



Cycling Ireland

**Disputes Resolution and
Disciplinary Policy 2021**

**Version 1
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Cycling Ireland

Dispute's resolution and disciplinary policy

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Introduction

Cycling Ireland recognise the importance of promoting effective interpersonal relationships within clubs and throughout the wider Cycling Ireland community. Cycling Ireland promote the values of respect personal safety and the importance for personal integrity. Cycling Ireland also recognises that, from time to time, the relationships between some of its stakeholders may become strained where some intervention is required to resolve any conflicts, disputes or differences. Cycling Ireland recognises the importance of resolving any such conflicts, disputes, or differences, which may arise from time to time, as soon as possible and involving the parties to the dispute. Any member may make a complaint if they are of the opinion that the Cycling Ireland Code Of behaviour has been breached. This document sets out how formal complaints should be made and what will happen when they are made. All Cycling Ireland members sign up to an agreed Code of Behaviour. This document details how Cycling Ireland committees should deal with breaches of the Code of Behaviour.

The underlying principles of this document are ones of respect and safety for all. These principles promote the desire of individuals to be valued and heard in a safe constructive environment. The first consideration will therefore be of a restorative approach to resolving disputes or differences. The disputes resolution process should be engaged where mediation and restorative practice have not assisted parties in bringing about a resolution to the matters under consideration. By promoting mediation and restorative solutions to difficulties it is hoped that a culture of respect in individual relationships will continue to grow.

1.0 Section 1 Disputes/Complaints

1.1 Any member may make a complaint if they are of the opinion that the Cycling Ireland Code Of behaviour has been breached.

2.1 Jurisdiction

2.2 Any of the following will be dealt with under these Rules and in accordance with the Procedures unless otherwise indicated:

2.3 Any complaints of breaches of:

- a. This Policy,
- b. These Rules and Procedures,
- c. The Constitution of Cycling Ireland,
- d. The Cycling Ireland Code of Behaviour and
- e. Any or all other Cycling Ireland Policies or Statements.

2.4 Any actions bringing Cycling Ireland into disrepute (including but not exclusively, any form of abuse, aggressive bullying or threatening behaviour, coercion, intimidation, incitement to hatred or violence, assault or damage to property, any form of alcohol or substance use or any mischievous, malicious or vexatious behaviour) shall be determined in accordance with this Policy and all members, club members, spectators, Provinces Commissions and National Committees or Sub-Committees and any other unit provided for by the Board of Directors of Cycling Ireland now or in the future shall be subject to this Policy. Consequently, the policy covers all complaints of whatsoever nature and howsoever arising except for the exclusions mentioned on page (Child Welfare Concerns).

- a. breaches of these Rules;
- b. breaches of the Cycling Ireland Code Of Behaviour;
- c. breaches of Cycling Ireland Code of Conduct and Safeguarding Children Policies and Procedures, as amended from time to time;
- d. Breaches of Cycling Irelands Equality Policy with regard to a person's race, disability, gender, sexual orientation, creed or ethnic origin, marital status or as a consequence of being a member of the Travelling Community.
- e. Any action reasonably determined by the Preliminary Case Management Committee to be in breach of Cycling Irelands Code of Behaviour or other relevant Cycling Ireland Policies
- f. Breaches of other Cycling Ireland regulations.
- g. Offensive behaviour to other Club members
- h. Unsporting behaviour
- i. Violation of instructions and directives from Cycling Ireland Commissaires/Officials where this directive is in keeping with Cycling Irelands policies and procedures.
- j. Aggressive or threatening behaviour
- k. Cheating
- l. Fighting

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- m. Bullying
- n. Intimidation or threats
- o. Discrimination
- p. Foul language
- q. Inciting hatred or violence
- r. Disparaging comments
- s. Alcohol or substance use
- t. Criminal investigation for indictable offences
- u. Criminal conviction which is likely to bring Cycling Ireland into disrepute

2.5 Every official, spectator, member, including all club members and volunteers shall accept that this Policy and its rules and procedures shall govern how all complaints, disciplinary actions, or dispute of whatsoever nature and howsoever arising shall be determined.

2.6 The following matters are excluded from the provisions of these Disciplinary Rules and Procedures:

- a. Employment and quasi employment contractual disputes with Cycling Ireland;
- b. Breaches of any technical/Competition Rules.
- c. Allegations of child abuse. Allegations of this matter shall be referred to the statutory authorities and be dealt with as per Cycling Ireland Child Safeguarding Policies and Procedures.
- d. Competition administration (National level only). Such matters shall be referred to the Chief Executive Officer (CEO) of Cycling Ireland.
- e. Criminal matters. These shall be referred to the statutory authorities.
- f. Anti-doping matters. Allegations of this nature shall be dealt with in accordance with the Sport Ireland Anti-Doping Rules.
- g. Selection Appeals and Carding Appeals and club transfers shall not be dealt with through these provisions.

2.7 Users should note the following:

- a. These rules do not apply to complaints of child abuse or suspected child-abuse. Cycling Ireland has a specific policy for these complaints. Details of these policies can be downloaded from our website.
- b. These rules do not apply to complaints concerning the format or conduct of events themselves. Such complaints should be made at Club/Commission/Province level and progressed through the usual channels.
- c. These rules do not apply to informal complaints of any nature. Informal complaints are those not put in writing. There is an exception to this which is that where it is believed by the person involved that someone or their property is in danger or about to become endangered, immediate action will be taken by Cycling Ireland and its representatives to remove the danger and resolve the situation. In these urgent cases the complaint should be made without delay to the Event Director (Club, Provincial or Commission Level) or Event Controller (National Level) who may impose an immediate suspension from the Event or competition, pending further investigation.

