



**THE CANOE ASSOCIATION
OF NORTHERN IRELAND
(CANI) DISCIPLINARY AND
APPEAL REGULATIONS**

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1 INTRODUCTION

- 1.1 These disciplinary regulations (the “Regulations”) are made pursuant to the powers of CANI to act as the governing body for the sport and recreation of canoeing and paddle sport in Northern Ireland in co-operation with British Canoeing, and the other national canoe associations within the United Kingdom, and for the administration and development of canoeing in Northern Ireland as set out in its Articles of Association.
- 1.2 These regulations have been established in accordance with Article 42 of the Articles of Association of CANI which establishes the Directors’ authority to make appropriate rules and regulations, codes and procedures for carrying out of the objects and purposes of the Company. All members are bound by these provided such Regulations are not inconsistent with the Articles of Association.
- 1.3 The Regulations are the means by which CANI exercises disciplinary authority in relation to its rules, policies, codes and procedures and its statement of values established in the furtherance of its objects and are binding on all Members, Volunteers, Clubs, Centres, Coaches and Participants.
- 1.4 CANI is an employer and any grievance or disciplinary matters relating to a member of CANI staff shall be dealt with under the procedures in its Staff Handbook.
- 1.5 Disciplinary matters relating to anti-doping and/or safeguarding matters shall be dealt with under the CANI Anti-Doping Rules and/or the CANI Safeguarding Procedure (as appropriate).
- 1.6 The laws of Northern Ireland will apply to the Regulations.
- 1.7 Pursuant to Article 42 of the Articles of Association the Board of CANI shall have the power to alter, add to, revoke and/or amend the Regulations at any time and such amendments shall be effective from the date stated by the Board.
- 1.8 CANI will not be liable to any person, or body for any loss, however caused, whether direct, indirect, financial or consequential arising out of or in connection with any disciplinary action taken and/or not taken under the Regulations and liability is excluded to the maximum permitted in law.

2 DEFINITIONS

2.1 In the Regulations the following words shall have the meaning set out opposite them:

- “Adult at Risk of Harm” an individual aged 18 or over who:
- is unable to look after their own well-being, property, rights or other interests; and
 - is at risk of harm (either from another person’s behaviour or from their own behaviour);
- and because they have a disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than other adults;
- “Appeal” an appeal from a decision of the Disciplinary Panel or any other body under Regulation 17 of the Regulations;
- “Appeal Panel” the panel appointed to hear an appeal from a Decision of the Disciplinary Panel or any other body under Regulation 17 of the Regulations;
- “Articles of Association” The Articles of Association of CANI in force at the relevant time;
- “Board” the Board of CANI in office at the relevant time under the Articles of Association;
- “CANI Events” any tournament, competition or event at any level promoted or administered from time to time by CANI;
- “Chair” the person appointed from time to time to be the Chair of the Disciplinary Panel or the Appeal Panel under the Regulations;
- “Complaint” a complaint of misconduct or notification of a concern regarding particular circumstances and/or conduct that falls within the jurisdiction of these Regulations;
- “Complainant” the person or body, which may include CANI, from whom a Complaint has been received;



“Contractor”	any person or organisation engaged to supply services to CANI in the course of his or its own business undertaking”
“Decision”	the written decision of the Disciplinary Panel or Appeal Panel;
“Disciplinary Tribunal Panel Register”	a register of persons maintained by CANI, all of whom are appropriately trained/experienced in the application of CANI regulations, codes, policies and its statement of values, who may be appointed at the relevant time to a Disciplinary Panel or to an Appeal Panel under the Regulations. Persons appointed to this Register need not be members of CANI.
“Disciplinary Panel”	the Disciplinary Panel appointed to hear a Complaint pursuant to Regulation 9;
“Interested Party”	any person, Member, or body that in the sole opinion of CANI, will or is likely to be affected by the outcome of any Complaint under the Regulations;
“Member”	a Member of CANI as defined in the Rules and Articles of Association of CANI;
“Notice of Complaint”	the notice of the Complaint received by the Chief Officer by the Complainant in whatever form the Chief Officer reasonably considers constitutes a Complaint;
“Official”	any person acting on behalf of CANI in the administration of a CANI Event or acting on behalf of CANI in any other manner from time to time, including but not limited to the administration, coaching and organisation of a CANI team or any promotional or coaching activity whatsoever;
“Participant”	any Member, Official, Spectator, Volunteer or Contractor from time to time participating in any activity promoted or administered by CANI;
“Respondent”	the person who is the subject of the Complaint under the Regulations;



“Spectator”	any person who is admitted at an CANI Events/Tournament other than as a Competitor, Official or Volunteer or who is attending an CANI Tournament as a spectator only;
“Volunteer”	any person providing assistance or support to CANI from time to time otherwise as an employee or Director and including but not limited to any person providing assistance at CANI Events/ Tournaments;
“Young Person”	any person under 18 years of age.

3 INTERPRETATION

- 3.1 Any reference to gender includes all genders, any reference to the singular includes the plural (and vice versa), and references to persons includes bodies corporate, unincorporated associations and partnerships (whether or not any of them have a separate legal personality).
- 3.2 Headings are inserted for convenience only and do not affect the construction of the Regulations.
- 3.3 Any reference to “working days” in the Regulations refers to a normal working day in Northern Ireland, i.e. Monday to Friday, excluding public holidays. For further clarification of the interpretation of dates for service of documents please refer to Regulation 11.
- 3.4 If any part of the Regulations is held invalid, unenforceable or illegal for any reason, they shall remain in force apart from that part, which shall be treated as if it has been deleted to the extent to which it is invalid, unenforceable or illegal.

