



TITLE: *COMPLAINTS AND DISCIPLINARY POLICY*

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Approved By	Slaney Olympic AGM	Date Approved	28 November 2019
		Review Date	Annually
Superseded or Obsolete Policy / Procedure(s)	Owner		
	Slaney Olympic Committee		

1. Purpose of Policy

Slaney Olympic Athletic Club (hereafter Slaney Olympic) recognises the importance of encouraging and promoting effective working relationships between all members. Slaney Olympic also recognises that, from time to time, the relationships between some of its members may become strained and lead to a situation where some intervention is required to resolve any conflicts, disputes or differences and restore confidence. Slaney Olympic recognises the importance of resolving any such conflicts which may arise from time to time, as soon as possible and at their source. Slaney Olympic will therefore endeavour to support the resolution of such conflicts, disputes or differences by using whatever resources are available to it including personnel who can help and support.¹

2. Definitions

Allegation: a claim or assertion that someone has done something illegal or wrong, typically one made without proof.

Arbitration: the use of an arbitrator to settle a dispute.

Balance of probabilities: refers to burden of proof in civil trials. It is known as one party's case need only be more probable than the other.

Censure: express severe disapproval of (someone or something), especially in a formal statement.

Complainant: the party who makes the complaint.

¹ Slaney Olympic is a member of Athletics Ireland. As such, this Policy relied significantly, for both content and processes, on the *Complaints and Disciplinary Process* (Athletics Ireland, 2019), version 5.0.

Complaints and Disciplinary Sub-Committee: the relevant body appointed to deal with complaints and disciplinary matters.

Complaints and Disciplinary Officer: the relevant person appointed to deal with complaints and disciplinary matters.

Conciliation: the action of mediating between two disputing people or groups.

Enquiry: an official investigation.

Evidence: the available body of facts or information indicating whether a belief or proposition is true or valid.

Interlocutory sanction: is a legal term which can refer to an order, sentence, decree, or judgment, given in an intermediate stage between the commencement and termination of a cause of action, used to provide a temporary or provisional decision on an issue.

Investigation: the action of investigating something or someone; formal or systematic examination or research.

Jurisdiction: the official power to make legal decisions and judgements

Mandated Person: A mandated person, under the *Children First Act 2015* legislation is required to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed.

Mediation: intervention in a dispute in order to resolve it.

Offence: a breach of a law or rule; an illegal act.

Reprimand: a formal expression of disapproval.

Respondent: a party against whom a complaint is filed or made.

Sanction: a threatened penalty for disobeying a law or rule.

3. Scope of Policy

The *Complaints and Disciplinary Policy* and all associated procedures apply to all members of Slaney Olympic. The Complaints and Disciplinary Officer (CDO) will process all complaints in an equitable manner to ensure that the dignity and respect of all parties involved are maintained.

4. Policy Statement

The *Complaints and Disciplinary Policy* and its associated procedures provide a comprehensive method for the resolution of complaints and subsequent disciplinary action (should such action be warranted). Issues raised under this Policy will be processed in accordance with the principle of full consultation during the process and in accordance with the general principles of natural justice and fair procedures that include:

- the stakeholder(s) concerned has / have the right to a fair and impartial determination of the issues concerned, taking into account any relevant or appropriate evidence, factors or circumstances;
- a stakeholder(s) has / have the right to be accompanied by one representative of their choosing at either the internal or external stage of this procedure;

- a stakeholder(s) will not be penalised in any way for raising a complaint in good faith, regardless of whether or not the complaint is upheld;
- every effort will be made to adhere to the time limits prescribed in the procedure;
- all relevant documentation concerning the complaint will be made available to all parties involved (this may include third parties, e.g. an external investigator / mediator) at each of the meetings at each of the stages of the procedure;
- a stakeholder(s) may withdraw a complaint at any stage of the procedure.

