



## Complaints and Disciplinary Policy

### 1) Introduction

**Archery Ireland** is the National Governing Body for the sport of Archery in Ireland.

We believe in fair play, not just in our sport and training, but in how we conduct ourselves in all of our interactions internally (with each other) and externally (with anyone who is not a **member of Archery Ireland**).

**Archery Ireland** is fully committed to safeguarding the wellbeing of its **members**. Every individual in **Archery Ireland** should at all times show respect and understanding for **members'** rights, safety and welfare and conduct themselves in a way that reflects the principles of **Archery Ireland** and the guidelines contained in the Code of Ethics and Good Practice for Children's Sport.

To protect and continuously develop this ethos, we require all **members** to be familiar with and to adhere to these Codes of Practice and to the Code of Ethics and Good Practice for Children's Sport.

**Archery Ireland** recognises the importance of encouraging and promoting effective working relationships between all stakeholders. **Archery Ireland** also recognises that, from time to time, the relationships between some of its stakeholders may become strained and lead to a situation where some intervention is required to resolve any conflicts, disputes or differences and restore confidence. **Archery Ireland** recognises the importance of resolving any such conflicts, disputes or differences, which may arise from time to time, as soon as possible and at their source. **Archery Ireland** will therefore endeavour to support the resolution of such conflicts, disputes or differences by using whatever resources are available to it, including where appropriate persons from outside **Archery Ireland**, who can help and support. This document outlines the terms of reference for a **Complaints and Disciplinary Officer** and the **Archery Ireland** Complaints and Disciplinary process. It is read in conjunction with Article 12 C of the **Constitution of Archery Ireland** and any associated **Policies and Procedures**.

This Complaint and Disciplinary Policy was approved by the **NEC of Archery Ireland** on the 05 September 2023 to come into effect at the 2023 AGM subject to the passing of the revised Constitution at that AGM.

2) Definitions and Interpretations

Archery Ireland	means Irish Amateur Archery Association Company Limited by Guarantee t/a Archery Ireland
Association	means Irish Amateur Archery Association Company Limited by Guarantee t/a Archery Ireland
Board / Board of Directors	The National Executive Committee (NEC) shall be the Board of Directors of the Association.
Code of Ethics	means the joint Code of Ethics and Good Practice for Children's Sport published by the Irish Sports Council and the Sports Council for Northern Ireland in [2000] and as amended from time to time
Complaint	Means any <b>written</b> complaint made against any <b>Member</b> or the <b>NEC</b> or <b>Archery Ireland</b>
Complainant	Means the person making the <b>complaint</b>
Complaints and Disciplinary Officer / CDO	Means the person aged 18 years or older who may or may not be an <b>Individual Member</b> of <b>Archery Ireland</b> , but who has been appointed by the <b>National Executive Committee</b> to act on its behalf as outlined in this document.
Disciplinary Action	Means an action taken by the <b>CDO</b> where they are of the reasonable view that the subject of a <b>complaint</b> , or any other information that comes to the attention of the <b>CDO</b> , warrants Disciplinary Action against a <b>Member</b> . <b>Disciplinary Action</b> can result in a <b>Sanction</b> against a <b>Member</b> .
Event or Activity	Means any competition, training or practice session, training camp, course, webinar, meeting, come & try event, or any social or other activity organised by or on behalf of <b>Archery Ireland</b> or any <b>Member Club</b>
Hearings Committee	Means the committee appointed to administer or hear <b>Complaints</b> or <b>Disciplinary Actions</b> . The <b>Hearings Committee</b> may be described otherwise in the Complaints and Disciplinary Policy of individual <b>Member Clubs</b> . A <b>Hearings Committee</b> should endeavour to be diverse in relation to its composition.
Individual Member	means any Person who is a fully paid member of the <b>Association</b> and a member of a <b>Member Club</b> , or who is an appointed member of the <b>NEC</b>
Member	Means an <b>Individual Member</b> or a <b>Member club</b>
Member Club	means any Club which is a member of the <b>Association</b> as defined in the Affiliation, Membership and Fees Policy
National Committee	Means the National Committee of the <b>Association</b>