4 JURISDICTION AND DISCIPLINARY MATTERS

- 4.1 The Regulations are binding on all Participants and relate to all CANI rules, policies, codes and procedures and its statement of values as from time to time established in the furtherance of its objects (other than its anti-doping and safeguarding policies) and subsequent resignation from membership or cessation from being a Participant shall not prevent CANI taking disciplinary action in accordance with the Regulations in relation to a Complaint that took place or partially took place whilst the Respondent was a Participant.
- 4.2 The jurisdiction of the Regulations shall include without limitation the following:
 - 4.2.1 Complaints regarding the behaviour or conduct of a Member in or in relation to a CANI event or CANI team;
 - 4.2.2 Complaints regarding alleged breaches of CANI policies, regulations, codes, and practices and its statement of values.
 - 4.2.3 Any matter in which a Participant engages in any conduct which is incorrect, inappropriate, unlawful, unsporting or behaves in a manner which is unacceptable or opposed to the general interests of CANI or the sport of canoeing or which brings the sport into disrepute including without limitation where a Participant;
 - 4.2.3.1 engages in misconduct, cheating and/or an act of dishonesty; or
 - 4.2.3.2 fails to co-operate with the operation of the Regulations either in

so far as it relates to him or her or any other person.

- 4.3 Any person suspended or banned by the ICF and/or British Canoeing or one of the National Canoe Associations within the United Kingdom may be suspended or banned concurrently by CANI. CANI shall not be required to grant the person the opportunity to offer an explanation at a further disciplinary hearing in accordance with the Regulations.
- 4.4 A Complaint can be notified to the Chief Officer by any person or body which shall include, without limitation, a Member, Club, Region, Official or Volunteer.
- 4.5 For the avoidance of doubt, CANI would not ordinarily deal with “on the water” “canoeing specific” disputes which arise at competitive events. Any complaints arising out of such events should be directed at first instance to the relevant event officials/organising body. If following a full investigation such officials or body consider the matter is serious and if it is deemed appropriate they may refer it as a Complaint to the Chief Officer of CANI.
- 4.6 For the avoidance of doubt CANI would not ordinarily deal with selection/inclusion disputes which would be dealt with in accordance with the relevant selection/inclusion policy. The matter would only fall under the Regulations if the relevant selection/inclusion policy allows.
- 4.7 As a general rule, disciplinary matters shall be dealt with at their most local level, so that, for example, club disciplinary matters shall be dealt with at club level as appropriate, with any appeal to the next level so that matters shall be dealt with as follows:

<u>Level at which disciplinary matter arises</u>	<u>Disciplinary body at first instance</u>	<u>Appeal level</u>
Club	Club and internal Club Appeal, where that exists.	CANI
Event	Event Organisers	CANI
Discipline committee	Discipline committee	CANI
Selection/Inclusion	Appeal process within policy	CANI

- 4.8 For the avoidance of doubt, once an appeal has been heard in line with the levels above, there is no further right of appeal.

- 4.9 Club disciplinary matters are expected to follow rules and procedures consistent with these Regulations.

5 COMPLAINT AND ROLE OF THE BOARD OF DIRECTORS

- 5.1 Notice of all Complaints shall be given to the Chief Officer. The Notice of Complaint shall be made in writing as soon as practicable. It shall set out details of the Complaint. CANI shall acknowledge receipt of the Complaint in writing within a reasonable period of receipt of the Notice of Complaint.
- 5.2 The Chief Officer may refer a case to the Board of Directors to decide, at its discretion, that too long has elapsed since the event giving rise to the complaint and therefore no action will be taken.
- 5.3 On receipt of the Notice of Complaint, the Chief Officer will refer the Notice of Complaint to the Chair of the Board of Directors who may at her/his discretion:
- 5.3.1 commence an initial investigation into the matter to source information and evidence as soon as practicable;
 - 5.3.2 forward a copy of the Notice of Complaint to the Respondent and invite a written response from the Respondent within a specified period;
 - 5.3.3 undertake any further investigation s/he sees fit in order to ascertain the best course of action to resolve the Complaint;
 - 5.3.4 refer the complaint to the full Board of Directors, for advice and guidance;
 - 5.3.5 refer the complaint to any other relevant body which has a legitimate interest in the subject of the Complaint for action; and/or
 - 5.3.6 commence disciplinary action.
- 5.4 Upon completion of the steps set out in Regulation 5.3 and any further investigation undertaken by CANI, the Chair of the Board of Directors may take any of the following steps:
- 5.4.1 decide that no further action is required and the Chief Officer will notify the Respondent, where they have been notified, and Complainant in writing;
 - 5.4.2 reject the Complaint because it does not fall within the authority of CANI, and if appropriate refer it to another relevant body;
 - 5.4.3 dismiss the Complaint on the grounds that there is not enough evidence to warrant further action being taken and the Chief Officer will notify the Respondent, where they have been notified, and Complainant in writing;

- 5.4.4 dismiss the Complaint on the grounds that it is vexatious or malicious and the Chief Officer will notify the Respondent, where they have been notified, and Complainant in writing;
 - 5.4.5 refer the Complaint to another authority deemed more appropriate in practice or in law to handle it, including, but not limited to, social services or other agencies or the police for criminal matters;
 - 5.4.6 refer the complaint under the CANI Safeguarding or Anti- Doping Regulations;
 - 5.4.7 on the agreement of the Complainant and the Respondent, deal with the Complaint by arbitration or mediation, administered by CANI, any costs to be agreed in advance and paid equally by the Complainant and the Respondent;
 - 5.4.8 deal with the Complaint informally by way of advice or information because it is not serious enough to warrant full disciplinary proceedings;
 - 5.4.9 refer the Complaint to the Disciplinary Panel, to be constituted in accordance with Regulation 9 in which case the case against the Respondent may be presented by the complainant, or other person or body appointed by CANI.
- 5.5 As soon as is practicable, the Chief Officer shall inform the Complainant and the Respondent, where they have been notified, and any Interested Party or Parties of the course of action taken.
- 5.6 In the event that a Complaint is withdrawn by a Complainant, CANI retains the right, at its absolute discretion, to take any action deemed appropriate against the Respondent under the Regulations.

