



Disciplinary Policy for Partakers

30 July 2019

Version 1.0

1. Policy Statement

1. The Scottish Athletics Disciplinary Policy for Partakers (hereinafter referred to as “this policy”) provides a framework and process for any disciplinary action, should it be so required. It is a tool to address unacceptable conduct promptly, fairly and consistently. On occasion, it may be necessary to impose a sanction if the conduct or performance is unacceptable.

2. Aims

- 2.1 To provide a clear understanding of the disciplinary policy.
- 2.2 To provide guidance on how the procedure should be followed.

3. Guiding Principles

3.1 Scottish Athletics will:

- 3.1.1 Treat the Partaker fairly, equally and consistently;
- 3.1.2 Establish the basic facts of any disciplinary issue and identify whether it amounts to under performance or misconduct or gross misconduct and then follow the relevant process;
- 3.1.3 Investigate promptly and thoroughly, establishing the facts as clearly as possible, ensuring that any period of suspension is kept under review;
- 3.1.4 Inform the Partaker about any concerns about performance or conduct;
- 3.1.5 Tell Partakers what is expected of a Partaker to improve their conduct or performance;
- 3.1.6 Allow the Partaker to put forward their case and listen to their views and any mitigating factors;
- 3.1.7 Give the Partaker a full written explanation of any disciplinary action;
- 3.1.8 Give the Partaker an opportunity to appeal any formal disciplinary action; and
- 3.1.9 Encourage the Partaker to be accompanied at disciplinary meetings.

4. Scope of the Policy

- 4.1 This policy applies to any person or body who is a member, or who is operating in the capacity of a member of Scottish Athletics through one of its membership categories, including volunteers, entrants to events operating under a Scottish Athletics licensed event, and individuals or organisations contracted to or whose services are engaged to deliver programmes and courses on behalf of Scottish Athletics who will collectively be called “Partaker” throughout this policy.
 - 4.1.1 In relation to conduct that takes place during Scottish Athletics sanctioned events, this policy will take precedent over any other disciplinary policy that the Partaker may be subject to with any other Affiliated Organisation.

- 4.1.2 For the avoidance of doubt, Clubs and their athletes are ambassadors of Scottish Athletics for the entire duration of membership, including during and after non-Scottish Athletics sanctioned events.
- 4.2 This Policy also applies to any individual who as well as being a Partaker is also employed by Scottish Athletics (Scottish Athletics Employee) where the Disciplinary Matter was committed out with the course of the person's employment. Scottish Athletics reserves the right to also make the decision as to whether any further disciplinary action should be taken under the individual's terms of employment.
- 4.2.1 For the avoidance of doubt, to the extent that the alleged Disciplinary Matter was committed during the course of that person's employment, they shall be subject to disciplinary action as an employee only and not under this Policy.
- 4.3 Rules for competition are covered separately by UK Athletics when specific competition is held either under UKA or IAAF rules, as amended from time to time.

5. Disciplinary Matters

- 5.1 A Partaker subject to the disciplinary jurisdiction of Scottish Athletics by virtue of paragraph 4 above shall be liable to disciplinary action in accordance with this Policy if their conduct is alleged to be inappropriate, incorrect, improper, unlawful or unsporting and/or has the potential to bring the sport of athletics or Scottish Athletics into disrepute. The following **non-exhaustive** list are examples of conduct which may constitute a breach of this Policy:
- 5.1.1 Failing to comply with Scottish Athletics Articles of Association or Regulations;
- 5.1.2 Doing anything which has the potential to harm Scottish Athletics or bring the sport of athletics or Scottish Athletics into disrepute;
- 5.1.3 Failing to comply with a written agreement with or a written undertaking given to Scottish Athletics;
- 5.1.4 Making an untrue written or verbal statement to Scottish Athletics or a person or organisation acting on behalf of Scottish Athletics;
- 5.1.5 Committing a breach of the Code of Conduct for Partakers;
- 5.1.6 Committing a breach of Scottish Athletics Social Media Policy for Partakers;
- 5.1.7 Failing to treat others in the sport with dignity and respect;
- 5.1.8 Committing a breach of Scottish Athletics Anti-Doping Regulations;
- 5.1.9 Committing a breach of Scottish Athletics Sports Betting and Anti-corruption Policy;
- 5.1.10 Acting in a way that directly or indirectly adversely affects the welfare or safety of a person under 18 or places them at risk;
- 5.1.11 Acting in a way that directly or indirectly adversely affects the welfare or safety of a Vulnerable Adult or places them at risk; or
- 5.1.12 Assisting or encouraging any person, or Associated Organisation to breach this Policy.