Full recognition is given to the significance of personal complaints and all complaints and disputes will be dealt with at the earliest possible stage of this procedure. However, it is important that interpersonal conflicts, where they arise, should be de-escalated in the first instance (see Appendix 2: Tackling Communication Breakdowns or Interpersonal Disputes).

4.1 Types of Complaints

Slaney Olympic takes the following types of complaints very seriously and will work with all parties involved to resolve them in an equitable manner. The complaints that are relevant to this Policy are:

- breach of any rules, statutes, codes, regulations provided for by Slaney Olympic and / or Athletics Ireland;
- offensive behaviour to other members and / or participants at sporting events that bring the Club into disrepute;
- unsporting behaviour;
- violation of instructions and directives from Slaney Olympic, Athletics Ireland and / or sporting officials;
- damaging the dignity of a person or a group of persons, in any way whatsoever, in particular due to race, disability, gender, sexual orientation, creed or ethnic origin;
- cheating;
- inciting hatred or violence;
- fighting;
- aggressive or threatening behaviour;
- bullying
- ineligibility;
- racism;
- intimidation or threats;
- coercion;
- discrimination;
- disparaging comments;

- forgery or falsification;
- corruption;
- acts or omissions that bring Slaney Olympic into disrepute;
- criminal conviction which is likely to bring Slaney Olympic into disrepute; and / or
- mischievous or vexatious complaints.

Slaney Olympic reserves the right to process other complaints not listed above in accordance with this Policy.

The provision of this Policy and its associated procedures do not include:

- breaches of any technical provisions of any Competition Rules. Such breaches shall be dealt with in accordance with the provisions of such Competition Rules for Athletics Ireland;
- allegations of child abuse (such allegations shall be referred to the statutory authorities and be dealt with as per process under Athletics Ireland Child Safeguarding Policies and Procedures);
- individual complaints originating from a cross-platform messaging app or private social media platform not associated with Slaney Olympic;
- criminal matters (such matters shall be referred to the statutory authorities); and / or
- anti-doping matters (such allegations shall be dealt with in accordance with the Sport Ireland Anti-Doping Rules).

For the Slaney Olympic *Complaints and Disciplinary Procedures* see Appendix 3.

4.2 Types of Sanctions

4.2.1 Interlocutory Sanctions

On confirmation that a Respondent is under criminal investigation for a criminal offence, which if proven, is likely to bring the Club or Athletics Ireland into disrepute, then the Chairperson of Slaney Olympic shall be empowered to suspend a Respondent from Membership and / or from future participation in the Club, Region or National Event and / or from attending a Club, Region or National building pending the outcome of a criminal investigation prior to any hearing on the matter before the Complaints and Disciplinary Sub-Committee. The Chairperson of Slaney Olympic shall be empowered to impose a suspension on a Respondent pending the determination of a Complaints and Disciplinary Sub-Committee where the gravity of the complaint received shall warrant immediate suspension.

4.2.2 Non-Immediate Sanctions

The Complaints and Disciplinary Sub-Committee has sole jurisdiction to impose a Non-Immediate Sanction. Non-Immediate Sanctions may only be imposed by a Complaints and

Disciplinary Sub-Committee following a decision either on foot of consideration of all the documents relating to the complaint or on foot of an Oral Hearing. Any suspension or removal from Membership from a Club must be notified to the Complaints and Disciplinary Officer of Athletics Ireland. The following Non-Immediate Sanctions may be imposed by the Complaints and Disciplinary Sub-Committee:

- reprimand;
- severe reprimand;
- written warning;
- removal of privileges;
- suspension from participation in events or team/squad;
- suspension from membership;
- expulsion from membership; or
- other.

5. Roles and Responsibilities

5.1 Complaints and Disciplinary Officer (CDO)

The CDO means the person appointed to receive complaints, conduct investigations, administer complaints and all disciplinary actions (if required).