6 DISCIPLINARY MATTERS INVOLVING YOUNG PERSONS OR ADULTS AT RISK OF HARM

- 6.1 Where a disciplinary matter involves a Young Person or an Adult at Risk of Harm, CANI, the Disciplinary Panel and/or Appeal Panel must be mindful of the needs of the person in question and take these into account when deciding upon the format of proceedings or indeed whether any action is taken against such a person.
- 6.2 Where a disciplinary matter involves a Young Person or Adult at Risk of Harm, the Chair of the Disciplinary Panel and/or the Appeal Panel shall decide if the Panel should include at least one member who is suitably trained at dealing with

such Young Person or an Adult at Risk of Harm.

- 6.3 Any interviews of a Young Person or Adult at Risk of Harm shall only be conducted by suitably trained and experienced persons nominated by CANI.
- 6.4 Written permission should be obtained from any parent/carer of a Young Person or Adult at Risk of Harm where such person is asked to provide evidence and/or attend a hearing. Where a Young Person or Adult at Risk of Harm is asked to attend a hearing, they shall be afforded the opportunity to do so accompanied by any parent/carer and the Disciplinary Panel and/or Appeal Panel shall make sure that the Young Person or Adult at Risk of Harm fully understands the process taking place. In exceptional circumstances, where written permission is not obtained from a parent/carer, assessment should be made of the ability of the Young Person or Adult at Risk of Harm to understand and make their own decisions.
- 6.5 In all proceedings involving a Young Person or Adult at Risk of Harm, the Chair of the Disciplinary Panel or the Appeal Panel may vary the standard directions set out in the Regulations in order to take into account the needs of such Young Person or Adult at Risk of Harm. This may include without limitation conducting any hearing on paper or providing for evidence to be given by video link.
- 6.6 For the avoidance of doubt, the refusal of the parent, Young Person or Adult at Risk of Harm to co-operate shall not preclude CANI from taking disciplinary action against the Young Person or Adult at Risk of Harm in accordance with the Regulations.

7 SUSPENSION BEFORE DETERMINATION OF THE COMPLAINT

- 7.1 In the event that the Complaint is deemed to be sufficiently serious, the Chief Officer may seek at any time following the receipt of the Notice of Complaint to impose a temporary suspension upon the Respondent by making an application to the Chair of the Board of Directors.
- 7.2 A temporary suspension shall not be deemed to be a disciplinary sanction until such time as the matter is determined by the Disciplinary Panel, when it may be taken into account in respect of the imposition of any sanctions.
- 7.3 Temporary suspension orders will be made where it is considered by the Chair of the Board of Directors that such action is appropriate which shall include without limitation the following reasons:
 - 7.3.1 For the protection of the Respondent or other Participants;
 - 7.3.2 In cases involving allegations of gross misconduct;
 - 7.3.3 Where there is a risk to the reputation of CANI to fail to suspend; and

- 7.3.4 Where a failure to suspend may impede internal investigations or prejudice investigation by external organisations.
- 7.4 Suspensions may be imposed for a defined or indefinite period. The nature of the suspension will be communicated to the Respondent in writing. All suspensions will be reviewed on a periodic basis as ordered by the Chair of the Board of Directors.
- 7.5 A Respondent who has been suspended may apply to the Chief Officer for the suspension to be lifted. The Chief Officer shall refer the matter to a legally qualified member of the Disciplinary Tribunal Panel (who shall have had no prior involvement in the matter) to determine whether the decision to impose a temporary suspension was and remains appropriate in the circumstances and the Chief Officer shall communicate the decision to the Respondent within 10 working days of the application for appeal of the original decision.
- 7.6 The Chief Officer may communicate the fact of the suspension to any relevant third parties strictly on a needs to know basis.
- 7.7 Temporary Suspensions imposed on a Respondent will apply such conditions that are deemed appropriate such as a person will not paddle, coach, spectate or participate in any CANI activities and/or some or all activities of a Member as indicated in the notice of suspension anywhere in Northern Ireland during the period of suspension.
- 7.8 Any suspension under this Part will automatically cease if either of the following occurs (whichever is soonest):
- 7.8.1 The matter has been determined by the Disciplinary Panel under the Regulations; or
 - 7.8.2 The Complaint is withdrawn and no further action is taken; or
 - 7.8.3 The matter is resolved by way of mediation or alternate dispute resolution.

8 DISCIPLINARY HEARING

- 8.1 Where the Chair of Board of Directors determines that a Complaint shall be dealt with by way of a disciplinary hearing the Chief Officer shall be required to inform the Respondent of the disciplinary charge against him/her with specific reference to the rules, regulations or codes alleged to have been breached (the 'Notice of Charge') and shall be required to state the charge and produce its evidence in support of the charge.
- 8.2 The Respondent has 15 working days from receipt of the Notice of Charge to submit a written reply to the Notice of Charge to either:

- 8.2.1 accept the charge acknowledging that Regulation 12.4 shall govern proceedings; or
- 8.2.2 deny the charge in which case the matter will be dealt with by a full disciplinary hearing.
- 8.3 If the Respondent accepts the charge the Disciplinary Panel may deal with the case in the Respondent's absence in accordance with Regulation 12.4. The Respondent is permitted to make written representations in relation to mitigation within 5 working days from accepting the charge.
- 8.4 If the Respondent does not accept the charge the Chief Officer shall appoint a Chair and a Disciplinary Panel in accordance with Regulation 9.
- 8.5 The Disciplinary Panel shall have jurisdiction to conduct disciplinary hearings and impose sanctions upon those persons/bodies subject to the Regulations.
- 8.6 The Chief Officer shall act as the secretary and administrator for the Disciplinary Panel and shall not be a member of the Disciplinary Panel. The Chief Officer shall appoint the Disciplinary Panel within 15 working days from the response from the Respondent made in accordance with Regulation 8.2.

