appropriate justification or explanation
  - The information that was considered in reaching the original decision (e.g. regulations, reports, correspondence)
- 19.2 The Disciplinary Officer shall ensure that all relevant information is provided to the appellant(s), and to all members of the Appeals Committee, in good time prior to the Appeals Committee meeting (ideally at least 5 working days prior to the meeting, but if this is not possible by virtue of the short notification then as soon as practical, but at least 2 working days prior to the start of the meeting).
- 19.3 An adjournment request cannot be made by the appellant, unless there are exceptional circumstances.

## **20 Procedure at Appeal Hearing**

- 20.1 The appellant(s) may present to the Appeals Committee whatever written submission they consider appropriate. The appellant(s) shall ensure that the members of the Appeals Committee receive this information at least 5 working days prior to the meeting, to give them an opportunity to study the submission.
- 20.2 The appellant(s) shall not, under any circumstances, verbally address any member of the Appeals Committee, or enter into any discussion, either in person or through an intermediary, with any member of the Appeals Committee prior to the appeal being heard or during the course of the hearing other than by way of direct representation during the hearing. Any member of the Appeals Committee who is approached improperly is bound to notify the Chair of the Appeals Committee immediately and may be required to stand down as a member of the Appeals Committee at the discretion of the Chair of the Appeals Committee. Any wilful breach of this clause by the appellant(s) shall be considered as misconduct and may subsequently lead to disciplinary action, but such action should not be considered until the outcome of the appeal is heard.
- 20.3 When the appellant is an individual he may be accompanied by one person of the appellant's choice. Where the appellant is a Association, School, University or Club, it may be represented by two of its members.
- 20.4 The Chair of the Appeals Committee should ensure that the appeal is heard in a manner that allows all parties to state their case fairly and the Appeals Committee may, if they so choose, invite a technical adviser (for example, a respected senior official, lawyer or accountant) to be present, if they consider that this would be of assistance to the hearing of the appeal.
- 20.5 It is not appropriate for the appellant(s) and the other parties to be present simultaneously. No form of cross-examination should be permitted.
- 20.6 If any of the parties do not attend the Appeal Committee hearing, the matter may be dealt with by the Appeal Committee in the absence of that party taking into account any written representations that may have been received from that party.

## **21 Appeal Decisions**

- 21.1 Once the appeal has been heard, the Appeals Committee will withdraw to consider its decision and will, upon the making of the decision, recall the appellant(s) into the meeting and advise the appellant(s) of that decision. No further discussion is permitted at that time, and the appellant(s) will then leave the meeting.
- 21.2 In exceptional circumstances the Appeals Committee may decide that they are unable to reach a decision at the time and decide to reconvene to consider further on a subsequent occasion. However, the decision should be reached within 7 working days and reported to the appellant within 5 working days of the decision being made.
- 21.3 The decision of the Appeals Committee is final and there is no further right of appeal.
- 21.4 The Appeal Committee may decide that the allegations against the appellant are upheld.
- 21.5 The Appeal Committee shall have the power to reduce, increase, quash or confirm the sanctions imposed by the Disciplinary Panel and/or may substitute for it any other sanction(s) which would have been available to the Disciplinary Panel; and/or make such other order or determination as it may think right or just.
- 21.6 The Appeal Committee may direct any party to the Appeal to bear the administrative costs of holding the Appeal where it considers it fair and just to do so.

## **22 Procedure following an Appeal Hearing**

- 22.1 The Appeals Committee, supported by the Disciplinary Officer, should, following their notification of the decision to the appellant, then advise other interested parties who have been present at the appeal of the decision. No further discussion is permitted related to the matter at that time.
- 22.2 The Appeals Committee will confirm to the appellant(s) and the other interested parties, including the Disciplinary Panel Chair, if appropriate, the decision of the Appeals Committee in writing as quickly as possible, by hand, facsimile, e-mail or post.
- 22.3 Welsh Rowing will be entitled to publish the decision of the Appeals Committee in such a manner as it considers appropriate 2 working days following the notification of the decision to the Appellant.

22.4 The Disciplinary Officer shall maintain a record of all decisions of the Appeals Committee; all correspondence, documents, witness statements and minutes of the hearing shall be kept in secure conditions for a period of at least 5 years.

### **23 Shortening of the Appeal Process**

23.1 Where it is necessary to expedite the consideration of the appeal, the Chair of the Appeals Committee may vary certain of the above conditions but if this action is intended, then the appellant(s) should be advised and given an opportunity to lodge an objection to this proposal to modify the procedure.

23.2 Normally, the modification should not be carried through against the wishes of the appellant(s), except where the objection by the appellant(s) is without just cause.

### **Further Information**

For further information about any aspect of Welsh Rowing Disciplinary Procedures, please contact:

Welsh Rowing

Sport Wales National Centre

Sophia Gardens

Cardiff

CF11 9SW



[www.welshrowing.com](http://www.welshrowing.com)



Follow @welshrowing



[facebook.com/welshrowing](https://facebook.com/welshrowing)

## **Appendix 1**

### **Cases involving children and young people**

All children and young people within Welsh Rowing have equal rights to justice, fair play and protection. Such persons shall be entitled to the full protection of all our policies and procedures and their complaints shall be dealt with as thoroughly and rigorously as any other member.

It is vital that it is recognised that some children and young people may be more vulnerable than others and that some may encounter extra barriers due to their race, gender, age, religion, disability, sexual orientation, social background and culture, chairs of hearings must at all times be mindful of the pressures of such vulnerability where appropriate.