The primary function of the CDO is:

1. To be the recipient of any written Complaint and Disciplinary Report.
2. To investigate a Complaint or Disciplinary Report. Where any Complaint or Disciplinary Report refers to suspected child abuse the CDO shall immediately notify the Mandated Person.
3. To investigate an incident which comes to the attention of the CDO, but which is not contained in a Complaint or Disciplinary Report.
4. To determine whether a sufficient case has been made against a Respondent on receipt of a complaint or an incident which comes to the attention of the CDO, but which is not contained in a Complaint or Disciplinary Report.
5. To dismiss a complaint where after an investigation, in the opinion of the CDO, a sufficient 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 refer 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 Report to a subcommittee of the Slaney Olympic Committee where in the opinion of the CDO a sufficient case to answer has been established.
10. To correspond with and notify the parties of all necessary information prior to a hearing before the Complaints and Disciplinary Sub-Committee.
11. To prepare documents for the Complaints and Disciplinary Sub-Committee.

12. To present the case in respect of a disciplinary matter before the Complaints and Disciplinary Sub-Committee, including the calling of witnesses.
13. To maintain a record of decisions of the Complaints and Disciplinary Sub-Committee.
14. To ensure that sanctions are upheld and observed by Respondents.

Where the CDO has any actual, perceived or potential conflict of interest, he / she shall stand aside from investigating the Complaint / Disciplinary matter and the Chairperson of Slaney Olympic shall appoint another CDO in respect of that matter.

In the course of an investigation of any Complaint/Disciplinary Report, the CDO may consider any evidence he / she deems 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 athlete / member / official / relevant person to clarify any issues arising in relation to a Disciplinary Report.

5.2 Slaney Olympic Committee

The Slaney Olympic Committee means any elected member of the Committee as elected by Club Members at their Annual General Meeting.

The primary function of the Slaney Olympic Committee, as it relates to the *Complaints and Disciplinary Policy*, is:

1. To appoint a Complaints and Disciplinary Sub-Committee comprising no more than three Committee Members to, in addition to the CDO, conduct a Complaints and Disciplinary Hearing.
2. To show all parties involved a high level of dignity and respect and to ensure that all complaints and subsequent disciplinary action (if relevant) are held within the strictest confidence. Breaches of any confidentiality may result in disciplinary action being taken by the Committee, including the removal from the Committee.
3. To hear any appeals, resulting from the decision rendered by the Complaints and Disciplinary Sub-Committee.

Where a Committee Member has any actual, perceived or potential conflict of interest, he / she shall stand aside from hearing an appeal.

5.3 Complaints and Disciplinary Sub-Committee

The primary function of both the Complaints and Disciplinary Sub-Committee, as it relates to the *Complaints and Disciplinary Policy*, is:

1. To conduct, in addition to the CDO, a Complaints and Disciplinary Hearing.
2. To render a decision, on devolved authority of the Slaney Olympic Committee.
3. To show all parties involved a high level of dignity and respect and ensure that all complaints and subsequent disciplinary action (if relevant) are held within the strictest confidence. Breaches of any confidentiality may result in disciplinary action being taken by the Committee, including the removal from the Committee.

Where a member of the Complaints and Disciplinary Sub-Committee has any actual, perceived or potential conflict of interest, he / she shall stand aside from investigating the Complaint /

Disciplinary matter and the Chairperson of Slaney Olympic shall appoint another Committee Member in respect of that matter.

5.4 Relevant Parties of Complaints

Slaney Olympic cannot oblige non-Slaney Olympic Members to participate in our informal or formal complaints process. However, all Slaney Olympic Members that are named in a complaint are required to fully cooperate with the processes detailed in this Policy. Failure to do so may result in your membership being cancelled.