9 COMPOSITION OF THE DISCIPLINARY PANEL

- 9.1 A Disciplinary Panel will normally consist of three members. The members of the Disciplinary Panel shall be appointed from the individuals listed on the Disciplinary Tribunal Panel Register. The Chief Officer shall appoint those individuals from the Disciplinary Tribunal Panel Register who it is deemed are the most appropriate/qualified to hear the specific Complaint.
- 9.2 Upon formation of the Disciplinary Panel, the Chief Officer shall inform the Respondent of its composition.
- 9.3 The Respondent may object to the composition of the Disciplinary Panel by notifying the Chief Officer in writing of the objections and setting out the reasons for such objections no later than 5 working days from the date of being informed of the composition of the Disciplinary Panel.
- 9.4 The Chief Officer shall immediately forward any objection received in relation to the members of the Disciplinary Panel to the Chair of the Board of Directors who shall consider the objections and determine whether they are valid in his/her opinion, or there are no grounds for objection, in which case the Chair shall reject the objection.
- 9.5 The Chief Officer shall notify the Respondent in writing within 5 working days from the date of receipt of any objection to the composition of the Disciplinary Panel

that either:

9.5.1 the composition of the Disciplinary Panel has changed (in which case the Chief Officer shall provide details of the new Disciplinary Panel); or

9.5.2 the composition of the Disciplinary Panel has not changed (in which case the Chief Officer will give reasons why the party's reasons for objecting has not been accepted).

9.6 The decision by the Chair of the Board of Directors on the composition of the Disciplinary Panel under this provision shall be final.

10 PRE-HEARING PROCEDURE

10.1 Where the Respondent disputes the charge then the Chief Officer shall, within 10 working days of the appointment of the Disciplinary Panel, inform all parties of the hearing date, place and time.

10.2 Other than convening the hearing, all steps and the timetable for any steps from the appointment of the Disciplinary Panel until the final adjudication of the matter shall be at the discretion of the Chair of the Disciplinary Panel, save where otherwise set out in the Regulations.

10.3 All parties must notify the Chair of any evidence, including all documents, witness statements and any witnesses to be called to give evidence (if any), relating to the Complaint that they wish the Disciplinary Panel to consider in relation to the matter.

10.4 The Chair of the Disciplinary Panel shall determine a timetable for any steps to be taken prior to hearing and for the production and exchange of any evidence and what evidence shall be permitted at hearing. No witness shall give evidence in person unless the Chair of the Disciplinary Panel reasonably believes it is necessary for the witness to do so in the interests of fairness and justice.

10.5 The Chair of the Disciplinary Panel shall have power to make such further directions relating to the provision of evidence or the conduct of the hearing as, in his/her sole discretion, are deemed necessary. These may include, but shall not be limited to:

10.5.1 pre-hearing meetings of the Disciplinary Panel to agree procedural issues;

10.5.2 production, inspection and/or exchange of documents, witness statements and other evidence;

10.5.3 exchange of skeleton arguments;

- 10.5.4 any direction concerning the determination of any issue on paper in advance of the hearing or the extent to which evidence shall be agreed; and
- 10.5.5 if deemed appropriate, rule that the hearing take place on paper.
- 10.6 If no evidence and/or documentation is received by either party within any time limit imposed the Disciplinary Panel may consider the Complaint in the absence of such evidence, and upon on the basis of the facts and statements in its possession.
- 10.7 Each party shall inform the Chair no less than 5 days before the hearing if they will be legally represented or accompanied by another third party; and
- 10.8 It shall be the duty of the parties at their own cost to notify and arrange the attendance of any legal representation and/or any witnesses they may wish to call.
- 10.9 Time limits referred to in the Regulations can be extended at the discretion of the Chair of the Board of Directors before the appointment of a Chair of the Disciplinary Panel and thereafter only by the Chair of the Disciplinary Panel. Either party may apply to the Chair of the Disciplinary Panel to extend or vary any time limits set out in the regulations including retrospectively.

11 SERVICE OF DOCUMENTS

- 11.1 Each party must send all communications to the chief officer who shall distribute copies as appropriate to the Disciplinary Panel and any Interested Parties.
- 11.2 Any notification, correspondence or any other document submitted under the Regulations may be sent in writing by person, by first class post or registered post or by email transmission.
- 11.3 Any document served under the Regulations will be deemed to be received by the relevant party on a particular day, if it is received by that body or person (as appropriate) at or before 17:00 hours on a business day. If it is received at any time thereafter, or if it is received during a non-business day, it will be deemed to have been received the next following business day (the “Date of Receipt”). Any time periods stipulated in the Regulations are deemed to commence from the Date of Receipt.
- 11.4 Any documents served under the Regulations shall be deemed to be served:
- 11.4.1

11.4.2 by email transmission: on that day, if it is transmitted on a business day before 17:00 hours, failing which it will be deemed to be served on the next following business day after it is transmitted.

11.5 All correspondence should be addressed to the Chief Officer at chiefofficer@cani.org.uk. If any documents need to be submitted in paper form, contact the chief officer to get directions on how to supply these.