6. Jurisdiction and Power

- 6.1 The Board delegates power and jurisdiction to act in relation to any Disciplinary Matter, including the power to impose appropriate sanctions, to the Disciplinary Panel in accordance with the procedures in this Policy except that:
- 6.1.1 Allegations relating to doping as defined within the Scottish Athletics' Anti-Doping Regulations as approved by the Board shall be dealt with by the UK National Anti-Doping Panel, in accordance with the provisions of the relevant UK Anti-Doping Rules;
 - 6.1.2 Allegations that a person has engaged in conduct which directly or indirectly adversely affects the welfare or safety of a person under 18 and/or places them at risk (including any Appeal) shall be dealt with in accordance with the policies adopted from time to time by Scottish Athletics in respect of child protection and safeguarding; and
 - 6.1.3 Allegations of a breach of the Code of Conduct, shall, where the Code of Conduct so allows, be dealt with by the Chief Executive Officer who may in turn delegate, in his/her absolute discretion, dealing with such allegations to the Disciplinary Panel Chair or may refer such allegations to be dealt with under this Policy.
- 6.2 Disciplinary Action and any resulting sanction under this Policy shall be separate from and may be additional to:
- 6.2.1 Any sanction specifically authorised by Scottish Athletics regulations (other than this Policy) established by the Board;
 - 6.2.2 Action or investigation by the police or statutory authorities in accordance with criminal law or other statutory regulations, whether or not resulting in a conviction, but any action under this Policy may be stayed until the outcome of any criminal or external investigation is concluded save to the extent that a Club, Athlete or Connected Person may be precluded from participating in Scottish Athletics activities pending determination of any criminal or external investigation.
- 6.3 The Board delegates power to the Chief Executive Officer to modify, from time to time and on a non-binding case specific basis, the administrative and investigative procedures only in this Policy in circumstances where the Chief Executive Officer in his/her absolute discretion determines that such modification is necessary to ensure the efficient operation of this Policy.

7. Disciplinary Panel

- 7.1 The Board shall appoint no fewer than three individuals who are not Directors to constitute the Disciplinary Panel, for a period of three years, designating one of those as Disciplinary Panel Chair.
- 7.2 The Disciplinary Panel Chair will be an individual independent to the organisation.
- 7.3 Unless they resign, Disciplinary Panel members shall serve until the end of the third Annual General Meeting following their appointment.
- 7.4 A Disciplinary Panel member having an interest in a matter to be discussed must declare that interest as soon as they are aware of it and must have no involvement in /their capacity as a member during the transaction of that business.

8. Disciplinary Secretary

- 8.1 The Chief Executive Officer shall appoint a person to be Disciplinary Secretary.
- 8.2 The Disciplinary Secretary shall implement and administer this Policy in accordance with the directions of the Disciplinary Panel Chair.
- 8.3 The Disciplinary Secretary may with the approval of the Chief Executive Officer delegate any function in a particular case to another suitable person.
- 8.4 The Disciplinary Secretary shall provide clerking services to the Disciplinary Committee during any Disciplinary Hearing.
- 8.5 The appointed Disciplinary Secretary having an interest in a matter to be discussed must declare that interest as soon as they are aware of it and must have no involvement in his/her capacity as a secretary during the transaction of that business.

9. Application for Investigation

- 9.1 A Club, Athlete or any other person (the "Applicant") may make a written application to the Disciplinary Secretary for an alleged Disciplinary Matter, involving a Partaker who is subject to this Policy by virtue of paragraph 4 above (the 'Respondent'), to be investigated.
- 9.2 The written application shall be in the form specified by the Disciplinary Secretary and shall include the name of the Respondent, the nature and approximate date of the alleged Disciplinary Matter and signed statements by the Applicant and any witnesses.

10. Interim Suspension

- 10.1 The Chief Executive Officer may suspend a Partaker from any or all of the privileges of affiliation ('interim suspension') on receipt of either of the following:
 - 10.1.1 A written application for investigation of an alleged Disciplinary Matter involving a Partaker. Such interim suspension may remain in force until not later than the final conclusion of the Disciplinary Action; or
 - 10.1.2 Notification by the statutory authorities that a Partaker or Scottish Athletics Employee is under investigation in relation to an alleged offence under the Sexual Offences Act 2003 and any subsequent related legislation. Such interim suspension may remain in force until not later than the legal outcome becomes known.
- 10.2 An interim suspension shall only be imposed if and for as long as the Chief Executive Officer is satisfied it is necessary in the best interests of Scottish Athletics or the sport of athletics.
- 10.3 The Disciplinary Secretary shall review an interim suspension at least monthly and report any concern that it might be continuing unnecessarily to the Chief Executive Officer.
- 10.4 Interim suspension shall be a neutral action and shall not imply any prejudgement of the substantive issue.