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- 2.8 This policy allows for disciplinary action to be taken against any Member, Club member, Volunteer, Province or Commission of Cycling Ireland on foot of a complaint if any breaches of the Rules and Procedures of Cycling Ireland are found to have occurred.
- 2.9 This Policy sets out the factors to be taken into account in dealing with complaints and if required, discipline. It identifies the relevant bodies to deal with complaints and disciplinary matters. It specifies how each is commenced validly and clarifies the stages involved, right of appeal and the grounds of challenge under *Sport Dispute Solutions Ireland*.
- 2.10 To ensure that complaints and disciplinary hearings are consistent at all levels in Cycling Ireland each person or committee (Disputes Resolution and Disciplinary Committee – abbreviated to DRDC) entrusted with jurisdiction to deal with complaints or disciplinary hearings must adhere to the rules and procedures set out in this policy. In the case of any conflict between any other rules, byelaws or codes of conducts introduced by Cycling Ireland at any level, this policy will take precedence with exception of those excluded within this policy.
- 2.11 If there is, in the opinion of the Board of Directors, an omission in this policy that renders any matter unclear or uncertain, then the matter shall be clarified by the Board of Directors in accordance with the spirit of this policy and their decision based on their clarification shall be binding on all parties. The Board of Directors will amend this policy to remedy the omission.
- 2.12 The Board of Cycling Ireland may review and amend this Policy and its rules and procedures from time to time, particularly where omissions, experience, legislative updates or legal developments indicate it prudent to do so.
- 2.13 As there is a cost in administering the Disputes Resolution and Disciplinary Committee process, complainants will be subjected to an administration fee as set out on the most recent version of the Complaint Form. Where a complaint is upheld the administration fee will be reimbursed.

3.1 Disputes/Complaints

3.2 Complaints are only deemed to be made when they are put in writing and signed by a person or persons making the complaint and submitted to the appropriate Club/Commission/Provincial Secretary or Disputes resolution Disciplinary Committee. Written complaints will always be deemed serious enough to commence the formal processes outlined below in this policy. To assist those who feel the need to make a complaint, Cycling Ireland has a form for doing so. This form is available to download from the Cycling Ireland website or from Appendix 12 of this policy.

3.3 For a complaint to be valid, the complaint shall:

- a. Be made within 14 days of the date of the alleged incident or breach with the exception of Child Welfare Concerns or complaints of a criminal nature. In exceptional circumstances a the Independent Chairperson of the Disputes Resolution Disciplinary Panel through the Preliminary case Management Committee may set aside the 14 day requirement where it is deemed the complaint is of such gravity that it is appropriate to do so.
- b. Be in writing completed on the official Complaint Form.
- c. Refer specifically to a particular incident or incidents.
- d. Specify the Rule allegedly broken or the breach that allegedly occurred in so far as is reasonable.
- e. Be accompanied by an appropriate fee made payable to Cycling Ireland.
- f. Complaints that constitute a Child Welfare Concern shall have no timebound reference.

3.4 Complaints must be dealt with at the point of origin, for example Club, Commission, Province or National Events/activities. Any party to a complaint has a right of appeal to the National Disputes Resolution and Disciplinary Committee. The matter can be appealed to the National Disputes Resolution and Disciplinary Committee through the National Disputes Resolution and Disciplinary Officer.

3.5 The Board of Directors shall refer all complaints made directly to it to the point of origin via the National Disputes Resolution and Disciplinary Officer.

3.6 The Board of Cycling Ireland shall appoint the National Disputes Resolution and Disciplinary Committee Panel (NDRDC). The NDRDC will investigate and decide on the outcome of all complaints that fall within its remit and on all consequent disciplinary actions that have not been appealed from Club/Commission/Provincial levels or that may have been made directly to it or any otherwise unresolved matters.

3.7 Where a complaint directly concerns a member of the Board of Directors the Chief Executive shall appoint an Independent Panel of 3 persons to be chaired by an independent appointee outside of Cycling Ireland.

3.8 Where a Person is charged with a criminal offence or there exist exceptional circumstances which if proven is likely to bring Cycling Ireland into disrepute, Cycling Ireland may in exceptional circumstances temporarily suspend that person's involvement in the sport, pending resolution of the matter. This decision can be appealed from Club/Commission/Province to the NDRDC. Where the decision is made at National Disputes Resolution Disciplinary Committee the appeal can be made to an independent appointed appeals committee of the National Disputes Resolution Disciplinary Panel. Such a request shall also preclude that person from future participation in Cycling Ireland events and from attending at any building in which Cycling Ireland and its affiliates or associates gather for the preparation of an event

pending the resolution of the matter but without the necessity on the part of the NDRDC to have an oral hearing on the matter.

4.1 Conflict of interest

4.2 Where the National Disputes Resolution and Disciplinary Officer or any member of Preliminary Case Management Committee or Disputes Resolution and Disciplinary Committee has any actual, perceived, or potential conflict of interest, he/she shall stand aside from the Complaint/Disciplinary matter and the Chairperson of the National Disputes Resolution Panel of Cycling Ireland shall appoint another appropriate person in respect of that matter.

4.3 A Complainant or subject of a Complaint may also apply to Chairperson of the National Disputes Resolution Panel on the basis of perceived conflict of interest requesting that they replace a member with regard to the matter at hand. The decision on this application is one to be made by the Independent Chairperson of the National Disputes Resolution Disciplinary Panel.

4.4 If an individual does not stand aside, the Chairperson of Cycling Ireland National Disputes Resolution Disciplinary Panel shall be entitled to remove the individual from the investigation and appoint another appropriate person.

Scope of an investigation

4.5 In the course of an investigation of any Complaint/Disciplinary Report, the National Disputes Resolution Disciplinary Officer on behalf of the Preliminary Case Management Committee may consider any evidence he/she deems relevant and shall have the right to make enquiries of any individuals and seek information or documents in relation to the matter. For the avoidance of doubt, where necessary, the National Disputes Resolution Disciplinary Officer is entitled to consult with the athlete/member/commissaire/relevant person to clarify any issues arising in relation to a Disciplinary Report.

5.1 CONSIDERATION OF COMPLAINTS

- 5.2 Unless in exceptional circumstances Complaints should be heard by the Club/Commission/Province wherein the alleged breach occurred. Support and advice can be sourced from the National Disputes Resolution and Disciplinary Officer.
- 5.3 On becoming aware of a complaint, a Club, Commission Province or relevant appropriately constituted Cycling Ireland affiliate shall appoint a Disputes Resolution and Disciplinary Officer to administer the complaint. It is advised that the Disputes Resolution and Disciplinary Officer is Chairperson of Club Commission or Province and can if required receive support from the National Disputes Resolution and Disciplinary Officer.
- 5.4 The Respondent, if there is one, shall be issued with a copy of the formal complaint within 3 working days of receipt by the Disputes Resolution Disciplinary Committee.
- 5.5 A Disputes Resolution and Disciplinary Committee shall be empowered to impose a suspension on a member, club member or volunteer pending the determination of the complaint where the gravity of the allegation made or the potential consequences of not imposing a suspension shall in the opinion of the Disputes Resolution and Disciplinary Committee warrant such immediate suspension.
- 5.6 The decision to suspend a member can be appealed to the National Disputes Resolution Complaints Chairperson via the National Disputes Resolution Complaints Officer.
- 5.7 In this instance an expedited hearing on the “decision to suspend the member” pending determination of the complaint will be heard by a committee of the National Disputes Resolution Complaints Panel.