12 THE CONDUCT OF HEARINGS

12.1 The conduct of disciplinary proceedings will be in accordance with the principles of natural justice as determined by and consistent with Northern Ireland law.

12.2 Proceedings, findings or decisions of a Disciplinary Panel shall not be invalidated by reason of any minor defect, irregularity, omission or technicality unless such defect, irregularity, omission or technicality amounts to a material irregularity and forms a ground of appeal.

12.3 The standard of proof in all disciplinary cases (including appeals) is the balance of probabilities.

12.4 Where a Complaint is referred to the Disciplinary Panel and the Respondent admits the offence in accordance with Regulation 8.2.1, the matter may be dealt with summarily (i.e. without a hearing) by the Disciplinary Panel who may impose any sanction which a Disciplinary Panel could have imposed had the alleged breach been referred to it and a breach been established to its satisfaction. The conditions for the imposition of such a sanction shall be that:

12.4.1 the Respondent must consent to the matter being dealt with summarily under this Regulation;

12.4.2 the Disciplinary Panel shall give due consideration to any arguments provided in mitigation by the Respondent in accordance with Regulation 11.3; and

12.4.3 there is no appeal against a decision imposed under this provision notwithstanding that a person subject to a summary decision may appeal against the sanction imposed if the Respondent considers it to be disproportionate to the facts of the Complaint.

12.5 The Disciplinary Panel and Appeal Panels will not be obliged to follow strict rules of evidence. They may admit such evidence as they think fit and accord such evidence such weight as they think appropriate in all the circumstances. Where the subject matter of a complaint or matter before the Disciplinary Panel or Appeal

Panel has been the subject of previous civil or criminal proceedings, the result of such proceedings and the facts and matters upon which such result is based will be presumed to be correct and the facts presumed to be true unless it is shown by clear and convincing evidence that this is not the case.

- 12.6 The Disciplinary Panel shall decide any issue by majority but shall not be required to indicate whether a decision has been taken unanimously or not. No member of the Disciplinary Panel may abstain from voting.
- 12.7 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 necessary to ensure the orderly and effective conduct of the hearing, subject to the overriding requirement of fairness. The Chair of the Disciplinary Panel will then outline the basic procedure of the Hearing.
- 12.8 Usually, this will be as follows:
 - 12.8.1 the case against the Respondent will be presented by the complainant or any other person or body appointed by CANI, together with relevant evidence, including witness evidence, if appropriate. In such cases where it is deemed appropriate to do so, CANI may appoint a third party to present the case against the Respondent;
 - 12.8.2 the Respondent or their representative will be asked to admit or deny the disciplinary charge and will then have the opportunity to speak, challenge the evidence presented against them, submit their own evidence, call witnesses and make representations to the Disciplinary Panel. The evidence of further witnesses not notified in accordance with the Regulations will be admitted only at the sole discretion of the Chair of the Disciplinary Panel;
 - 12.8.3 before being called, witnesses will not be allowed in the room while evidence is being given;
 - 12.8.4 questions may be put by the Disciplinary Panel to the Respondent and CANI and each witness on conclusion of their evidence;
 - 12.8.5 the Respondent and CANI may be able to raise questions in cross-examination;
 - 12.8.6 the Respondent and CANI will be allowed to make a closing statement to the Panel;
 - 12.8.7 the room will be cleared and the Panel will deliberate and determine whether, on the balance of probabilities, the disciplinary charge has been proved;

- 12.8.8 the Disciplinary Hearing will reconvene and the Chair of the Disciplinary Panel will announce whether or not the disciplinary charge has been proved unless the Chair of the Disciplinary Panel deems it fit to defer the Disciplinary Panel's decision in accordance with Regulation 13.1.2;
- 12.8.9 if the Respondent admits the disciplinary charge or the Panel decides the disciplinary charge has been proved, the Panel will review the Respondent's previous disciplinary record, where relevant, to consider sanctions and costs;
- 12.8.10 the Disciplinary Panel will invite the Respondent to set out any mitigating arguments;
- 12.8.11 the room will again be cleared and the Panel shall determine the appropriate sanction in accordance with the Regulations;
- 12.8.12 those representing a Respondent at a Hearing may present and sum up their case, but they are not permitted to answer questions put to the Respondent.
- 12.9 If the Chair of the Disciplinary Panel feels it is necessary, bearing in mind all the circumstances surrounding the case, the Disciplinary Panel may, at its discretion, request an Independent Person to act as adviser to the Disciplinary Panel.
- 12.10 The Chair of the Disciplinary Panel has the authority to adjourn the Hearing to allow for additional evidence to be presented only if they consider it important and relevant in reaching a decision.
- 12.11 The Chair of the Disciplinary Panel may determine that persons other than the parties shall be permitted to attend the hearing where this is in the interests of justice.
- 12.12 The Chair of the Disciplinary Panel may determine that attendance by the Complainant, Respondent and any witnesses involved may be via conference call, video link or other suitable method. The Chair of the Disciplinary Panel may also determine that any written evidence may be admitted where giving evidence and being cross examined in person is not reasonably possible or desirable but the Disciplinary Panel should take the relative weight of such evidence into account when making its determinations.
- 12.13 If the Respondent does not attend the Hearing arranged as above, provided that the Disciplinary Panel is satisfied that notice of the hearing was served properly, it may proceed to hear the evidence in the absence of the Respondent.
- 12.14 In the light of the evidence presented to it, the Disciplinary Panel may find a

Respondent guilty of a less or more serious disciplinary charge than originally set out in the Notice of Charge.