11. Investigation

- 11.1 On receipt of a written application for an alleged Disciplinary Matter to be investigated the Disciplinary Secretary shall inform the Chief Executive Officer. The Chief Executive Officer may seek an informal resolution to the Disciplinary Matter or appoint an Investigator to investigate it.
- 11.2 The Chief Executive Officer may appoint as Investigator any person or organisation that does not have an interest in the case other than a Director, a Disciplinary Panel member and the Disciplinary Secretary. The Investigator may be internal (e.g. staff member) or external to Scottish Athletics.
- 11.3 When a Disciplinary Matter is allocated to an Investigator, they will inform the Applicant that they are dealing with the matter and inform that the details of the application will be disclosed to the Respondent. They will also inform the Respondent that they are the subject of an application, provide an outline of the allegation, and seek a brief response to the complaint. Such response should include a brief factual response to the allegation.
- 11.4 The Investigator will then conduct an investigation that is thorough, proportionate, relevant and fair to all parties. Contact with the Applicant, the Respondent and all witnesses will usually be via telephone or email but may also be conducted by face to face meetings. The Applicant, the Respondent and any witnesses shall give the Investigator all reasonable assistance, including promptly supplying signed statements if necessary, making themselves available for interview, answering any questions and supplying documentary or other information.
- 11.5 The Investigator shall make a written report which shall include the documentary evidence and a recommendation as to whether the Respondent has a case to answer.
- 11.6 The Investigator's report shall be submitted to the Chief Executive Officer who shall either confirm the recommendation or arrange for further investigation by the same or a different Investigator.
- 11.7 If the Chief Executive Officer confirms a recommendation that there is no case to answer the Disciplinary Secretary shall inform the Applicant and the Respondent accordingly. There shall be no appeal against a decision that there is no case to answer but a case may be re-examined if further evidence is later forthcoming.
- 11.8 If the Chief Executive Officer confirms a recommendation that there is a case for the Respondent to answer the Investigator shall then be responsible for presenting the case to answer to the Disciplinary Committee as set out below.

12. Composition of the Disciplinary Committee

- 12.1 A Disciplinary Committee shall comprise of three members of the Disciplinary Panel and will usually be chaired by the Disciplinary Panel Chair. If the Disciplinary Panel Chair is unwilling, unable or unavailable to chair the Committee, then the remaining members of the Disciplinary Panel shall appoint a Committee Chair from amongst their number.

13. Disciplinary Proceedings

- 13.1 If the Chief Executive Officer confirms a recommendation that there is a case to answer the Disciplinary Secretary shall give the Respondent written notice (Notice of Complaint) together with the Investigator's report. The Notice of Complaint should outline the following:
- 13.1.1 The Rule(s) which have allegedly been breached;
 - 13.1.2 A summary of the general circumstances giving rise to the alleged breach including the date and location of the incident; and
 - 13.1.3 Any witnesses to be called in support of the Complaint.
- 13.2 Not later than 10 days after receipt of the Notice of Complaint, the Respondent shall send to the Disciplinary Secretary a written Response to the Complaint outlining:
- 13.2.1 Whether the alleged breach of a rule(s) is admitted or denied;
 - 13.2.2 Submissions in support of the Respondent's position (where Complaint is denied);
 - 13.3.3 Any evidence that the Respondent seeks to rely upon;
 - 13.3.4 Any list of witnesses to be called in the Respondent's defence; and
 - 13.3.5 Whether a hearing would be preferred to a determination on the papers only.
- 13.3 If the Respondent does not request a hearing or fails to adhere to the requirements, as set out at 13.2 above, within the specified time period, the Disciplinary Committee shall adjudicate the matter, taking into consideration the report of the Investigator, the written statements of the Applicant, Respondent and witnesses and any other evidence it thinks appropriate. The Disciplinary Committee may decide to adjudicate a case by correspondence only.
- 13.4 Proceedings, findings or decisions of the Disciplinary Committee shall not be invalidated by reason of any minor defect, irregularity, omission or technicality unless it raises a material doubt as to the reliability of the proceedings, findings or decisions.