The primary function of both the complainant(s) and the respondent(s), as it relates to the *Complaints and Disciplinary Policy*, is:

1. To respond to all requests for information (both written and non-written) in a timely manner from either the CDO and / or Complaints and Disciplinary Sub-Committee.
2. To provide the CDO and / or Complaints and Disciplinary Sub-Committee with all relevant documents so that they can conduct a fair and impartial hearing.
3. To show all parties involved a high level of dignity and respect maintaining strict confidentiality at all times. Failure to maintain strict confidentiality may be prejudicial to your cause in the process.

Where the complainant(s) and / or the respondent(s) have any actual, perceived or potential conflict of interest, he / she shall, in writing, detail those conflicts to the Chairperson of Slaney Olympic. If these conflicts are deemed to have merit, the Chairperson of Slaney Olympic shall appoint another CDO or Committee Member in respect of that matter.

Associated Documentation

- Appendix 1: Flowchart of Complaints and Disciplinary Procedures
- Appendix 2: Tackling Communication Breakdowns or Interpersonal Disputes
- Appendix 3: Complaints and Disciplinary Procedures

Referenced Policies

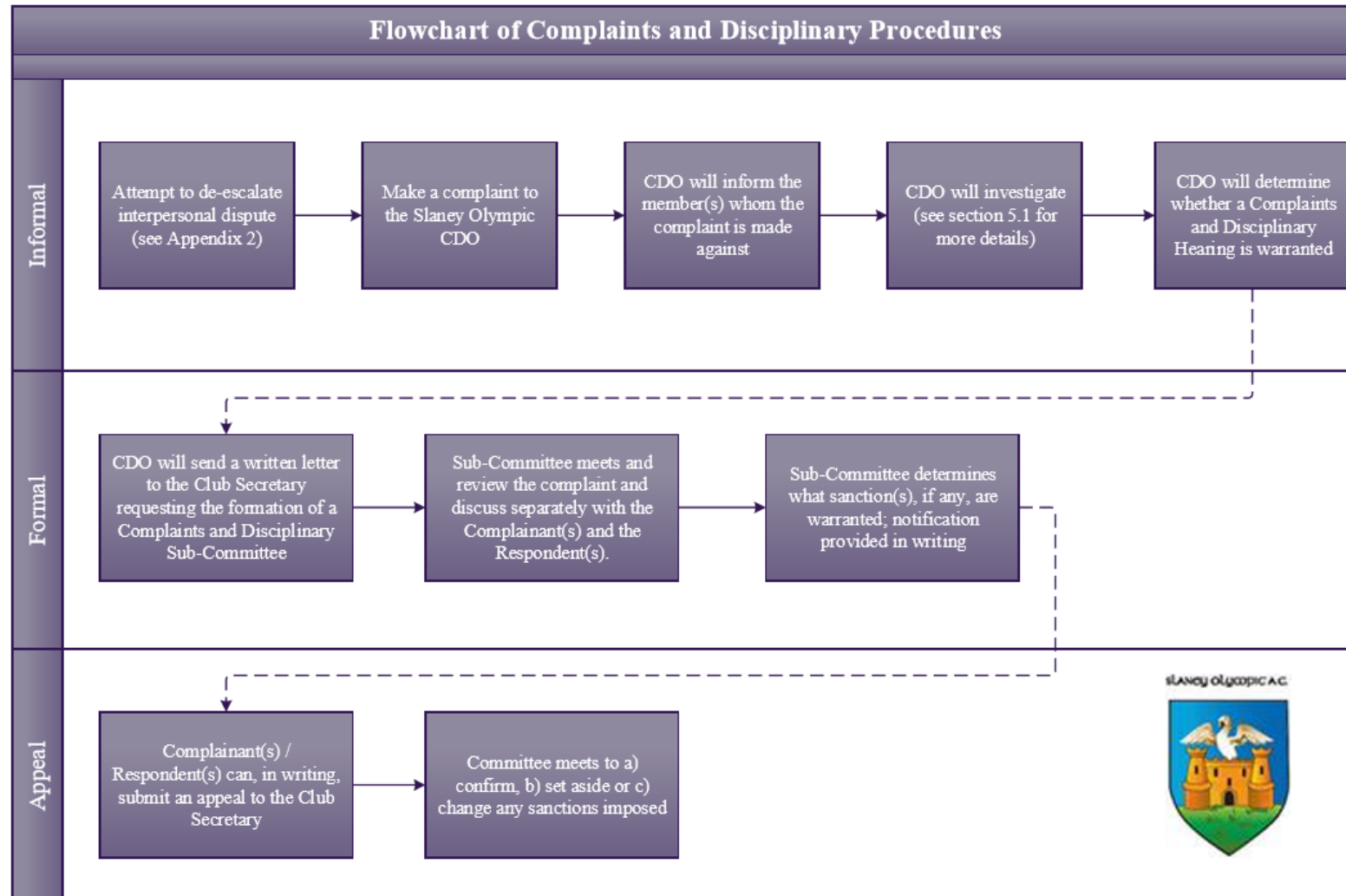
- Slaney Olympic A.C. Rules and Constitution
- Constitution of the Athletic Association of Ireland
- Athletics Ireland Complaints and Disciplinary Officer and Process
- Athletics Ireland Child Protection Plan and Policies
- Athletics Ireland Athletes Code
- Sport Ireland Disciplinary Rules