5.8 **Mediation and Restorative Practice**

- a. Mediation in respect of a Complaint/Dispute, the Disputes Resolution and Disciplinary Officer (DRDO) or the Disputes Resolution and Disciplinary Committee may refer the parties to a Complaint to Mediation/Restorative Practice. The Disputes Resolution Disciplinary Officer may recommend Mediation in appropriate Complaints. Where the DRDO so recommends, the parties to the Complaint shall be invited to participate in Mediation.*
- b. Mediation/Restorative Practice may be referred to Sport Dispute Solutions by the Chairperson of the National Disputes Resolution Disciplinary Committee of Cycling Ireland on the recommendation of the Disputes Resolution Disciplinary Officer or the Disputes Resolution Disciplinary Committee. Any costs arising for Mediation or Restorative Practice will be borne equally by the complainant and the respondent subject to the process. The mediation restorative practice does not prejudice either party's right to proceed to a formal hearing by the DRDC should the process not result in a settlement of the complaint.*
- 5.9 Where an application has been made to the National Disputes Resolution and Disciplinary Officer by any party for an expedited hearing of a complaint, consent may or may not be given by the Chairperson of the Disputes Resolution Disciplinary Panel of Cycling Ireland to such an expedited hearing. If consent is given, then that complaint shall be referred to the National Complaints and Disciplinary Committee.

- 5.10 Within 7 days of receipt of the complaint, the Disputes Resolution Disciplinary Officer shall write to the Complainant and Respondent seeking clarification of any facts and copies of any documentation and inviting the parties to make any further comment or produce any further documentation and seeking any further details as the Disputes Resolution Disciplinary Committee may deem necessary. The DRDC shall have discretion to extend the deadline where they deem it appropriate.
- 5.11 Co-operation with any investigation of a complaint is essential, such co-operation is expected from all concerned and forms part of the Cycling Ireland Code of Behaviour, A Disputes Resolution Disciplinary Committee may draw conclusions from any lack of co-operation.
- 5.12 In the case of a complaint, the Disputes Resolution Disciplinary Committee shall have discretion to either convene an oral hearing or decide the complaint on a “documents only” basis where all parties to the complaint have submitted full reports and there are no conflicts or contradictions in regard to the information provided. In considering the above, the Disputes Resolution Disciplinary Committee shall have regard to the gravity of the complaint. Hearings may be heard in person or using online meetings. This decision as to how a hearing shall be heard must be made/approved upon request by the Disputes Resolution Disciplinary Committee.
- 5.13 Where an oral hearing is convened the Disputes Resolution Disciplinary Committee shall notify the parties of:
- a. The specific complaint, alleged misconduct or objection
 - b. The relevant rule and offence allegedly breached
 - c. The identification of the parties
 - d. The time, date and venue of the hearing
 - e. The procedures involved
 - f. The possible sanctions
 - g. The rights of the parties
 - h. Any other procedural requirements
- 5.14 The Disputes Resolution Disciplinary Committee may conduct a hearing to determine any complaint covered within these rules.
- 5.15 At a hearing the Complainant shall first present their complaint and call such witnesses as agreed in advance and make such submissions and the Respondent if there is one shall respond in like manner.
- 5.16 A complainant shall request that an accompanying person may speak on their behalf in the event that they feel unable to do so through fear or intimidation. The Disputes Resolution and Disciplinary Committee will decide on such applications.
- 5.17 The Disputes Resolution Disciplinary Committee at its discretion, may invite third parties (including but not limited to witnesses, Commissaires or experts) to provide evidence or assistance to the Committee in any form at a hearing. The Disputes Resolution Disciplinary Committee may also invite such third parties to make submissions in writing or otherwise in advance of the hearing.
- 5.18 The parties to a complaint are entitled at a hearing to be accompanied by one person, who attends in a supporting role but not to speak on their behalf unless previously agreed by the Disputes Resolution Disciplinary Committee.

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- 5.19 In the event of the non-attendance of a Complainant at a hearing, without notice deemed sufficient by the Disputes Resolution Disciplinary Committee to be reasonable cause for non-attendance, the complaint shall be deemed to have been determined in the Respondents favour and not upheld and shall be at an end.
- 5.20 The Disputes Resolution Disciplinary Committee may adjourn or rearrange any hearing at its discretion. An adjourned or rearranged hearing shall take place as soon as is practicable, and any suspension already imposed, shall be automatically extended until the rearranged hearing takes place.
- 5.21 The Disputes Resolution Disciplinary Committee will determine whether the complaint is upheld.
- 5.22 Following a decision either on foot of the consideration of all of the documents relating to the complaint or on foot of a hearing a Disputes Resolution Disciplinary Committee may decide to uphold the complaint. If a DRDC does uphold a complaint it shall inform the Respondent of appropriate disciplinary action/sanctions imposed as outlined in this policy.
- 5.23 In determining disciplinary action/sanctions, a Disputes Resolution Disciplinary Committee shall take into account the following factors:
- a. Age
 - b. Co-operation
 - c. Prior Warnings
 - d. Prior Record
 - e. Apology offered
 - f. Remorse
 - g. Gravity of offence
 - h. Effect on parties affected by the, matter complained of
 - i. Effect of sanction on Respondent
 - j. Any other factor deemed relevant
- 5.24 Once a decision is made as to the veracity of the complaint then if the complaint is upheld, a DRDC shall take into account mitigating and aggravating factors if any.
- 5.25 If the complaint is not upheld then the matter shall be at an end.
- 5.26 Disputes Resolution Disciplinary Committee shall make decisions based on the 'balance of probabilities' as they see it.
- 5.27 The decision of the Disputes Resolution Disciplinary Committee shall be made and notified in writing to the relevant parties within three days of the Hearing, unless the Committee deems an extension of time necessary. The Disputes Resolution Disciplinary Officer shall retain the decision on a register and shall notify relevant Club, Provincial Committees or Commissions/Board of Cycling Ireland accordingly.
- 5.28 The decision shall include reference to the parties' right to appeal to the National Disputes Resolution and Disciplinary Officer within 7 days of the date of notification of the decision.
- 5.29 While the appeal if any is being determined, the original sanction imposed by the DRDC shall stand.