14. Disciplinary Hearing

- 14.1 If the Respondent requests a disciplinary hearing, the Disciplinary Secretary shall give the Respondent at least 14 days' notice of the date, place and time of the hearing, which shall be held as soon as practicable and wherever possible within 42 days of receipt of the application for a hearing.
- 14.2 The Respondent may be represented or accompanied at a hearing by one other person of the Respondent's choice, who shall not be a witness. This right shall be in addition to the right of a Respondent who is under 18 or a Vulnerable Adult to be accompanied by a parent or carer.
- 14.3 The Investigator shall be responsible for presenting the case to answer, as the Prosecutor, and may:
- 14.3.1 Call evidence from witnesses;
 - 14.3.2 Cross-examine the Respondent and witnesses who give evidence on the Respondent's behalf; and

- 14.3.3 Address the Committee for such period as the chair decides is necessary to provide a fair opportunity to present their submission in support of the Complaint.
- 14.4 The Respondent or the Respondent's representative, in turn, shall have the right:
- 14.4.1 To call evidence from the Respondent and other witnesses to rebut the Complaint;
- 14.4.2 To cross-examine any witness who gives evidence in support of the Complaint; and
- 14.4.3 To address the Committee to summarise the response to the Complaint for such period as the chair decides is necessary to provide a fair opportunity to reasonably summarise the response.
- 14.5 Failure of any person to attend the hearing, or to answer any question, or to produce any necessary papers, shall not prevent the Disciplinary Committee from proceeding to a decision.
- 14.6 The Disciplinary Committee shall be permitted to ask questions of any witnesses, as well as the Parties, to allow them to reach a determination on the matter.
- 14.7 The Disciplinary Committee shall consider its decision in private. If the Complaint is contested, the Disciplinary Committee shall first decide whether or not the allegation is proven on the balance of probabilities and inform the respondent accordingly.
- 14.8 If the Complaint is admitted, or if the Disciplinary Committee finds the allegation proved, the Respondent or the Respondent's representative may present a plea in mitigation before the Disciplinary Committee determines any sanction to impose.
- 14.9 The Disciplinary Committee is entitled absolutely to determine the procedures that will be adopted at any hearing.

15. Individuals under the age of 18

- 15.1 If an Applicant or Respondent is under 18 at the date of the alleged Disciplinary Matter:
- 15.1.1 The Disciplinary Secretary shall consult the person nominated by the Chief Executive Officer to act as Child Protection Officer to ensure their interests are protected;
- 15.1.2 Any right or obligation under these regulations may be exercised on their behalf by their parent or carer;
- 15.1.3 Any written communication with them under these regulations shall be copied to their parent or carer.
- 15.2 If an Applicant, Respondent or witness is under 18 at the date of the alleged Disciplinary Matter they may be accompanied by a parent or carer at any meeting or proceedings.
- 15.3 When considering any sanction the Disciplinary Committee shall take into account the age of a Respondent under 18 at the date the Disciplinary Matter is alleged to have occurred.

16. Vulnerable Adults

- 16.1 If an Applicant or Respondent is a Vulnerable Adult:

- 16.1.1 The Disciplinary Secretary shall consult the person nominated by the Chief Executive Officer to act as Protection Officer to ensure their interests are protected;
 - 16.1.2 Any right or obligation under these regulations may be exercised on their behalf by their parent, carer or nominated appropriate adult;
 - 16.1.3 Any written communication with them under these regulations shall be copied to their parent, carer or nominated appropriate adult.
- 16.2 If an Applicant, Respondent or witness is a Vulnerable Adult they may be accompanied by a parent, carer or nominated appropriate adult at any meeting or proceedings.
- 16.3 When considering any sanction the Disciplinary Committee shall take into account the fact that a Respondent is a Vulnerable Adult.

17. Associated Body

- 17.1 If a Respondent is an Associated Body:
- 17.1.1 Any communication shall be addressed to its General Secretary;
 - 17.1.2 Its General Secretary may exercise its rights and shall carry out its obligations under the Policy on its behalf unless and until it notifies the Disciplinary Secretary in writing that it has nominated another person to do so.

18. Sanctions and Costs

- 18.1 If the Respondent admits an allegation or if the Disciplinary Committee finds an allegation proved it may impose any one or more of the following sanctions:
- 18.1.1 Give a warning as to future conduct;
 - 18.1.2 Order any party to undergo training or some other form of rehabilitation;
 - 18.1.3 Suspension from some or all of the privileges of affiliation either indefinitely or for a stated period;
 - 18.1.4 A fine to be paid within 28 days;
 - 18.1.5 Censure;
 - 18.1.6 A requirement to give an undertaking in such terms as the Disciplinary Committee may decide; failure to give the undertaking within 14 days or a breach of it within two years shall be deemed a breach of this Policy and upon such breach the offender shall be liable to a sanction in addition to the sanction for the original Disciplinary Matter; and
 - 18.1.7 In the case of a former Partaker, Connected Person or former Affiliated Club or Associated Body which has subsequently resigned or otherwise ceased to be affiliated a stipulation that they may not re-affiliate without the express permission of the Board.
- 18.2 The Disciplinary Committee shall have the power to require a Respondent to pay a contribution towards the costs of the hearing on terms as the Committee deems appropriate.