National Executive Committee / NEC	Means the National Executive Committee of the <b>Association</b> and also the <b>Board / Board of Directors</b>
Parent / Guardian	Means a person legally responsible for a child
Policies & Procedures	mean the written rules, laws, bye-laws, policies and procedures of the <b>Association</b> , however described.
Respondent	Means the person(s) who are responding to or are the subject of a <b>Complaint</b> or <b>Disciplinary Action</b>
Sanction	Means the outcome of a <b>Disciplinary Action</b> against a <b>Member</b> .
Sexual Harassment	means any form of unwanted verbal, non-verbal or physical conduct of a sexual nature. It is defined as conduct which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person
Sexual Violence	There are numerous acts of sexual violence which are defined as offences under Irish Law. Details in the Republic of Ireland can be found at - <a href="http://www.gov.ie">gov.ie</a> - <a href="http://www.gov.ie">Sexual Violence (www.gov.ie)</a> . A reference point in Northern Ireland is - <a href="#">Sexual Violence and Abuse   PSNI</a>
Unacceptable Behaviour	<p>Means behaviour that has the potential to cause harm, injury or negatively impact on the health and safety of complaint handlers. Unacceptable behaviour may be isolated to a single incident, or form a pattern of behaviour over time. Even if a <b>complaint</b> has merit, a <b>complainant's</b> behaviour can still be unacceptable.</p> <p>Examples of Unacceptable Behaviour include, but are not limited to: -</p> <ul style="list-style-type: none"> <li>● Verbal abuse, derogatory, discriminatory or defamatory remarks (verbal or in writing)</li> <li>● Escalating agitation, intimidating body language or invasion of personal space</li> <li>● Harassment, intimidation or threats</li> <li>● Threats or harm to people or property</li> <li>● Stalking (in person or online)</li> <li>● Psychological manipulation</li> <li>● Oppressive or coercive behaviour</li> <li>● Unreasonable persistence</li> <li>● Unreasonable demands</li> <li>● Obstructive behaviour</li> </ul>
Unreasonable Behaviour	Means any behaviour that impacts on the ability of <b>Archery Ireland</b> or any <b>Member Club</b> staff (members of the <b>NEC</b> , Club Committee Members, National Committee, Employees, Judges, Directors of Shooting, Coaches or other volunteers) to effectively fulfil their roles, and goes beyond someone being assertive or expressing their dissatisfaction. It may be isolated to a single incident, or form a

	<p>pattern of behaviour over time. Even if a <b>complaint</b> has merit, a <b>complainant's</b> behaviour can still be unreasonable.</p> <p>Examples of Unreasonable Behaviour include, but are not limited to: -</p> <ul style="list-style-type: none"> <li>● Verbal abuse, derogatory, discriminatory or defamatory remarks (verbal or in writing)</li> <li>● Escalating agitation, intimidating body language or invasion of personal space</li> <li>● Harassment, intimidation or threats</li> <li>● Threats or harm to people or property</li> <li>● Stalking (in person or online)</li> <li>● Psychological manipulation</li> <li>● Oppressive or coercive behaviour</li> <li>● Unreasonable persistence</li> <li>● Unreasonable demands</li> <li>● Obstructive behaviour</li> </ul>
Written / In writing	<p>Unless stated otherwise in these Procedures means physical correspondence sent to the Registered Address of the <b>Association</b>, or by email only to <a href="mailto:Secretary@archery.ie">Secretary@archery.ie</a> or <a href="mailto:President@Archery.ie">President@Archery.ie</a></p>

3) Terms of Reference of the Complaints and Disciplinary Officer

The **Complaints and Disciplinary Officer (CDO)** will be the person appointed to receive **Complaints**, conduct investigations, administer **Complaints** and **Disciplinary Action** and to act as prosecutor in respect of a **Disciplinary Action**.