Monitoring and Review

The Slaney Olympic Committee is the owner of this Policy and the Committee is responsible for ensuring that it is fit-for-purpose. The CDO and Slaney Olympic Committee shall monitor

this Policy annually and any revisions to the Policy should be brought to either an AGM or EGM of Slaney Olympic for ratification.

Appendix 1: Flowchart of Complaints and Disciplinary Procedures



Appendix 2: Tackling Communication Breakdowns or Interpersonal Disputes

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Tackling Communication Breakdowns or Interpersonal Disputes

Your issue may result from a communication breakdown, an interpersonal dispute or a lack of clarity. There are many ways to resolve these issues – here are some of the methods you can use. It is important that the situation be resolved as quickly as possible. Depending on the severity of the complaint, the Complaints and Disciplinary Officer (CDO) will attempt to handle all interpersonal disputes using the informal route.

Informal

Handling matters yourself:

- If there is inappropriate behaviour make it clear that the behaviour is unwelcome;
- Take some time out to think through / write out the problems, and the potential solutions;
- Talk to the other party involved as openly and honestly as possible about the difficulties you are experiencing. Try to stick to facts and be non-judgemental. Talk about the impact that events have had on you. Use examples. Be open to the discussion being a two-way frank discussion. Meet the person in a private space, using the model below where possible.
- A good model for discussion meetings is:
 - agree confidentiality and a length of time for the meeting, e.g. generally about one hour;
 - storytelling - Both sides taking equal time to get their story across uninterrupted;
 - summarise, and agree what the problem is / the issue you need to address;
 - brain storm possible solutions / who else you need to consult; and / or
 - agree a way forward or the next step if a solution is not possible at this point.

Talking to others:

- Seek support. It is important that you limit this to one / two confidential people.
- Talk to the Slaney Olympic CDO;
- Talk to Slaney Olympic Committee Member in confidence.

Interventions (escalated once the informal strategies have been attempted):

- Make an official complaint through the Slaney Olympic CDO (conciliation / facilitated meeting(s) / investigation);

- Offer to participate in Mediation – both parties must be willing.

Formal Procedure

- Following an intervention by the CDO, a decision is made whether the complaints warrants further action (i.e. a Complaints and Disciplinary Hearing). This process is detailed in the *Complaints and Disciplinary Policy* – Appendix 3).

Appendix 3: Complaints and Disciplinary Procedures



Complaints and Disciplinary Procedures

1. Timeliness

All complaints must be made in writing to the Complaints and Disciplinary Officer (CDO) within one month of the alleged offence occurring. Please read Appendix 2: *Tackling Communication Breakdowns or Interpersonal Disputes* prior to making any formal complaint to the CDO.