- 18.3 When imposing a direction, sanction or disposal the Disciplinary Committee may apply such number and combination of the directions, sanctions and/or disposals provide for as it thinks appropriate, may make such provision for time to comply with any one or more of same as it thinks appropriate, may defer for such period or until such event as it shall think appropriate the decision on or imposition of a sanction or sanctions and shall be entitled to suspend the effect of any such direction, sanction or disposal for such period and/or on such conditions as it thinks appropriate.
- 18.4 In any case where a Complaint is upheld the record of any previous offences of the party concerned shall be considered before the Panel concludes its decision on the imposition of a sanction.
- 18.5 When imposing any suspension further to this policy, the Disciplinary Committee shall have regard to all of the circumstances of the case and any prior cases, however, the Disciplinary Committee shall be in no way bound or constrained by any prior case sanction.
- 18.6 A person under suspension shall not participate in any activity organised by a Club or under the jurisdiction of Scottish Athletics save that where it is considered appropriate a person may be given a limited suspension provided the limitation(s) are clearly defined (for example, a person may be suspended from all competition activities but allowed to continue in training and administration activities).
- 18.7 Suspensions by the Disciplinary Committee and Appeals Committees shall be binding on all Partakers of Scottish Athletics.
- 18.8 Suspensions and the lifting of suspensions shall be reported to Clubs and to UK Athletics as appropriate.
- 18.9 When a fee or fine (not subject to appeal) due to be paid to Scottish Athletics has not been paid on time, the Complaints Secretary may apply to the Disciplinary Panel Chair to impose a provisional suspension pending payment of the fine. No further hearing shall be required to impose any such suspension however the Disciplinary Panel Chair shall ordinarily provide the party with an opportunity to respond to the request. In addition, and without prejudice to the foregoing, Scottish Athletics shall be entitled to deduct from any monies due to the party for any reason and at any time any monies outstanding (in the form of any fee or fine) in satisfaction of the same. Fee required to be paid at the time of Complaint in writing.

19. Right of Appeal

- 19.1 If the Disciplinary Committee finds an allegation proved, the Respondent may appeal against the finding or the sanction imposed or both. Once the Respondent exercises their right of appeal under this paragraph 19, they shall be referred to as an “Appellant”.
- 19.2 Any Appeal must be made within 10 working days in the form of a written Notification of Appeal to the Chief Executive Officer and include a £100 non-refundable administration fee.
- 19.3 The Notification of Appeal must contain the grounds for the Appeal. The only grounds for an Appeal are:
- 19.3.1 That there was a material error, either factual or procedural in the original proceedings;
- 19.3.2 That there is material new evidence that, had it been known at the time of the original proceedings would have affected the decision of the Disciplinary Committee; and
- 19.3.3. The Disciplinary Committee acted out with the scope of their powers.

- 19.4 The Investigator/Prosecutor has the right to appeal under this paragraph to an Appeal Committee against a determination of the Disciplinary Committee, but only on the sole basis that the sanction(s) imposed was unduly lenient.
- 19.5 Any Appeal that does not meet one of the criteria in 19.3 above may be refused by the Chief Executive Officer. The Chief Executive Officer shall appoint an individual to be Appeals Secretary to oversee the administration of the appeals process.
- 19.6 The Appeal shall be heard by an Appeal Committee that shall usually consist of three members of the Disciplinary Panel who were not involved in the original proceedings. If three such individuals cannot be identified then the Chief Executive Officer shall appoint such individuals as they think appropriate taking into account the nature of the Appeal. In such circumstances, the members of the Appeal Committee can be drawn from both inside and outside the sport.
- 19.7 The three individuals appointed to the Appeal Committee shall appoint one of their number as the Appeal Chair. An Appeal is not a re-hearing of the original proceedings and whilst it will be necessary for the Appeal Committee to review the evidence by reading the statements and any reports, it will not involve the calling of new witnesses unless the Appeal is based upon the ground specified in 19.3.2 above only.
- 19.8 The Appeal Committee shall have the following powers:
- 19.8.1 To dismiss the Appeal;
 - 19.8.2 To alter or vary the original decision;
 - 19.8.3 To quash any sanction and/or substitute it for any other penalty; and
 - 19.8.4 To make any such other order or determination as it may think right or just.
- 19.9 Deliberations of the Appeals Committee will be held in private.
- 19.10 The decision of the Appeal Committee will be communicated to the Appellant, the Investigator and the Chief Executive Officer by the Appeal Chair in writing within seven days of the Appeal Hearing or receipt of representations in writing.
- 19.11 The decision of the Appeal Committee will be final and binding and there lies no other form of Appeal.
- 19.12 Subject to the above the Appeals Committee shall have power to regulate its own procedure in line with the purpose of reaching an expeditious and just outcome.