Functions of the **Complaints and Disciplinary Officer**

- 1) To be the recipient of any written **Complaint** or notice party to any activity that could warrant a **Disciplinary Action**.
- 2) To investigate a **Complaint** or **Disciplinary Action**. Where any **Complaint** or **Disciplinary Action** refers to suspected child abuse the **CDO** shall immediately notify the **Archery Ireland** Athlete Protection Officer.
- 3) To investigate an incident which comes to the attention of the **CDO**, but which is not contained in a **Complaint** or **Disciplinary Action**.
- 4) To determine whether a prima facie case has been made against a **Respondent** on receipt of a **Complaint**, or any incident which comes to the attention of the **CDO** that could warrant a **Disciplinary Action**.
- 5) To dismiss a **Complaint** where after an investigation, in the opinion of the **CDO**, a prima facie case to answer has not been established.
- 6) To dismiss a **Complaint** where an invalid **Complaint** has been made.
- 7) To determine if the **Complaint** has been made in the correct jurisdiction and within the correct timeframes.
- 8) To arrange the referral of the parties of a **Complaint** to Mediation, where appropriate (a **Complaint** may be referred to Mediation but not a **Disciplinary Action**).
- 9) To refer the **Complaint/Disciplinary Action** to a **Hearings Committee** where in the opinion of the **CDO** a prima facie case to answer has been established.
- 10) To prepare documents for the **Hearings Committee**.
- 11) To present the case in respect of a **Disciplinary Action** before the **Hearings Committee**, including the calling of witnesses.
- 12) To maintain a record of decisions of the **Hearings Committee**.
- 13) To ensure that sanctions are upheld and observed by **Respondents**.

#### 4) Conflicts of Interest

Where the **CDO** has any actual, perceived or potential conflict of interest, they shall stand aside from investigating the **Complaint/Disciplinary Action** and the President of **Archery Ireland** shall appoint another **CDO** in respect of that matter. If the **CDO** does not stand aside, the President of **Archery Ireland** shall be entitled to remove the **CDO** from the investigation and appoint another **CDO**.

Where any member of a **Hearings Committee** or Appeals Committee has any actual, perceived or potential conflict of interest, they shall stand aside from such Committee. If such person does not stand aside, the President of **Archery Ireland** shall be entitled to remove them from such Committee and appoint another neutral person to take their place.

Where the President of the **Association** has a direct role in determining whether or not an Appeal will be heard, and where there is any actual, perceived or potential conflict of interest, they shall stand aside and ask the **NEC** to appoint an alternate to act in their place.

#### 5) Obligation

The **CDO** is not obliged to investigate any **Complaint/Disciplinary Action**.

#### 6) Scope of an Investigation

In the course of an investigation of any **Complaint/Disciplinary Action**, the **CDO** may consider any evidence they deem relevant and shall have the right to make enquiries of any individuals and seek any information or documents in relation to the matter.

For the avoidance of doubt, where necessary, the **CDO** is entitled to consult with the **Complainant**, the **Respondent**, any person with expertise on the topic of the **Complaint** or **Disciplinary Action**, any **Individual Member**/non-member of **Archery Ireland** who is named as a witness or who the **CDO** has reason to believe may be a witness, to clarify any issues arising in relation to a **Complaint** or **Disciplinary Action**.

#### 7) Jurisdiction

Any of the following will be dealt with under Complaints and Disciplinary Policy unless otherwise indicated:

- a) Breach of any of the rules of archery as determined in the World Archery Rule Book;
- b) Offensive, aggressive, intimidating or threatening behaviour (physical, mental or emotional) to other **Members** or non-Members at any **Event**;
- c) Offensive, aggressive, intimidating or threatening behaviour (physical, mental or emotional) to other **Members** at any time;
- d) Unsporting behaviour;
- e) Violation of instructions and directives from **Archery Ireland** officials (for example, but not limited to Judges, Directors of Shooting & Coaches while acting in their official capacity at any **Event**);