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- 5.30 Members of Disputes Resolution Disciplinary Committee shall keep all information disclosed to them confidential and no disclosure of any detail shall be made to any third party unless by order of the Courts or in the Case of allegations of Child abuse to the National Safeguarding Officer.
- 5.31 Sanctions imposed may be required to be disclosed to other persons at Club, Commission, Province or National level but only where strictly required and with the sole purpose of ensuring that the sanction imposed is upheld. The documents produced during any internal proceedings shall remain private to Cycling Ireland unless required by the Courts to be made public.
- 5.32 Members of Disputes Resolution Disciplinary Committees shall not be held personally liable in any forum or Court for any acts or omissions in their role as members of the Disputes Resolution Disciplinary Committee.
- 5.33 Members will be indemnified by Cycling Irelands Indemnity Insurance in this regard.
- 5.34 Any costs or expenses incurred by any party (or any of their witnesses) incurred prior to, during or after a Disputes Resolution Disciplinary Committee hearing will be the sole responsibility of that party.

6.1 Complaints involving persons under the age of 18

6.2 A Club/Commission/ Provincial or National Safeguarding Officer shall be present at the Hearing where the Complainant or Respondent is under 18 years of age. The Safeguarding Officer shall attend to ensure that the rights of the child are protected at the Hearing. The Safeguarding Officer shall be entitled to make observation to the Committee but shall not be permitted to make any decision on culpability.

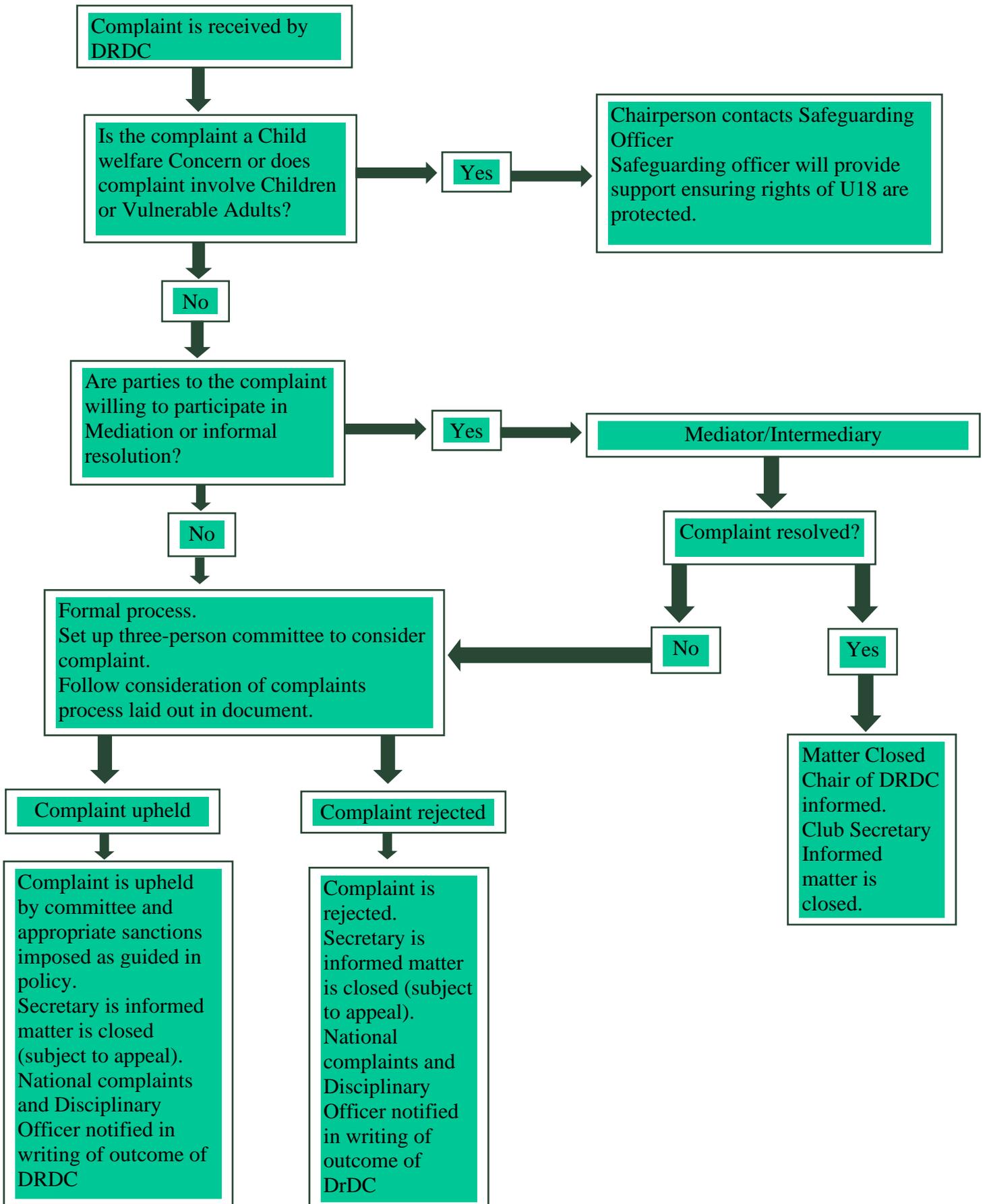
6.3 Where a witness is under 18 years of age, the Safeguarding Officer shall also be permitted to be present and in this regard full permission of the Parent of the witness must be given in order for the witness to be present.

7.1 Complaints involving Adults that may be Vulnerable

7.2 A Club/Commission/ Provincial or National Safeguarding Officer shall be present at the Hearing where a Vulnerable Adult who is the Complainant or Respondent requests that the Safeguarding Officer attends. The Safeguarding Officer shall attend to ensure that the rights of the Vulnerable Person are protected at the Hearing. The Safeguarding Officer shall be entitled to make observation to the Committee but shall not be permitted to make any decision on culpability.