20. Appeals - Procedural Rules

- 20.1 Where the appeal is by the Respondent in the original disciplinary proceedings, then that party and the Investigator/Prosecutor shall be a Party.
- 20.2 Where an appeal is by the Investigator/Prosecutor pursuant to paragraph 19.4, the Investigator/Prosecutor and the Respondent in the original disciplinary proceedings shall be a Party.
- 20.3 The Parties referred to at paragraphs 20.1 and 20.2 who are responding to the appeal shall be referred to as the "Respondents".

- 20.4 The Appellant shall lodge a Notification of Appeal, that must contain the Grounds of Appeal, to the Chief Executive Officer within 10 working days following the date of communication or delivery to the Appellant of the Determination at first instance. The date of receipt shall by the Chief Executive Officer shall be the "Appeal Commencement Date".
- 20.5 The Notification of Appeal shall outline:
- 20.5.1 The identity of the Appellant;
 - 20.5.2 The date and subject matter of the proceedings appealed against;
 - 20.5.3 Details of the Disciplinary Committee and its Determination appealed against, including the date on which the Determination was issued;
 - 20.5.4 On which one or more of the permitted grounds (with reference to paragraph 18.3 above) the appeal is based and the nature and detail of each ground(s) upon which the Appellant intends to rely.
 - 20.5.5 Copies of any documents or other material referred to; and
 - 20.5.6 Evidence that the appeal fee has been paid
- 20.6 Failure to lodge a Notification of Appeal within the specified time period and/or failure to comply with all the associated requirements in terms of paragraph 20.5 shall result in forfeiture of a right of appeal.
- 20.7 A Notification of Appeal can be withdrawn by the Appellant by notifying the Appeals Secretary in writing of their wish to so withdraw, up to before 1pm on the first Working Day prior to the Appeal Hearing. In such a case, the Appeal shall be deemed to be abandoned and the original sanction against which the Appellant made the Appeal will be applied with immediate effect, and shall be final and binding. The subject matter of an appeal which has been withdrawn may not be re-appealed. In the event that circumstances of a withdrawal suggest an abuse of process and/or a delaying tactic for the sanction originally imposed, the Appellant may be in breach of this Disciplinary Policy.
- 20.8 By no later than five Working Days prior to the date of the Appeals Hearing, or such earlier time as the Appeal Committee may direct, the Parties shall lodge with the Appeals Secretary, a copy of any written submissions and any other documentary evidence, including any cases relied upon. At the same time, Parties should also serve these documents on each other. Such documents may only be lodged at a later date in exceptional circumstances and where permitted by the Appeals Committee.
- 20.9 During an Appeals Hearing, Parties will have the opportunity to address the Appeals Committee for such period as the chair decides is necessary to provide a fair opportunity to present their submissions in relation to the Appeal.

General Guidance in relation to Procedural Hearings under this Policy

21. Rules of Evidence

- 21.1 Committees shall not be bound by any rule of evidence in general.
- 21.2 Committees shall be entitled to receive, consider and call upon such evidence as they deem appropriate in making a determination on a case. A Committee shall be entitled to accord to

evidence such weight as seems to the Committee proper having regard to the quality of the evidence and the reliability and credibility of same.

21.3 Such evidence may include:

21.3.1 Evidence whether in writing, audio/visual or photographic;

21.3.2 Evidence from experts in any form including opinions; and

21.3.3 Evidence from any source and on any topic including the law.

21.4 The Committee Chair shall obtain from Scottish Athletics the record of previous offences, if any, of the alleged offender if the Investigator is not in attendance at the hearing. It shall be supplied in an inner sealed envelope which shall only be opened once sanction is to be considered.

22. Attendance and Questioning of Witnesses

22.1 Ordinarily it shall be the responsibility of a party wishing to bring a witness in support of their case to secure that witness' attendance at the hearing.

22.2 Any Committee established under this policy may require the attendance of any person to attend at a hearing.

22.3 If any person required to attend either refuses or fails to do so then the Committee may choose to:

22.3.1 Proceed in that person's absence;

22.3.2 Adjourn the hearing; or

22.3.3 Allow or refuse to allow any evidence of that person to be given in another form (if the person is a witness).

22.4 Parties to the proceedings will be permitted to cross-examine any witnesses in attendance at a Hearing.

22.5 At any Hearing, the Committee shall be entitled to ask such questions of any Witness as they consider necessary for determination of the matter.