- f) Damaging the dignity of a person or a group of persons, in any way whatsoever, in particular due to Gender, Civil Status, Family Status, Sexual Orientation, Religion, Disability, Age, Race, or Membership of the Traveller community;
- g) **Sexual Harassment or Sexual Violence;**
- h) Violation of contractual obligations towards **Archery Ireland**, including in relation to the International Team Members Agreement;
- i) Inciting hatred or violence;
- j) Fighting;
- k) Bullying;
- l) Coercion;
- m) Foul language;
- n) Disparaging comments;
- o) Forgery or falsification;
- p) Corruption;
- q) Acts or omissions bringing the sport of archery, **Member Clubs** or **Archery Ireland** into disrepute;
- r) Consuming Alcohol or illegal drugs, or being under the influence of Alcohol or illegal drugs at any **event**. The consumption of alcohol by persons aged 18 years and over is permitted at a social event provided no archery takes place during the **event**. The consumption of illegal drugs is never permitted;
- s) Criminal investigation for any indictable offences which, if convicted, are likely to bring the sport of archery or **Member Clubs** or **Archery Ireland** into disrepute;
- t) Criminal conviction which is likely to bring the sport of archery or **Member Clubs** or **Archery Ireland** into disrepute;
- u) **Unacceptable Behaviour;**
- v) **Unreasonable behaviour;**
- w) Harassment;
- x) Theft with or without the use of force or violence;
- y) Malicious Damage or tampering with the equipment of another archer without their consent;
- z) Mischievous or vexatious Complaints.

The following items are outside the jurisdiction of the **CDO** and of the **Complaints and Disciplinary Policy**:-

- 1) Employment and quasi employment contractual disputes involving personnel at **Member Club**, or national level (which are dealt with before the Employment Appeals Tribunal or the Courts);
- 2) Decisions of an Official (Judge or Director of Shooting) made during an **Event** which is final and binding;
- 3) Complaints relating to **NEC** Members of **Archery Ireland** (which shall be referred to the President of **Archery Ireland**);

- a. such complaints shall first be the subject of negotiations between the parties
  - b. If either party is still dissatisfied then a challenge may be brought before Sport Dispute Solutions Ireland (SDSI) in accordance with their rules and procedures.
- 4) Allegations of child abuse (which shall be referred to statutory authorities and be dealt with as per process under **Archery Ireland** Guidelines for Safeguarding Children), as amended from time to time;
  - 5) Criminal matters which shall be referred to the statutory authorities;
  - 6) Anti-doping matters which shall be dealt with in accordance with [Sport Ireland Anti-Doping Rules](#) and World Archery Rules ([Book 6 – Anti-Doping Rules](#));
  - 7) Any decision made by the **NEC** which is in accordance with the Constitution of **Archery Ireland**;
  - 8) Any vote taken at an AGM or EGM of **Archery Ireland** where such vote was conducted in accordance with the Constitution of **Archery Ireland**.

#### 8) Burden and Standard of Proof

The burden of proof in any **Complaint** or **Disciplinary Action** rests with the **Complainant** in the case of a **complaint** and with the **Disciplinary Officer** in the case of a **Disciplinary Action**.

The Standard of Proof in any **Complaint** or **Disciplinary Action** shall be on the “balance of probabilities”, meaning the incident in question is more likely to have occurred than not occurred.

#### 9) Confidentiality

The **COD** and **Hearings Committee** shall keep all information disclosed to them confidential and no disclosure of any detail shall be made to any third party unless in the administration of their function.

#### 10) Representation

Any participant in a **Complaint** or **Disciplinary Action** – as a **Complainant**, **Respondent** or Witness – may elect to have an adult accompany them when they appear before a **Hearings Committee**.

In the case of a participant under the age of 18 this representation should be by a **Parent / Guardian**. If a **Parent / guardian** cannot or will not attend with their child, then the child should be accompanied by an Athlete Protection Officer.

#### 11) Costs / Expenses

In order to ensure that this process is accessible to all **Members** irrespective of their financial means, there is no administrative cost involved.

Any costs or expenses incurred by a **Complainant**, **Respondent**, **CDO**, member of the **Hearings Committee** (or any of their witnesses, if relevant) in relation to any matter under these Procedures will be the sole responsibility of that party. Neither the **CDO** nor the **Hearings Committee** shall have any authority to make any award for costs.