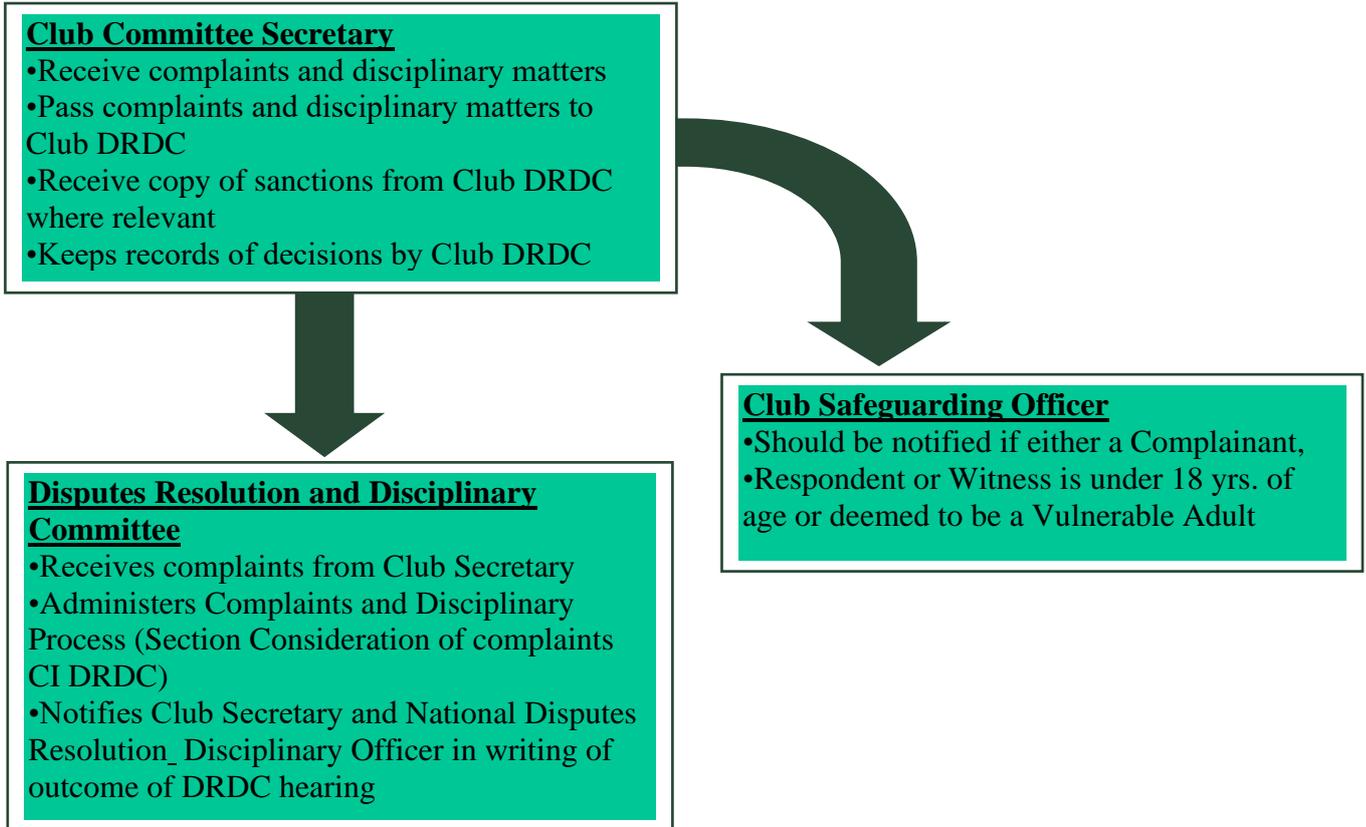
7.3 A Club/Commission/ Provincial or National Safeguarding Officer may request to be present at the Hearing where a Vulnerable Adult is the Complainant or Respondent and there is reason to believe that the interests of said Adult may benefit from the inclusion of the Safeguarding Officer. The consent of the Complainant/Respondent must be sought, and the presumption of capacity inferred unless there is reasonable belief otherwise. This is a complex area protected by law and advice should be sought through the National Safeguarding Officer.

Section 8 cycling Ireland Disputes Resolution and Disciplinary Process



Outcome of DRDC can be appealed to National DRDC by referring matter to the National Disputes Resolution Disciplinary Officer “not de novo”

Section 8.1 Complaints functions at Club/commission/province



Notes
 Cycling Ireland National Disputes Resolution Disciplinary Officer will provide support throughout the process as required.
 National Safeguarding Officer will provide support and guidance to Club Safeguarding Officer where required.
 Appeals shall be notified to National Disputes Resolution Disciplinary Officer NDRDC
 It should be emphasised that Disputes/Complaints should be dealt with at local level until all resolutions at this level have been exhausted.

9.1 DISCIPLINARY ACTION/SANCTIONS

9.2 All Disputes Resolution Disciplinary Committees shall have the power to take disciplinary action and impose sanctions as guided in appendix. Such action shall be taken when a complaint is upheld. In determining disciplinary action/sanctions, a Disputes Resolution Disciplinary Committee shall take into account the following factors:

- a. Age
- b. Co-operation
- c. Prior Warnings
- d. Prior Record
- e. Apology offered
- f. Remorse
- g. Gravity of offence
- h. Effect on parties affected by the, matter complained of
- i. Effect of sanction on Respondent
- j. Any other factor deemed relevant

9.3 Disciplinary actions shall comprise but not be limited to the following and shall be imposed at the discretion of the Disputes Resolution Disciplinary Committees once it has upheld a complaint.

- a. A verbal warning
- b. A written warning
- c. A suspension
- d. An expulsion

9.4 The Secretary of Club/Province/Commission shall be notified if a Member, Club member, Volunteer, Club, Province is sanctioned, suspended or expelled, or if an individual steps down from a position. Such notification shall be in writing and detail the facts of the complaint whilst respecting an individual's right to privacy and the outcome.

9.5 The National Disputes Resolution and Disciplinary Officer will support the exchange of information which should only be done on a need-to-know basis.