- 12.15 If the alleged disciplinary charge has not been proved, the Chair of the Disciplinary Panel shall so state and the Disciplinary Panel shall dismiss the Complaint.
- 12.16 The Chair of the Disciplinary Panel has the discretion to adjourn the Hearing if at any time they think the interests of justice require it (for example to secure the attendance of a key witness or other important evidence).
- 12.17 The Disciplinary Panel may limit cross-examination.
- 12.18 In circumstances where a person other than the parties is present and it appears to the Chair of the Disciplinary Panel that any person giving evidence may expose themselves to unnecessary risk the Chair may require a non-party to withdraw whilst that evidence is given.
- 12.19 CANI may audio record Disciplinary Panel proceedings.
- 12.20 The Disciplinary Panel shall not be bound by the rules of Court (or any legislative provision) governing procedures. 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 their case.
- 12.21 Except in the case of appeals, a failure to observe the time limits specified in the Regulations shall not nullify any proceedings, but such failure may be a cause for a hearing to be adjourned.

13 THE DISCIPLINARY PANEL'S DECISION

13.1 The Chair of the Disciplinary Panel may:-

13.1.1 Announce the decision of the Disciplinary Panel on the date of the hearing and any sanction to be imposed in accordance with Regulation 14; or

13.1.2 Defer the Disciplinary Panel's decision to a later date.

13.2 Any deviation from these regulations by a Disciplinary Panel shall not invalidate any finding, procedure or decision unless that deviation raises material doubt as to the reliability of the finding, procedure or decision.

13.3 The Disciplinary Panel shall normally provide the written reasons of the Decision to the Respondent, the Complainant and CANI within 20 working days of the Decision.

13.4 The written reasons of the Decision shall include:

- 13.4.1 The identity and composition of the Disciplinary Panel;
- 13.4.2 The names of the parties;
- 13.4.3 A summary of the facts;
- 13.4.4 The Rule/Regulation on which the Decision is based;
- 13.4.5 The grounds of the Decision;
- 13.4.6 The sanction (if any) to be imposed on the Respondent in accordance with the Regulations;
- 13.4.7 Any order for costs; and
- 13.4.8 The appropriate appeals procedure in accordance with the Regulations.

14 AVAILABLE SANCTIONS

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

- 14.1.1 A warning or reprimand in respect of the misconduct or rule breach committed;
- 14.1.2 Suspension from CANI activities including Tournaments, teams, meetings or other events as a Player, Official, Spectator, or Volunteer for a specified or indefinite period;
- 14.1.3 Exclusion from CANI activities including CANI Tournaments, teams, meetings or other events as a Player, Official, Spectator, or Volunteer;
- 14.1.4 Suspension for a specified period or removal from any office held within CANI;
- 14.1.5 Exclusion from holding office within CANI for a specified or indefinite period of time;
- 14.1.6 Withdrawal of some or all of any canoeing related financial support or benefits;
- 14.1.7 A fine not exceeding £1,000;

- 14.1.8 A requirement to undertake training or be subject to a period of monitoring/mentoring; and
- 14.1.9 A combination of any of the above or any other disciplinary action as considered appropriate and in accordance with the Rules and Articles of Association of CANI.
- 14.2 The decision taken by the Disciplinary Panel in relation to the sanction to be imposed must be reasonable and proportionate in all circumstances.
- 14.3 The Disciplinary Panel may order that any part of a sanction be suspended for a specified period (not exceeding twelve months). If the person benefiting from a suspended sanction commits another breach of the Rules and regulations of CANI or is the subject of a further Complaint during the period of such suspended sanction which is subsequently upheld, then the suspension of the sanction is automatically revoked and that sanction is added to the sanction pronounced for the new breach.
- 14.4 Any suspension imposed by a Disciplinary Panel may be backdated to take into account any interim suspension that may have been imposed pursuant to Regulation 7.
- 14.5 All fines and financial sanctions should be paid within 28 days from the notice of the fine or financial sanction being applied or this failure to pay will be classed as a disciplinary matter and action will be taken by CANI in accordance with the Regulations. Interest shall be paid at the rate applicable to judgment debts in Northern Ireland from the end of the 28 day period until the actual date of payment.

15 PUBLICATION OF DECISIONS

- 15.1 CANI will ordinarily publish details of any disciplinary action taken, including publication of any decision made by the Disciplinary Panel where a Complaint is upheld.
- 15.2 The Tribunal in giving a Decision may provide that part of the Decision will be redacted or that details of or the Decision itself may not be published.
- 15.3 CANI may at any time during the disciplinary or dispute resolution process notify any other relevant body of any details relating to the Complaint or Dispute as such body may need to know for the proper exercise of its functions including but not limited to Members.
- 15.4 Where it appears that public knowledge of a Complaint exists, prior to its determination, CANI reserves the right to confirm the details of such complaint subject to the consent of the Complainant and the Respondent.

16 COSTS

- 16.1 The Disciplinary Panel may, at its discretion, make an order for the costs relating to the disciplinary action to be paid in such proportion as they may decide by any of the parties. The Disciplinary Panel will not ordinarily make an order for costs without first considering submissions from the relevant parties on the question of costs.
- 16.2 These costs may include travel and accommodation expenses reasonably incurred by the Disciplinary Panel and CANI in the preparation and holding of the Disciplinary Hearing and any legal costs incurred by the Disciplinary Panel. In calculating the amount, any legal representation or professional charges incurred by the Complainant (unless the Complainant is CANI) or the Respondent will not be included.
- 16.3 Such orders for payments of costs shall not form any part of or influence any fines or other sanctions.