- 12) Sanctions
- a. Immediate Sanctions
- 1) During an **Event** run in accordance with rules of World Archery, immediate sanctions can be applied as per the [World Archery Rulebook](#);
  - 2) During any other **Event** an official (e.g. Committee Member of a **Member Club**, Judge, Coach, Director of Shooting, Team Manager, member of the **NEC**) can, where a behaviour represents an immediate risk of harm or distress, suspend the **Member** and instruct them to leave the **Event** pending referral of a **Complaint** to the **CDO**.
- b. Interlocutory Sanctions
- 1) Where a **Member** is under criminal investigation for an indictable offence, which if proven, is likely to bring the sport of archery or a **Member Club** or **Archery Ireland**, into disrepute, then a **Hearings Committee** will be empowered to suspend the **Member** from membership and from attending any **Event** pending the outcome of the criminal investigation but without necessarily convening an oral hearing on the matter.
  - 2) A **Hearings Committee** or the **CDO** shall be empowered to impose a suspension on an **Individual Member** or **Member Club** pending the determination of a **Complaint** or **Disciplinary Action** where the gravity of the allegation made shall warrant an immediate suspension – for example, but not limited to:-
    - a. The need to protect the safety and welfare of any person;
    - b. The need to protect the property and assets of any person, **Archery Ireland** or of any of its **Member Clubs**;
    - c. The need to protect the reputation of **Archery Ireland** or any of its **Member Clubs**;
    - d. Where there is a refusal to adhere to, or a failure to acknowledge, any cease and desist instruction given by a **Member Club** or **Archery Ireland** where they have any reasonable concerns that an illegal or unsafe activity could take place.
- c. Non-Immediate Sanctions
- 1 The **Hearings Committee** shall have sole jurisdiction to impose a non-immediate **sanction**;
  - 2 Non-immediate **sanctions** can only be imposed by the **Hearings Committee** following a decision on foot of full consideration of a **Complaint** or **Disciplinary Action**;
  - 3 Non-immediate **sanctions** should be objectively fair and proportionate and can range from, but are not limited to, the following: -
    - a. an informal warning;
    - b. a formal warning;
    - c. a suspension from **Member Club** and/or **Association events** for a prescribed period;
    - d. a fine in the case of a **Member Club** only – limited to a maximum of 20% of the Previous Year Membership Fees of the **Member Club** or €2,000 whichever is the lesser;
    - e. expulsion of an **Individual Member** from a **Member Club** or the **Association**;
    - f. A “cease & desist” order on a **Member Club** for a prescribed period to allow the **Member Club** rectify any issues giving rise to the **Disciplinary Action**. Note that during a “cease & desist” the **Member Club’s** membership of the **Association** remains active and the membership of all of that club’s **Individual Members** remains active;

- g. The Expulsion of a **Member Club**. In the event that a **Member Club** is expelled from the **Association** the **NEC** shall write to all of that club's **Individual Members** advising them of the expulsion of the **Member Club** from the **Association**, and confirming that their **individual membership** will remain in force for 60 days from: -
- i. the expiry date for their club to lodge an appeal, if an appeal has not been lodged, or;
  - ii. the decision of an Appeals Committee to uphold the original expulsion
- to afford them an opportunity to join another **Member Club** should they so choose. If after the 60 days' notice, such **Individual Members** have not joined another **Member Club**, their membership shall immediately cease, and no refund of membership fees shall be due.

**Sanctions** imposed on **Individual Members** by a **Member Club** must be notified to the **NEC** within 10 business days of the imposition of the **Sanction**.

In the event that a **Respondent** steps down from membership of a **Member Club** before a **Hearings Committee** has had the opportunity to conclude its work, the **NEC** must be notified within 10 business days of the **Individual Member's** notification of their decision has been communicated to the **Member Club**. In such circumstances, the **Respondent** will be advised **in writing** by the chairperson of the **Hearings Committee** that the hearing will proceed irrespective and they retain their right to representation.

- 4 In determining an appropriate **Sanction**, the **Hearings Committee** shall have due regard for: -
- a. The severity of the offence;
  - b. The impact of the offence on the **Complainant**, the **Member Club**, the **Association**, or on any other relevant party;
  - c. The impact of the **Sanction** on the **Respondent**;
  - d. Any relevant aggravating or mitigating factors such as prior disciplinary matters (or the absence thereof), acknowledgement, remorse, co-operation or any other factor which the **Hearings Committee** considers relevant.