All matters concerning Child Protection including 'poor practice' shall be referred to the Welsh Rowing Safeguarding Officer and must not be dealt with using these regulations.

Interviews of children and young people shall only be conducted by suitably trained and experienced nominated persons. Whenever possible, the acceptance by the respondent / appellant of a child's evidence by a third party or in statement form should be sought by the Chair.

Where a child or young person is a respondent or appellant extreme care and consideration should be taken throughout the process.

Chairs of hearings involving children or young people must at all times be patient, understanding and ensure that the child or young person fully understands the process taking place at each stage.

In appropriate cases where children under 18 years are witnesses, care should be taken regarding the provision of evidence. Under no circumstances should the Chair allow undue pressure or any form of hostility to take place at the hearing or in the presence of a child witness.

In all cases, permission must be obtained from the parent or guardian before a child is asked to provide evidence and / or attend a hearing.

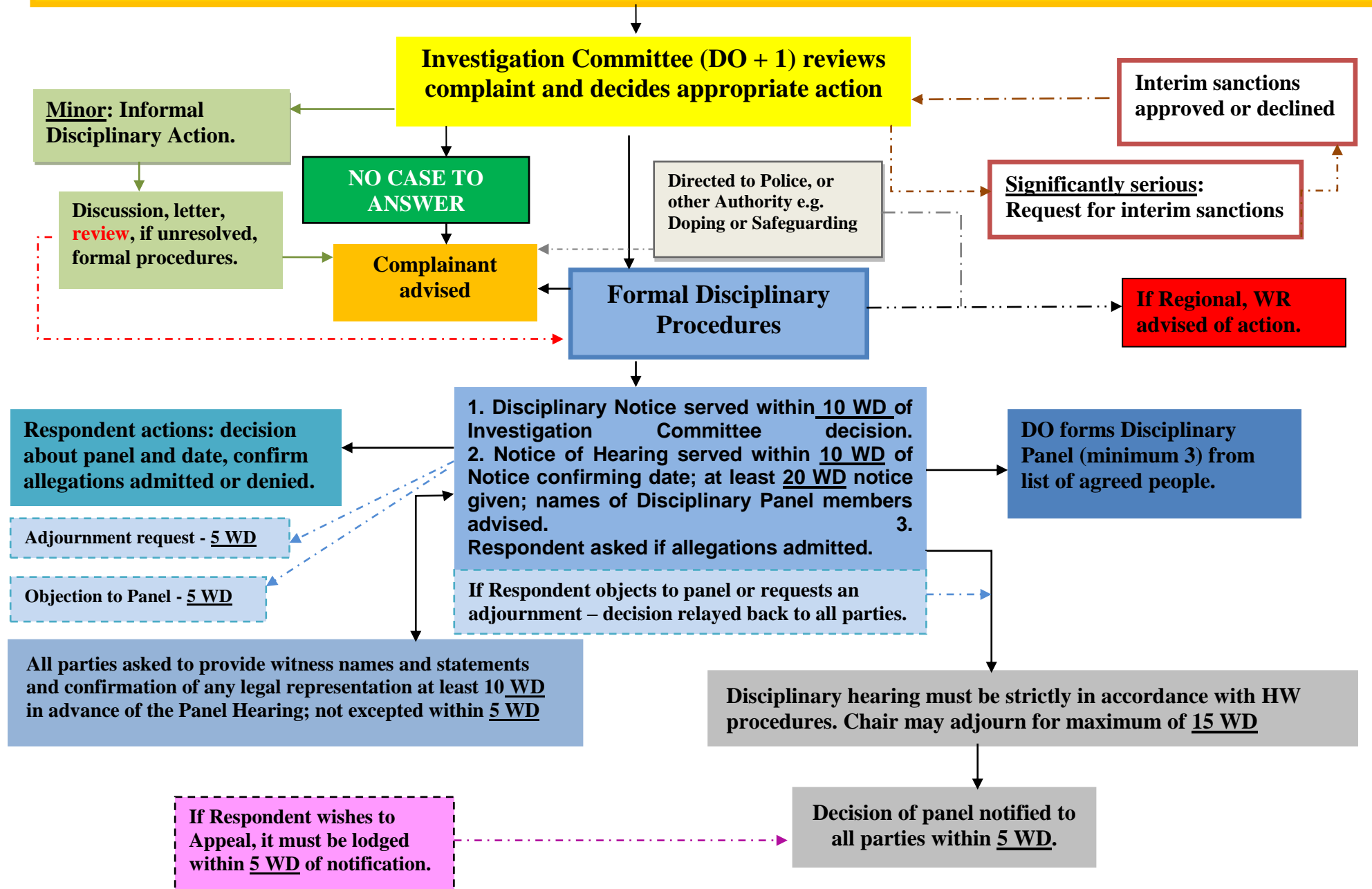
Parents, guardians or chaperones are encouraged to attend with any child authorised to attend a hearing.

Always be mindful that miss handling of a child's experience of giving evidence can in itself be distressful and in some cases abusive.



## Appendix 2 - Welsh Rowing (WR) Disciplinary Process

Complaint must be submitted in writing to the Regional or National Disciplinary Officer (DO) within 10 WD of the incident. Receipt acknowledged. The decision relating to the progression or otherwise of the complaint is made by the Investigation Committee; there is no right of appeal for the complainant.



KEY: WD = working days - - - -line = actions may occur