17 APPEAL OF THE DISCIPLINARY PANEL'S DECISION

- 17.1 An Appeal Panel convened in accordance with these Regulations is competent to hear appeals in the following circumstances:

- 17.1.1 Decisions of a Disciplinary Panel;
- 17.1.2 Decisions of a CANI Selection Committee;
- 17.1.3 Decisions of any other body, panel or committee of CANI which has been created in accordance with the Articles of Association and/or the Rules of CANI from time to time.

(for the purposes of this Regulation, a Decision shall include any decision as set out above)

- 17.2 Leave to appeal can only be sought against a Decision on one or more of the following grounds:

- 17.2.1 the Decision was based on error of fact or could not have been reasonably reached by a Disciplinary Panel when faced with the evidence before it;
- 17.2.2 serious procedural or other irregularity in the proceedings before the Disciplinary Panel;
- 17.2.3 significant and relevant new evidence has become available which was not available before the conclusion of the Hearing but, had it been available, may have caused the Disciplinary Panel to reach a materially difference decision; and/or
- 17.2.4 the sanction imposed was manifestly unreasonable in the light of the facts

before the Disciplinary Panel.

17.3 In accordance with Regulation 12.4.3 a Respondent whose case was dealt with summarily may only appeal on the grounds set out in Regulation 17.2.4.

17.4 The party seeking leave to appeal (the 'Appellant') shall serve a Notice of Appeal in writing upon CANI within 10 working days following receipt of the written grounds of the Decision against which the appeal is being made.

17.5 The Notice of Appeal shall:

17.5.1 state the date and decision of the Disciplinary Panel against which the appeal is lodged;

17.5.2 state the grounds of appeal relied upon in accordance with Regulation 17.2;

17.5.3 set out the statement of facts upon which the appeal is based, specifying whether the appeal is against finding and sanction or just sanction alone and include any supporting documentation upon which the Appellant will rely; and

17.5.4 be accompanied by a cheque for £50 made payable to CANI ("the Deposit"). This Deposit shall be held by CANI and re-paid to the Appellant in the event that the Appeal Panel so decides.

17.6 Upon receipt of the Notice of Appeal, the Chief Officer will refer the matter to a member of the Disciplinary Tribunal Panel Register to consider the matter and decide if the Notice of Appeal shows that grounds are made out for the appeal to be determined under the Regulations. If the member of the Disciplinary Tribunal Panel Register is satisfied that there are grounds to do so the matter shall be referred to the Appeal Panel.

17.7 A decision as to whether to grant leave to appeal shall be taken within 10 working days from receipt of the Notice of Appeal. Such decision will be notified to the Appellant and any Interested Parties.

17.8 In the case of appeals the time limits specified in the Regulations must be complied with.

18 COMPOSITION AND POWERS OF THE APPEAL PANEL

18.1 An Appeal Panel will consist of three members. The Chief Officer shall act as the secretary or administrator for the Appeal Panel and shall not be a member of the Appeal Panel. The Chief Officer shall appoint the Appeal Panel within 10 working days from notification of the decision to grant leave to appeal in accordance with

Regulation 17.6.

- 18.2 The members of the Appeal Panel shall be appointed from the individuals listed on the Disciplinary Tribunal Panel Register. The Appeal Panel shall be formed by the Chief Officer, who shall also nominate the Chair of the Appeal Panel.
- 18.3 The members of the Appeal Panel shall not have been members of the original Disciplinary Panel which considered this case or had any previous involvement in the case.
- 18.4 CANI may appoint a legal representative to assist with any Appeal Panel. They shall be permitted to be involved in all stages of the process but shall not be considered to be a member of the Appeal Panel.
- 18.5 The Chair of the Appeal Panel is empowered to decide:
 - 18.5.1 The time and place of any hearing;
 - 18.5.2 That the appeal hearing shall be paper based or that the hearing be carried out by teleconference subject to the consent of all parties;
 - 18.5.3 The nature of the evidence (if any) that it requires to be adduced;
 - 18.5.4 Who (if anybody) should be invited to appear at any hearing; and
 - 18.5.5 How and when any decision it takes should be acted upon.

19 PRE-APPEAL PANEL PROCEDURES

- 19.1 Where the Appeal Panel has been convened the Chief Officer will send a copy of the Notice of Appeal along with confirmation of the composition of the Appeal Panel to the Complainant, the Appeal Panel and any Interested Parties;
- 19.2 The Chair of the Appeal Panel shall then decide the appropriate course of action for the appeal in accordance with Regulation 18.5. Upon making its decision which shall be no longer than 10 working days after the Appeal Panel has been convened, the Chief Officer will send notice to all the parties including:
 - 19.2.1 the decision of the Appeal Panel as to the course of action for the appeal;
 - 19.2.2 notification to all parties of the date, time and place of the hearing ensuring that that all parties are given at least 10 working days notice of the hearing;
 - 19.2.3 asking the Appellant whether he/she will be represented or accompanied by an advocate or other third party, whether he/she wishes to call witnesses to give evidence, and who he/she intends to have present at the hearing;