## **Disciplinary Procedures**

The Procedures set out below are intended to provide a step by step guideline as to how a **Complaint** or **Disciplinary Action** should be commenced, administered, conducted, decided and appealed.

### **1) Complaints or Disciplinary Action arising within a Member Club.**

Each **Member Club** must have in place its own Complaints and Disciplinary Policy which should be in keeping with the recommended procedures by Sport Ireland, outlined in Appendix 8 of [Safeguarding Guidance for Children and Young People in Sport](#).

**Complaints or Disciplinary Action** relating to incidents at a **Member Club** level should be dealt with by a **Hearings Committee** at that level, other than as permitted below.

The primary function of the **Hearings Committee** (at the relevant level) is to decide **Complaints or Disciplinary Action**. They should attempt to do so in a fair and swift manner.

Where a **Member Club's** Policy permits for an appeal to be held at club level, then this is where an appeal must be held.

Where the **Member Club's** Policy permits an appeal to **Archery Ireland** then the appeal should be directed to the **CDO**. The **CDO** will consider whether: -

- a) there has been a breach of policy at the club level which could constitute a fundamental breach of natural justice, or
- b) there is a prima facie case that any **Sanction** applied was so disproportionate (too harsh or too lenient) as to similarly constitute a fundamental breach of natural justice.

In the event that the **CDO** believes that a) or b) above may have occurred, they will appoint a **Hearings Committee** to review the matter. The **Hearings Committee** can at their own discretion conduct their review on a paper only basis, or can conduct any interviews they consider appropriate.

The **CDO** will not hear any appeals on the basis that either party is simply unhappy with the outcome.

The decisions of the **CDO** or **Hearings Committee** in this regard shall be binding on the **Member Club** and the **Individual Member**.

In so far as there may be minor technical breaches of these Procedures, the **Association** recognises that laypersons, who are volunteers may on occasion administer justice somewhat robustly and where such breaches do not constitute a fundamental breach of natural justice then there will be no cause for dismissal on appeal.

If either party is still dissatisfied then a challenge on the grounds of illegality of the decision made, or the procedures used by either the **CDO** or the **Hearings Committee** may be brought before Sport Dispute Solutions Ireland (SDSI) in accordance with their rules and procedures.

If either party is still dissatisfied with the outcome of the Sport Dispute Solutions Ireland (SDSI) panel they can appeal to the Court of Arbitration for Sport (CAS) in Lausanne.

**2) Complaints or Disciplinary Action** to be heard by **Archery Ireland** in the First Instance

All **Complaints or Disciplinary Actions** other than the above can be heard by **Archery Ireland** in the first instance. These include: -

- a) **Complaints or Disciplinary Action** where the **Complainant** and **Respondent** are **Individual Members** of different **Member Clubs**;
- b) **Complaints or Disciplinary Action** where the **Complainant** and **Respondent** are both **Member Clubs**;
- c) Any **Complaint or Disciplinary Matter** that either comes to the attention of the **CDO**, or has been specifically referred to the **CDO** by a **Member Club**: -
  - a. Which contains a serious allegation which, if substantiated, has the possibility of bringing the sport of archery or **Member Clubs** or **Archery Ireland** into disrepute;
  - b. Where a majority of the **Member Club** committee are involved in a decision to bring a **Complaint or Disciplinary Action** against an **Individual Member** to the extent that they could not form a **Hearings Committee** that would be free from conflicts of interest;
  - c. Where a **Complaint or Disciplinary Action** has been brought by an **Individual Member** against a **Member Club** committee such that the **Member Club** could not form a **Hearings Committee** that would be free from conflicts of interest.

For a **Complaint** to be made, it must: -

- a) be made **in writing** to [President@Archery.ie](mailto:President@Archery.ie) or [Secretary@Archery.ie](mailto:Secretary@Archery.ie);
- b) State precisely the nature of the **Complaint** and which offence(s) the **Complaint** relates to, as outlined in Section 7 – Jurisdiction above;
- c) Relate to an incident or series of incidents which either occurred no more than 30 days prior to the date of making the **Complaint**, or of which the **Complainant** became aware of no more than 30 days prior to the date of making the **Complaint** (save where exceptional circumstances are proven to the satisfaction of the **CDO**);
- d) Contain all and any supporting documentation available to the **Complainant**;
- e) Provide details of all and any witnesses, where applicable;
- f) Meet all other criteria as set out in this Policy.