9.6 In the circumstance where a Events Director/Commissaire (Club, Provincial Level or Commission) has imposed an immediate suspension they shall prepare a report for the appropriate Disputes Resolution Disciplinary Committees within three days of the incident. This report shall be forwarded to the members club and shall be treated as a complaint. The report prepared shall contain details of the nature of the misconduct, the suspension imposed and the time, date and place of the incident.

10.1 APPEALS

- 10.2 Any party to a Complaint at Club Commission or Provincial Level can appeal a decision to the National Complaints and Disciplinary Committee
- 10.3 An appeal must be made within seven days of publication of the Club/Commission/Provincial Disputes Resolution and Disciplinary Committee.
- 10.4 The following rules apply in respect of appeals
- (a) Club Appeals shall be appealed to the National Disputes and Disciplinary Committee by informing the National Disputes and Disciplinary Officer in writing of the request for an appeal.
 - (b) Provincial Appeals shall be appealed to the National Disputes and Disciplinary Committee by informing the National Disputes and Disciplinary Officer in writing of the request for an appeal.
 - (c) Commission Appeals shall be appealed to the National Disputes and Disciplinary Committee by informing the National Disputes and Disciplinary Officer in writing of the request for an appeal.
- 10.5 Appeals will be heard on a not “de novo” basis
- 10.6 The appellant shall deliver a written notice of appeal to the National Disputes Resolution and Disciplinary Officer specifying
- (a) date of decision
 - (b) the grounds of appeal
 - (c) copy of relevant documentation and
 - (d) an Appeal fee
- 10.7 Decisions of the National Disputes Resolution and Disciplinary Committee Appeal can be further appealed to the Sports Disputes Solutions Ireland. (Link)

11.1 Child Welfare concerns

- 11.2 All child welfare concerns are governed by the Children First Act 2015 Children First Guidance 2017 Cycling Irelands Safeguarding Policy and Sport Ireland Code of Ethics and Good Practice for Children's sport.
- 11.3 In responding to Concerns that meet reasonable grounds for concern (Children First Act 2015) for the Safety of a Child or Vulnerable Adult (Cycling Irelands Safeguarding Policy) the concern would in the first instance be reported to the Club/Province/Commission or National Safeguarding Officer.
- 11.4 Procedures outlined in Cycling Irelands Ireland Safeguarding Policy will take precedence in keeping with the Paramountcy Principle 1991 where the Welfare of the Child is Paramount. The Disputes Resolution and Disciplinary Policy may still be enacted but precedence will be given to adherence to Legislative requirements laid out in Children's First Guidance 2017.
- 11.5 Further advice and guidance can be sought from the Club/Province/Commission Safeguarding Officer or the National safeguarding Officer.

Appendices

Appendix 1: Definitions

Club – mean the Club defined in the Cycling Ireland Articles of Association.

Board - means the Directors of Cycling Ireland.

DRDC - means the Disputes Resolution and Disciplinary Committee at Club, Provincial Commission and National level including those Committees which sit in an appellate function which in turn includes the National Disputes Resolution and Disciplinary Committee (the NDRDC).

NDRDP- Means National Disputes Resolution Disciplinary Panel

NDRDC-Means National Disputes Resolution Disciplinary Committee, a committee set up from the National Disputes Resolution Disciplinary Panel for hearings at a National Level

NDRAC- Means national Disputes Resolution Appeals Committee, a committee set up from the NDRDP to hear appeals.

Chairperson of National Disputes Resolution Disciplinary Panel- Independent member of the Governance and Risk Committee who also shall take on the role of Independent Appointer to a NDRDC

Independent Appointer- Chairperson of the National Disputes Resolution Disciplinary Panel who appoints National Disputes Resolution Disciplinary Committees with the support of the National Disputes Resolution Disciplinary Officer

Cycling Ireland - means the National Cycling Ireland NGB.

Commission- Duly elected/Appointed Commission of Cycling Ireland

Province – Duly elected provincial committee within the jurisdiction of Ireland and Cycling Ireland

Complaint - means an expression of discontent made by a party submitted in writing together with an appropriate fee.

Complaint Form - means the official complaint document template as set out at appendix and available on the Cycling Ireland website or on application from the Head Office.

Complainant - means the party making the complaint.

Disciplinary Action/Sanctions - means any disciplinary action/sanctions imposed by a DRDC.

Mediation/ Restorative Practice- intervention in a dispute in order to resolve it;

Event - means any club activity commission activity competition or activity organised and sanctioned by Cycling Ireland.

Member - means any representative of a Club, Province Commission or Director at National level as defined in the Cycling Ireland Constitution.

NDRDC – means the National Disputes Resolution and Disciplinary Committee.

NDRDO- National Disputes Resolution and Disciplinary Officer

Official - means any person who officiates, judges, referees or assists in officiating, judging or refereeing in any Event (Club, Commission Provincial or National).

Commissaire- Commissaire is the generic term for an official in competitive cycling, approximately equivalent to umpires or referees in other sports.

Parent - means the legally appointed person responsible for a child (parent or guardian).

Club member – means any athlete that is eligible to compete in activity or event.

Procedures - means the procedures set out in this policy.

Respondent - means a person(s), Club Commission or Province responding to a complaint.

Spectator - means any person who neither participates nor officiates at an Event but who attends in a capacity to view a club member or club members.

Volunteer - means any person who contributes to the organisation and administration of the Cycling Ireland at any level at any Event or Activity.

Appendix 2

Disputes Resolution and Disciplinary Committees (DRDC)

Disputes Resolution and Disciplinary Committees can be formed at all committee levels of the organisation to deal with complaints or breaches of policy that arise from events that they are responsible for. All DRDCs should operate within these guidelines and with the support of the National Disputes Resolution and Disciplinary Officer.

2.1 Club Disputes Resolution and Disciplinary Committee- Appointed by Club Committee

- a. Consists of three members at least one of who will be a Committee member in so far as is reasonable possible.
- b. Hears Complaints arising from Club Events or Membership Activities at other events

2.2 Commission Disputes Resolution Disciplinary Committees- Appointed by relevant Commission

- a. Consists of three members at least one of who will be a Committee member in so far as is reasonable possible.
- b. Hears Complaints arising from Commission activities.