- 19.2.4 inviting Interested Parties to attend the hearing and make any submissions deemed necessary; and
- 19.2.5 supplying copies of any evidence and/or information previously provided to CANI in relation to the case, including the initial Complaint, the Disciplinary Panel's Decision, and any further evidence and/or information deemed necessary.
- 19.3 The Chair of the Appeal Panel shall have power to make such further directions relating to the provision of information/evidence or the conduct of the hearing as, in his or her sole discretion, are deemed necessary.
- 19.4 The Appellant may object to the composition of the Appeal Panel by notifying the Chief Officer of the objections and setting out the reasons for such objections no later than 5 working days from the date of being informed of the composition of the Appeal Panel.
- 19.5 The Chief Officer shall immediately forward any objection received in relation to the members of the Appeal Panel to the Chair of the Appeal Panel who shall consider the objections and determine whether they are valid or in their opinion, the grounds for objection are frivolous, unfounded or ill informed, in which case the Chair shall reject the objection.
- 19.6 If the objection is made against the Chair of the Appeal Panel then another member of the Appeal Panel must assess the objection.
- 19.7 The Chief Officer shall notify the Appellant in writing within 5 working days from the date of receipt of any objections that either:
- 19.7.1 The composition of the Appeal Panel has changed (in which case the Chief Officer shall provide details of the new Appeal Panel); or
 - 19.7.2 The composition of the Appeal Panel has not changed (in which case the Chief Officer will give reasons why the Chair has not accepted the Appellant's reasons for objecting).
- 19.8 The decision by the Chair of the Appeal Panel or relevant Appeal Panel Participant on the composition of the Appeal Panel under this provision shall be final.
- 19.9 The Appeal Panel shall have the power to hear evidence from any third party not directly involved in the appeal if the Appeal Panel is of the view that such third party may be materially or adversely affected by any decision it may make.
- 19.10 Where the Appellant wishes to rely upon any new evidence it must notify the Chair of the Appeal Panel at least 72 hours ahead of the hearing. The Chair of the Appeal Panel will then give any other party to the hearing as much notice of the



new evidence as is reasonably possible. The Chair of the Appeal Panel shall determine the weight to be given to such evidence.

20 THE CONDUCT OF APPEAL PANEL HEARINGS

- 20.1 Any appeal of a Disciplinary Panel Decision shall be by way of review only and not a re-hearing.
- 20.2 The conduct of Appeal Panel proceedings will be in accordance with the principles of natural justice as determined by and consistent with Northern Ireland law.
- 20.3 The standard of proof in all cases before the Appeal Panel is the balance of probabilities.
- 20.4 Proceedings, findings or decisions of an Appeal Panel shall not be invalidated by reason of any minor defect, irregularity, omission or technicality unless such defect, irregularity, omission or technicality amounts to a material irregularity and forms a ground of appeal.
- 20.5 CANI shall record Appeal Panel proceedings. The proceedings may be audio-recorded.
- 20.6 If the Appellant does not attend the Appeal Hearing, provided that the Appeal Panel is satisfied that notice of the hearing was served properly, it may proceed to hear the evidence in the absence of the Appellant.
- 20.7 Appeal Panels will not be obliged to follow strict rules of evidence. It may admit such evidence as it deems fit and accord such evidence such weight as they think appropriate in all the circumstances. Where the subject matter of a complaint or matter before the Appeal Panel has been the subject of previous civil or criminal proceedings, the result of such proceedings and the facts and matters upon which such result is based will be presumed to be correct and the facts presumed to be true unless it is shown by clear and convincing evidence that this is not the case.
- 20.8 In the case of appeals, a failure to observe the time limits specified in the Regulations shall nullify any proceedings.
- 20.9 At the hearing the Appeal Panel shall consider all the evidence made available to it by all parties to the appeal, including the written and/or oral testimony of any witnesses supporting that evidence. It may question CANI, the Appellant and any witnesses present in relation to the matter. Each party will be entitled to question the other's witnesses. It may call upon either CANI or the Appellant to supply additional evidence and may adjourn the hearing for that or any other purpose.
- 20.10 The Appeal Panel shall decide any issue by majority and no member of the Appeal Panel may abstain from voting.

21 POWERS OF AN APPEAL PANEL

21.1 An Appeal Panel has the power to:

21.1.1 dismiss the Appeal;

21.1.2 overturn any finding and any sanction imposed by the original Disciplinary Panel;

21.1.3 remit the matter for a re-hearing;

21.1.4 substitute an alternative finding;

21.1.5 reduce or increase the original sanction; and/or

21.1.6 make such further order as it considers appropriate.

21.2 For the avoidance of doubt, sanctions may be increased as well as decreased on appeal.

21.3 Any sanction imposed, confirmed or varied by the Appeal Panel shall normally commence on the day following the date of the appeal or with immediate effect.

21.4 The Chair of the Appeal Panel may:

21.4.1 announce the decision of the Appeal Panel on the date of the hearing; or

21.4.2 defer the Appeal Panel's decision to a later date.

21.5 In any event, the Chair of the Appeal Panel shall, within 10 working days, deliver a written decision to the Chief Officer who will distribute the written decision to the Appellant and all Interested Parties.

21.6 The decision of an Appeal Panel shall be final and binding upon the parties, and there shall be no further right of appeal from it.

21.7 The decision of the Appeal Panel and sanction imposed, if any, shall be made public after it has been notified to all the parties. All parties to an appeal hearing are deemed to have consented to such publication.

22 COSTS OF AN APPEAL PANEL

22.1 The Appeal Panel shall have discretion in this regard, however an unsuccessful Appellant will normally be required to pay the costs of the appeal which shall include:



- 22.1.1 The costs of the Appeal Panel less the fee paid with the Notice of Appeal;
- 22.1.2 The travelling expenses of any witnesses; and
- 22.1.3 The legal costs incurred by the Appeal Panel and/or CANI but not the legal costs of any other party to the Appeal).

23 RECORD KEEPING AND DATA PROTECTION

- 23.1 All personal data held in connection with a disciplinary matter will be held in accordance with the CANI Data Protection Policy and current Data Protection legislation.
- 23.2 Save where the Disciplinary Panel provides otherwise in accordance with Clause 15, Decisions will ordinarily be published on the CANI website. CANI may notify appropriate third parties of the outcome of any disciplinary matter and will ordinarily inform British Canoeing and the other National Associations.
- 23.3 The Chief Officer will determine how long any offences should be retained on record, including the sanctions imposed and any related documentation.