The **Complaint** should be passed to the **CDO** within 15 business days.

The **CDO** will review the **Complaint**.

If the **CDO** is of the view that the **Complaint** made does not meet the criteria as set out in this policy, they will write to the **Complainant** within 5 business days outlining the basis of their decision.

If the **CDO** believes that the **Complaint** meets the criteria set out in this document, they will: -

- a) Establish a **Hearings Committee** within 5 business days;
- b) Provide the **Hearings Committee** with a Disciplinary Report if they believe that the nature of the **Complaint** warrants a **Disciplinary Action**.

## **Complaint**

If the matter is being dealt with as a **Complaint** only (and not a **Disciplinary Action**) the chairperson of the **Hearings Committee** will inform the **Respondent** and the **Complainant** in writing to their notified correspondence addresses within five (5) business days, informing them of their appointment, the nature of the **Complaint**, clarification of the facts and copies of any relevant documentation. They may invite the participants to make any further comment or provide any further documentation as may be relevant.

The **Hearings Committee** may appoint an appropriate person the function of approaching the **Complainant** and **Respondent** to ascertain their agreement to deal with the **Complaint** under an informal complaints process. This person should not be a member of the **Hearings Committee**.

- 1) The appropriate person will approach the **Complainant** first to see if they are agreeable to attempting to resolve the complaint informally;
- 2) The appropriate person will then appoint a neutral third party, who is neither a **CDO** nor member of a **Hearings Committee** to act as a facilitator;
- 3) This facilitator shall contact or meet the parties and generally go between the parties to attempt to resolve the **complaint** to their mutual satisfaction;
- 4) If the **Complaint** is resolved to the satisfaction of both the **Complainant** and **Respondent**, the **Complainant** will be asked to confirm this to the **Hearings Committee** whose function in respect of that particular **complaint** shall cease;
- 5) In the event that either the **Complainant** or the **Respondent** are unwilling to enter this informal process, or are dissatisfied with the outcome of this process, they may then proceed to a formal hearing.

## **Disciplinary Action**

Where the **CDO** is of the opinion that the substance of a **Complaint**, or any other information which comes to their attention, warrants a **Disciplinary Action** they shall: -

- 1) Prepare a Disciplinary Report outlining the information available to them, providing all available material supporting documentation or information, and stating their intention to prosecute a **Disciplinary Action**;
- 2) Establish a **Hearings Committee** within 5 business days and provide them with a copy of the Disciplinary Report;
- 3) Within 5 business days of receipt of the Disciplinary Report to the **Hearings Committee**, the chairperson of the **Hearings Committee** should submit the Disciplinary Report to the **Respondent** in writing at their provided correspondence address, inviting them to respond;
- 4) Where the **Disciplinary Action** arises as a result of a **Complaint**, within 5 business days of receipt of the Disciplinary Report to the **Hearings Committee**, the chairperson of the **Hearings Committee** should notify the **Complainant** of their decision to initiate a **Disciplinary Action**.

The **Hearings Committee** shall then initiate a formal hearing.

## **Hearing**

The **Hearings Committee** shall decide whether to hold an oral hearing (interview **Complainant** where appropriate, **Respondent**, and any witnesses) or to decide the matter on a “documents only” basis. In considering the most appropriate approach, the **Hearings Committee** shall take account of the gravity of the **Disciplinary Action** or **Complaint**.

If the **Hearings Committee** convene an oral hearing it shall notify the parties of: -

- a) The specific **Complaint** or **Disciplinary Action**;
- b) The parties to the **Complaint** or **Disciplinary Action**;
- c) The date, time and venue for the hearing;
- d) The burden and standard of proof;
- e) The Procedures involved;
- f) The possible **Sanctions**;
- g) The rights of the parties;
- h) Any other relevant procedural requirements.

The parties to an oral hearing may invite witnesses by giving a minimum of 24 hours' notice to the **Hearing Committee**. Such witnesses may only be present to give their evidence. Such witnesses may be questioned by the **Hearings Committee** only.