2.3 Provincial Disputes Resolution and Disciplinary Committee- Appointed by Provincial Committee

- a. Consists of three members at least one of who will be a Committee member in so far as is reasonable possible.
- b. Hears complaints arising from provincial activities

2.4 National Disputes Resolution and Disciplinary Committee- Appointed by Board of Directors

- a. Consist of 3/5 members of the National Disputes Resolution Disciplinary Panel
- b. The National Disputes Resolution and Disciplinary Officer shall support the work of the National DRDC but have no role in determining culpability.
- c. Hears complaints at a National Level.
- d. Hears Appeals from Club CRDC, Commission CRDCs and Provincial CRDCs

Appendix 3

Functions of Disputes Resolution and Disciplinary Committees (DRDCs)

Club Commission and Provincial

1. A DRDC shall consist of a minimum of 3 Members at Club, Commission and Provincial Level.
2. A Club Commission and Province shall assign the role of Disputes Resolution and Disciplinary Officer to an existing designated role within a committee for the purpose of processing Disputes and Complaints.
3. A quorum of at least 3 members of any Disputes Resolution and Disciplinary Committee shall be necessary to convene a hearing.
4. A Disputes Resolution Disciplinary Committee shall be empowered to delegate any particular function to one member of the DRDC, save and except for any decision on culpability.
5. A Chairperson shall be appointed at the first meeting of any DRDC and thereafter they shall Chair all meetings and hearings.
6. A member of a DRDC shall decline to participate in any decision if in their opinion there may be grounds to question their impartiality.
7. A member of a DRDC shall not participate in any decision in which they have a direct or indirect interest in the outcome of the proceedings.
8. All decisions of the DRDC shall be by majority vote.
9. DRDCs shall have no authority to and shall not attempt to make any award of costs.
10. A Safeguarding Officer may sit on the DRDC but only in an advisory capacity.
11. The National Disputes Resolution and Disciplinary Officer shall support the work of any DRDC deemed suitable by CEO but shall not preside on a DRDC or have voting functions within any DRDC.

Appendix 4

Functions of National Disputes Resolution and Disciplinary Committee

1. The functions of the National Disputes Resolution and Disciplinary Committee shall be to,
 - a. Hear complaints that have been brought directly to the National Disputes Resolution and Disciplinary Officer where a Case Management Group have decided that the nature of the complaint means the complaint may not reasonably be expected to be heard fairly at a local level.
 - b. Decide on appeals made to the National Complaints and Disciplinary Committee from Club/Commissions or Provinces.
 - c. Decide on appeals to the National Disputes Resolution Complaints Committee based on findings from a Disputes Resolution Disciplinary Committee hearing outlined in 1a above. In this case a completely separate appeals committee will have to be formed.
2. Decisions of a Club/Commission/Provincial DRDC may be appealed to the National DRDC through the National Disputes Resolution and Disciplinary Officer.
3. The functions of the National Disputes Resolution and Disciplinary Committee shall be supported by the National Disputes Resolution and Disciplinary Officer.
4. The National Disputes Resolution and Disciplinary Officer shall attend a National Disputes Resolution and Disciplinary Committee but have no voting rights on a National Disputes Resolution and Disciplinary Committee.
5. Decisions of the National Disputes Resolution and Disciplinary Committee shall be notified in writing to the appellant/complainant by the Chairperson of set committee via the National Disputes Resolution and Disciplinary Officer
6. A national Disputes Resolution and Disciplinary Committee shall be made up of 3 members with provision to extend to 5 in exceptional circumstances.
7. When as part of a Preliminary case Management meeting the majority of members believe it would be in the interest of fair process that a representative external to Cycling Ireland be engaged the National Disputes Resolution and Disciplinary Officer will source such an individual with the approval of the Chairperson of the Disputes Resolution Disciplinary Panel.
8. Where no conflict of interest exists, it is desirable that at least one member of the National Disputes Resolution and Disciplinary Committee is a provincial representative.

Appendix 4.1

Makeup of the National Disputes Resolution and Disciplinary Panel.

1. A panel of suitable skilled persons shall be appointed by the Board of Directors to be available to sit on a National Disputes Resolution and Disciplinary Committee.
 - a. Criteria for nomination to this panel have been drawn up and are included in this document.
2. This panel shall be a minimum of 10 in number extending to 14 in circumstances that merits to ensure inclusivity.
3. Consideration shall be given to gender quotas when appointing a National Disputes Resolution and Disciplinary Panel. To this end it is desired that there will be a 50:50 male to female split.
4. Membership shall be renewed on an annual basis with one annual meeting of the panel to update training and availability.
5. Members shall be requested to remain on the panel for a minimum of 3 years.
6. In the first instance provincial Chairpersons shall be invited to form part of this panel. Provinces will be requested to nominate a minimum of one suitable person and a maximum of 2 to sit on the National Disputes Resolution and Disciplinary Panel
 - b. It is suggested that Provinces/Commissions nominate their Disputes Resolution and Disciplinary Officer but this decision rests with individual Provinces/Commissions.
7. External representatives will be sourced from other National Governing bodies in a reciprocal arrangement with Cycling Ireland members offering the same support in return. Consideration may need to be given to expenses in this circumstance.
8. All members of the National Disputes Resolution and Disciplinary Panel shall be subject to the same conflict of interest checks as for the Club/Provincial panel
9. In so far as is reasonable and taking into consideration the availability of members panel members will be requested to sit on a National Disputes Resolution and Disciplinary Committee on rotation.

Appendix 4.2

Nominations Criteria for membership of the National Disputes Resolution and Disciplinary

Panel/Chairpersons and Appeals Chairpersons

Nominees for membership of the National Disputes Resolution and Disciplinary Panel, Chairpersons of National Disputes Resolution and Disciplinary Committees and Chairpersons of Appeals Panel will be considered against the following criteria:

Panel Members

Key Experience

1. Panel members shall,
 - a. have in-depth recent knowledge of the Dispute's Resolution and Disciplinary policy/practice.
 - b. not be an employee of Cycling Ireland or any of its affiliate bodies.
 - c. have attended and successfully completed a Cycling Ireland Disputes Resolution Training workshop in the past two years or be scheduled to renew one in the next 12 months.
 - d. be prepared to discharge their duties either in person or using online meeting platforms as appropriate.
 - e. have competency in written and spoken English.
 - f. Preferable have been a Disputes Resolution and Disciplinary Officer at Commission/Provincial level.
 - g. Participate in meetings and hearings.
 - h. Work collaboratively and as part of a team with others.
 - i. Reach collegiate decisions.