23. Standard and Burden of Proof

23.1 The standard of proof for all proceedings under this policy shall be on the balance of probabilities.

23.2 The Party who makes an assertion carries the burden of proving it.

24. Representation

24.1 A party appearing at a hearing shall be entitled to be represented by a representative of their choosing provided that:

24.1.1 the representative is available and can attend; and

24.1.2 the representative is not in any way conflicted from attending as a representative.

25. Records and Confidentiality

- 25.1 A decision made by a Committee on whether or not a case is found proved and the sanction imposed shall not be confidential save where the Respondent is under 18 or a Vulnerable Adult and the sanction imposed does not involve a suspension in which case the provisions of paragraph 16.3 below apply. A decision which is not confidential shall be publicised on the Scottish Athletics website unless the Committee decides otherwise.
- 25.2 Scottish Athletics will be entitled to publish details of any proceedings taken under these procedures including the identities of the Parties concerned, the findings, determination and/or sanction determined in any matter.
- 25.3 The Appeals or Disciplinary Secretary shall within 30 days of the decision notify it in writing to the Parties and any other Partaker or Associate Body involved.
- 25.4 In a case of suspension, the Appeals or Disciplinary Secretary shall publicise the suspension to those likely to be affected.
- 25.5 Except with the express approval of the Chair of the Committee, no Committee member shall make any statement or disclosure to any third party concerning any event which took place at a hearing and any statement made or document or other materials considered during or in connection with a hearing further to these Rules.
- 25.6 The chair of the Committee shall procure that minutes of each hearing which shall contain a record of the procedural business of the meeting and a record of each hearing (which shall be contained in a separate document) are taken. The chair of the Committee shall also provide written reasons for any findings made by the Disciplinary Committee including the sanction, if any, and the factors that were taken into consideration when imposing such sanction.
- 25.7 Records relating to a Disciplinary Matter shall be kept for two years after any investigation, proceedings and sanction imposed are all completed.

26. Multiple Incidents

- 26.1 If proceedings, howsoever arising, are taken against or concern more than one Party and are connected in some manner then those proceedings may be heard together either on the application of any Party, Scottish Athletics or the Committee appointed in the matter.
- 26.2 For proceedings to be conjoined the Committee Chair shall determine the application and decide whether such cases should be heard together. One consideration for the Committee Chair shall be whether or not conjoining proceedings would cause undue prejudice or injustice to any of the Parties against whom proceedings are being taken.

27. Additional Provisions

- 27.1 Notwithstanding this policy, a Disciplinary Committee or Appeals Committee shall have the power to regulate the Hearing procedures adopted by it and in so doing may deviate from the hearing procedures in this policy as it considers appropriate and expedient so as to dispose of any matter before it justly and expeditiously.

- 27.2 No finding, decision or determination taken further to this policy shall be quashed or held invalid by reason of any defect, irregularity, omission or technicality unless such results in a material doubt as to the reliability of the finding, decision or determination, or would otherwise result in a miscarriage of justice.
- 27.3 Any matter arising which is not provided under this policy shall be decided in accordance with the general principles of natural justice and fairness and having regard at all times to the overriding objectives of this policy.
- 27.4 As the Disciplinary Committee and Appeals Committee shall also have power to regulate their own procedures in the event that any situations arise which are not governed by this policy, or if in their discretion it appears necessary for the interests of justice to deviate from this policy. This will be competent so long as such deviation does not result in a disproportionate or unjust outcome for the Party subject to a Complaint.
- 27.5 The Disciplinary Committee and Appeals Committee will have discretion to adopt modified procedures in cases involving young or vulnerable persons.
- 27.6 In any case, whether questions arise concerning the interpretation of Rules of a Club, the Chair of the relevant Committee may seek (but need not seek) the opinion in writing of the relevant Club President as to the rules.
- 27.7 As a general rule all Parties shall bear their own costs and expenses in relation to any proceedings invoked under this Policy.

28. Definitions

“Affiliated Club” or “Club” means a club which is a member of Scottish Athletics having paid any and all subscriptions, and as further defined in the Articles of Association;

“Anti-Doping Regulations” and “Anti-Doping Rules” means the Anti-Doping Rules and Regulations of the World Anti-Doping Agency, Scottish Athletics, the IAAF and UK Anti-Doping, as amended from time to time;

“Anti-corruption (Sports Betting) Policy” means the Scottish Athletics Anti-corruption (Sports Betting) Policy;

“Appeal” means a right of appeal in accordance with paragraph 19 of the Policy;

“Appeal Chair” means the person so appointed in accordance with paragraph 19.7 of the Policy;

“Appeals Hearing” means a hearing for the purpose of dealing with the substance of an appeal;

“Appeal Committee” means the committee so appointed in accordance with paragraph 19.6 of the Policy;

“Appeal Secretary” means the person so appointed in accordance with paragraph 19.5 of the Policy;