In the case of a **Complaint** the **Complainant** shall present their **Complaint** and call such witnesses and make such submissions as they consider material to the matter in hand, and the **Respondent** shall respond in like manner.

In the case of a **Disciplinary Action** the **CDO** shall present the alleged misconduct against the **Respondent** and call such witnesses and make such submission as they consider material to the matter in hand, and the **Respondent** shall respond in like manner.

The **Hearings Committee** shall consist of a minimum of three (3) persons and a maximum of five (5) persons, all in good standing with the **Association** and all aged 18 years or older. The **Hearings Committee** shall act on a simple majority vote.

Recommended procedures are: -

- 1) The chairperson circulates all material information received by either party in advance of the hearing;
- 2) The chairperson introduces the **Hearing Committee** and the parties introduce themselves and their capacity;
- 3) The chairperson explains the procedures and format for the hearing;
- 4) The parties are invited to present evidence and call witnesses;
- 5) Witnesses may be questioned by the **Hearings Committee**. Where either party has a question in cross-examination of any witness, these must be directed to the chairperson of the **Hearings Committee** who will determine whether or not the question is fair and relevant, and if so will instruct the witness to respond;
- 6) The **Hearings Committee** will then retire to consider the evidence and submissions, and shall make a finding as soon as possible, but should not be any later than five (5) business days after the hearing;
- 7) The outcome of the hearing will be notified in writing to the parties together with details of any right to appeal.

The **Hearings Committee** should endeavour to conclude the hearing within 15 business days of notifying the **Respondent** of the formal hearing. Where it is not possible to conclude the hearing within this timeframe, the **Hearings Committee** can extend it as required but, in the interests of fairness to all parties involved, should always try to bring the hearing to a formal conclusion as swiftly as possible.

The chairperson of the **Hearings Committee** should notify [President@archery.ie](mailto:President@archery.ie) and [Secretary@archery.ie](mailto:Secretary@archery.ie) of the outcome of any hearing.

### **Appeal**

In the event that either party is dissatisfied with the decision of a **Hearing Committee**, they can appeal the decision to [President@Archery.ie](mailto:President@Archery.ie). Such an appeal: -

- 1) Must be made within ten (10) business days of the communication of the findings of the **Hearing Committee**, and;
- 2) Must clearly state the basis upon which the appeal is being made.

The President of the **Association** may consult with any person they consider suitable to assess the request for an appeal. This should be done within ten (10) business days.

The President will consider whether or not: -

- a) there has been a breach of policy which could constitute a fundamental breach of natural justice, or;
- b) there is a prima facie case that any **Sanction** applied was so disproportionate (too harsh or too lenient) as to similarly constitute a fundamental breach of natural justice.

In the event that the President believes that a) or b) above may have occurred, they will appoint an Appeals Committee to review the matter. The Appeals Committee will be constituted in exactly the same manner as the **Hearings Committee** and shall conduct its business similarly. No person can be on the Appeals Committee who has had any involvement in the **Complaint** or **Disciplinary Action** up to this point. The **Appeals Committee** can at their own discretion conduct their review on a paper only basis, or can conduct any interviews they consider appropriate.

In the event that the President does not believe that either a) or b) above may have occurred, the appeal will be rejected and the President shall inform the appellant in writing of their decision including the basis for such decision. No appeals will be heard on the basis that either party is simply unhappy with the outcome.

The decisions of the President or **Appeals Committee** in this regard shall be binding on all parties to the appeal.

In so far as there may be minor technical breaches of these Procedures, the **Association** recognises that laypersons, who are volunteers may on occasion administer justice somewhat robustly and where such breaches do not constitute a fundamental breach of natural justice then there will be no cause for dismissal on appeal.

If either party is still dissatisfied then a challenge on the grounds of illegality of the decision made, or the procedures used by the **CDO**, the **Hearings Committee** or the Appeals Committee may be brought before Sport Dispute Solutions Ireland (SDSI) in accordance with their rules and procedures.

If either party is still dissatisfied with the outcome of the Sport Dispute Solutions Ireland (SDSI) panel they can appeal to the Court of Arbitration for Sport (CAS) in Lausanne.