2. Discipline and the Disciplinary Committee

All Club Members are obliged to comply with Slaney Olympic Rules and Constitution and the *Complaints and Disciplinary Policy*. Any Club Member shall be liable to disciplinary action in the event of any breach. In addition to above named Slaney Olympic policies and procedures, Club Members shall be liable to disciplinary action in the event of any breach of Athletics Ireland policies and procedures.²

The CDO shall have authority to commence disciplinary proceedings against any Club Member considered by him or her to have breached any rule of Slaney Olympic and / or Athletics Ireland. In such case, Notice of Disciplinary Proceedings shall be sent to the individual at their home address. The Notice shall state the rule considered to have been breached and shall give a description of the alleged breach. The Notice shall invite the individual to respond by either:

- a) admitting the breach, or
- b) seeking a complaints hearing.

Failure for the respondent to respond within a period of three working days shall be considered an admission of the breach.

The CDO may at any time prior to a hearing of disciplinary proceedings, impose an interim suspension prohibiting the recipient from competing or enjoying other privileges of membership pending the completion of the disciplinary proceedings. In deciding whether to impose such an interim suspension, the CDO shall consider the gravity of the breach alleged, the possibility of other members of the club being disadvantaged in the event that immediate action is not taken, the reputation of Slaney Olympic, and such other matters as in his or her opinion appear to be relevant. If an interim suspension is imposed, the suspended individual shall be informed in writing with the Notice of Disciplinary Proceedings or in writing thereafter of the decision to impose an interim suspension and in broad terms, the grounds for the interim suspension prior to the next athletic event affecting them, the suspended individual must be offered a hearing date by the Complaints and Disciplinary Sub-Committee, or if that is not

² For all policies and procedures related to Athletics Ireland see <https://www.athleticsireland.ie/about/athletics-ireland-policies>.

possible, an opportunity to address the CDO to argue against the imposition of an interim suspension.

Where a breach is admitted, the CDO shall send notice to the individual to appear before the Complaints and Disciplinary Sub-Committee for a hearing and the imposition of a penalty (if warranted). The CDO and the Complaints and Disciplinary Sub-Committee shall be independent of one another and shall not communicate with each other in relation to any specific case aside from written communication; copies of any such communication shall be made available to any individual the subject of the disciplinary proceedings on request.

A disciplinary hearing shall be conducted by a panel of the Complaints and Disciplinary Sub-Committee appointed by the Slaney Olympic Committee and chaired by the CDO.

The Complaints and Disciplinary Hearing shall be conducted in such manner as it is deemed fit and rules of evidence shall be applied as befit the circumstances. The CDO shall present the case for disciplinary action. In all cases, a written statement from witness shall be presumed correct unless shown to be clearly in error. The Complaints and Disciplinary Sub-Committee shall determine the question of liability and / or penalty at a hearing by simple majority. Penalties shall include fines, disqualification from competitions (which may operate retrospectively), suspension from competitions, suspension from other privileges of membership and in serious cases expulsion from Slaney Olympic.

3. Proof

The Complaints and Disciplinary Sub-Committee shall make decisions on culpability based on the 'balance of probabilities' meaning that the incident in question was more likely than not to have occurred. The Complaints and Disciplinary Sub-Committee are not criminal investigators and are not assigning any legal culpability. The Sub-Committee only has the power to hand down sanctions related to participation in, or membership of, the Slaney Olympic Athletic Club.

4. Criminal Charges

The Complaints and Disciplinary Sub-Committee reserves the right to suspend a Club Member(s) where that Member(s) is subject to a criminal charge where that charge has the potential to bring the Club or Athletics Ireland into disrepute. Once the matter has been dealt with by the statutory authorities, the relevant Complaint and Disciplinary Sub-Committee reserves the right to take further action in accordance with these procedures. In the event of criminal charges being initiated in relation to the alleged misconduct of a Club Member, the subject of the complaint received by the CDO, then the Club Member may be suspended pending the outcome of the said charges, which will be referred to the statutory authorities. Once the statutory authorities have dealt with the matter, even if the Club Member concerned is not eventually convicted of the charge, Slaney Olympic shall nevertheless have the right and power to review all circumstances in accordance with this Policy and decide to continue the suspension or expel the Club Member, if it deems it so necessary in the interests of Slaney Olympic or Athletics Ireland as a whole.