“Appellant” shall have the meaning given to it at paragraph 19.1;

“Applicant” shall have the meaning given to it at paragraph 9.1;

“Affiliated Organisation” and “Affiliated Organisations” means a body associated with Scottish Athletics;

“Articles of Association” mean the written rules regarding the running of Scottish Athletics which can be found on the Scottish Athletics website or at Companies House;

“Associate Body”, “Associated Body” and “Associated Organisation” means a body associated with Scottish Athletics;

“Athlete” means a person selected by Scottish Athletics, participant in a Scottish Athletics programme or person receiving benefit from Scottish Athletics that may be financial, in kind or receipt of services;

“The Board” means the Board of Directors of Scottish Athletics;

“Chief Executive Officer” means the chief officer of Scottish Athletics at the relevant time, or the person performing an equivalent function if there is no chief officer at the time, or their duly appointed deputy;

“Child Protection Officer” means the individual so appointed by the Chief Executive Officer under paragraph 15 of the Policy;

“Code of Conduct for Partakers” means the Scottish Athletics Code of Conduct for Partakers;

“Committee Chair” and “Chair of the Committee” means the person so appointed in accordance with paragraphs 12.1 and 19.7 of the policy;

“Complaint” means the subject of a Notice of Complaint as per paragraph 13.1 of this Policy;

“Connected Person” an individual with a direct interest in the Disciplinary Matter;

“Days” means calendar days except where it is explicitly stated as working days;

“Director” means a director(s) of Scottish Athletics from time to time, shall be a member of the Board as constituted by the Articles of Association;

“Disciplinary Committee” and “Committee” means the committee appointed in accordance with paragraph 12 of this Policy;

“Disciplinary Matter” means a matter as defined in paragraph 5 of this Policy;

“Disciplinary Panel” means the panel appointed in accordance with paragraph 7 of this Policy;

“Disciplinary Panel Chair” means the person so appointed in accordance with paragraph 7.1 of this Policy;

“Disciplinary Secretary” means the person so appointed in accordance with paragraph 8 of this Policy;

“Disciplinary Hearing” means the hearing that may be held to determine the outcome of a Complaint arising from a Disciplinary Matter;

“General Secretary” means the individual holding office and at the last known correspondence address;

“Hearing” means the hearing to hear the substance of a Complaint or Appeal arising from a Disciplinary Matter, and determine the outcome;

“Investigator” means the person so appointed in accordance with paragraph 11.2 of this Policy;

“IAAF” is the world governing body for the sport of track and field athletics;

“Partaker” means any person or body as described in paragraph 4.1 of this Policy;

“Parties” means the individual/(s) and or body(ies) making, and/or who are the subject of a Complaint arising from a Disciplinary Matter;

“the Policy”, “this Policy”, and “this policy” means this Disciplinary Policy for Partakers;

“Protection Officer” means the individual so appointed by the Chief Executive Officer under paragraph 16 of the Policy;

“Regulations” means any regulations from time to time in force and as set out by Scottish Athletics;

“Respondent” means the individual or body as described in paragraph 9.1 of this policy in relation to first instance proceedings and paragraph 20.3, in relation to appeal proceedings;

“Scottish Athletics” and “Scottish Athletics Limited”, is the National Governing Body for Athletics in Scotland;

“Scottish Athletics Employee” means an individual who has been issued with a contract of employment from Scottish Athletics, which has neither expired nor been terminated;

“Social Media Policy for Partakers” means the Scottish Athletics Social Media Policy for Partakers;

“Vulnerable Adult” means an adult who is at risk if the conduct of another person is causing (or likely to cause) the adult to be harmed, or if the adult themselves engages in conduct that is causing (or likely to cause) self-harm;

“UKA” and “UK Athletics” is UK Athletics Limited or its successor as the governing body for athletics in the UK;

“UK National Anti-Doping Panel” is the United Kingdom's independent tribunal responsible for adjudicating anti-doping disputes in sport.

28 Further Reading

Scottish Athletics Code of Conduct for Partakers

Scottish Athletics Equality Policy

Scottish Athletics Social Media Policy for Partakers

Scottish Athletics Dispute Resolution Procedures between Partakers

Scottish Athletics Complaints Procedure

Scottish Athletics Child Protection Policy

Scottish Athletics Sports Betting and Anti-corruption Policy

This Policy is approved by the Scottish Athletics Board of Directors who will consider proposals for additions and/or amendments on an ongoing basis. Any changes shall be considered at the AGM.

Equality Impact Assessment Record

Date of Assessment:	28 July 2019
Assessed by:	Head of Operations, Equalities Officer
Review date:	31 October 2022, or earlier if required