5. Poor practice

It should be noted that allegations of breaching the Athletics Ireland Safeguarding Children Policies and Procedures are not necessarily suspected child abuse. A breach of the code of conduct can be due to poor practice which should be dealt with pursuant to this Policy. If assistance is required in order to define what is abuse vis-a-vis poor practice, Slaney Olympic

or the Athletics Ireland National Children's Officer should be contacted for advice. Matters of poor practice are dealt with pursuant to this Policy.

6. Suspension Pending Hearing

The Complaints and Disciplinary Sub-Committee shall be empowered to impose a suspension on the Respondent(s) pending the determination of a complaint where the gravity of the complaint received shall warrant immediate suspension.

7. Referring to the Complaints and Disciplinary Sub-Committee

Prior to referring a matter to the Complaints and Disciplinary Sub-Committee, the CDO shall notify the Respondent(s) and any other relevant party with the following information and documentation:

- a) Copy of the written Complaint / Disciplinary Report;
- b) The relevant rule allegedly breached;
- c) Copy of supporting documents relied on by either party;
- d) The parties to the Complaint;
- e) This Policy or directions on where to access this Policy;
- f) The possible sanctions (if known);
- g) The rights of the parties at the Hearing; and
- h) Any other procedural requirements

8. Mediation and Arbitration

Mediation in respect of a complaint only, the CDO may refer the parties to a complaint to Mediation or subsequently Arbitration. The CDO may recommend Mediation in appropriate complaints. Where the CDO so recommends, the parties to the complaint shall be bound to refer that dispute to Mediation.

Mediation and subsequently Arbitration, may be referred to Sport Dispute Solutions Ireland (SDSI) by the Chairperson of Slaney Olympic on the recommendation of the CDO or the Complaints and Disciplinary Sub-Committee. Any costs arising for Mediation or Arbitration will be borne equally by the Complainant(s) and the Respondent(s) subject to the process.

9. Complaints and Disciplinary Process

The principal steps outlined below, which are largely aligned to the Athletics Ireland Code of Ethics for Handling a Complaint in a Club, are:

1. Complaint is received by the Slaney Olympic CDO or Children's Officer. Please note that attempts to resolve interpersonal disputes should be made prior to submitting a formal complaint (see Appendix 2: *Tackling Communication Breakdowns or Interpersonal Disputes*).
2. Member(s) against whom the complaint is made should be informed of the nature of the complaint being made against them within 5 working day of the complaint being received by the Club (in writing).
3. The CDO shall investigate the complaint as detailed in Section 5.1.

4. If warranted, a Complaints and Disciplinary Sub-Committee shall be formed by the Slaney Olympic Committee. This Sub-Committee should meet and review the complaint and discuss separately with the Complainant(s) and the Respondent(s). This should be done within 10 working days.
5. The Complaints and Disciplinary Sub-Committee should notify the member of any sanction being imposed or not. The notification should be made in writing setting out the reasons.
6. The member has a right to appeal any decisions to Slaney Olympic Committee, which is independent of the Complaints and Disciplinary Sub-Committee. Any appeal should be made in writing to the Club Secretary within 10 working days of the decision of the Complaints and Disciplinary Sub-Committee. Where the Club Secretary served on the Complaints and Disciplinary Sub-Committee, the appeal should be made in writing to the Chairperson of Slaney Olympic. The Committee has the power to confirm, set aside or change any sanction imposed by the Complaints and Disciplinary Sub-Committee.