Key Skills

2. Panel members shall demonstrate.
 - a. Decisiveness
 - b. Objectivity.
 - c. Independence
 - d. Impartiality.
 - e. Inspire respect and confidence.
 - f. Maintain authority when challenged.
 - g. Engage in training where applicable.
 - h. Engage positively with all panel members Cycling Ireland employees and volunteers.

- i. Work collaboratively with other panel members to ensure consistency of decisions.
- j. Competently use technology including conferencing, video sharing platforms and mobile devices.

Appendix 4.3

Chairpersons of National Disputes Resolution and Disciplinary Committees

Chairpersons of Appeals Committees in addition to having met all the criteria to be included on the National Disputes Resolution Disciplinary Panel shall,

1. Have the ability to Chair National Disputes Resolution and Disciplinary Panels.
2. Ability to produce written decisions following the hearing.

Appendix 4.4

Chairpersons of Appeals made to National Disputes Resolution and Disciplinary Panel

Chairpersons of Appeals Committees in addition to having met all the above criteria to be included on the National Disputes Resolution Panel shall,

1. Be independent of Cycling Ireland and not be a member of Cycling Ireland or one of its affiliate organisations.
2. Be a be senior legal practitioners of at least seven years standing.
3. Have the ability to Chair appeals committees and hearings.

Appendix 5:

Functions of the National Disputes Resolution and Disciplinary Officer:

Cycling Ireland shall appoint a National Disputes Resolution and Disciplinary Officer to support clubs, Commissions, Provinces National Complaints and Disciplinary Panel with disciplinary matters.

Duties to include,

1. To be the recipient of any written Complaint/Dispute at National Level and Disciplinary Report.
2. Maintain the confidentiality of individuals information and personal integrity in all circumstances whilst fulfilling all legal responsibilities in regard to potential criminal offences.
3. To refer complaints to the relevant National Disputes Resolution Disciplinary Committee be they Club, Provincial or Commission in the event that the complaint has not been heard at the point of origin unless the complaint is deemed by a Preliminary Case Management Committee to be such that it should be dealt with at a level other than the point of origin. This may occur whereby the Preliminary Case Management Committee feel that a fair process may be unfeasible or is unlikely at the point of origin.
4. Where a complaint is referred back to Club, Province or Commission or any other properly constituted committee of Cycling Ireland the National Disputes Resolution and Disciplinary Officer will support the relevant DRDC in hearing the complaint providing guidance and support but not attending the DRDC unless in exceptional circumstances and with prior consent of the CEO and remaining in an advice guidance role.
5. To determine if the Complaint has been made in the correct jurisdiction and within the correct timeframes.
6. To gather such information reasonably determined to be necessary regarding the Complaint or Disciplinary Report. Where a Complaint or Disciplinary Report refers to suspected child abuse or abuse of a Vulnerable Adult the CDO shall immediately notify the National Safeguarding Officer.
7. To constitute a Preliminary Case Management Committee to consider Complaint or Disciplinary Report as is in keeping with Appendix 6.
8. To Report to the Preliminary Case Management Committee
9. To communicate the decision of the Preliminary Case Management Committee to the complainant, where after investigation and consideration, in the opinion of the PCMC, a prima facie case to answer **has not** been established.
10. To refer the parties to a Complaint to Mediation or Restorative Practice, where appropriate (a Complaint may be referred to Mediation but not a Disciplinary Action).
11. To refer the Complaint/Disciplinary Report to a subcommittee of the board (National Complaints and Disciplinary Committee) where in the opinion of the PCMC a prima facie case to answer **has** been established and the PCMC feel that fair process is unlikely or unfeasible at the point of origin.

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12. To correspond with and notify the parties of all necessary information prior to a hearing before the National Disputes Resolution Disciplinary Committee.
13. To prepare documents for the National Disputes Resolution Disciplinary Committee.
14. To present the case in respect of a disciplinary matter before the National Disputes Resolution Disciplinary Committee, including the calling of witnesses.
15. To maintain a record of decisions of the National Disputes Resolution Disciplinary Committee.
14. To ensure that sanctions are upheld and observed by Respondents.
15. In the event that an appeal is referred to Sport Solutions Ireland NDRDO will be the primary point of contact and support for the appeal under the supervision of the CEO

Appendix 6

Steps to deal with a dispute at Club

6.1 Club Individuals involved

Club Committee Secretary (Where complaints are made to another Committee member the details of the complaint will be forwarded to Club Secretary)

- a. Receive complaints and disciplinary matters
- b. Pass complaints and disciplinary matters to Club DRDC
- c. Receive copy of sanctions from Club DRDC where relevant
- d. Keeps records of decisions by Club DRDC

6.2 Club Disputes Resolution and Disciplinary Committee (Made up of three members of Club Committee, where an actual or perceived conflict of interest exists then alternative appropriate members may be sourced to take part in the DRDC, (Advice can be sought from the National Disputes Resolution and Disciplinary Officer)

- a. Receives complaints from Club Secretary.
- b. Administers Disputes Resolution and Disciplinary Process (Section Consideration of complaints CI DRDC)
- c. Notifies Club Secretary and Disputes Resolution and Disciplinary Officer at National Level in writing of outcome of DRDC hearing.

6.3 The Club Safeguarding Officer should be notified if either a Complainant, Respondent or Witness is under 18 yrs of age or deemed to be a Vulnerable Adult.

6.4 Club Safeguarding Officer will attend DRDC and provide advice guidance and comment but have no jurisdiction to rule on hearing.

6.5 National Safeguarding Officer will provide support and guidance to Club Safeguarding Officer where required.

6.6 Cycling Ireland National Disputes Resolution and Disciplinary Officer will provide support throughout the process as required.

6.7 Appeals shall be notified to National Complaints and Disciplinary Officer who will pass the complaint to National Disputes Resolution and Disciplinary Chairperson.

Appendix 7

Steps to deal with a dispute at Province.

7.1 Provincial Individuals involved:

Provincial Committee Secretary (Where complaints are made to another Committee member the details of the complaint will be forwarded to Provincial Secretary)

- a. Receive complaints and disciplinary matters
- b. Pass complaints and disciplinary matters to Provincial Disputes Resolution and Disciplinary Committee
- c. Receive copy of sanctions from Provincial DRDC where relevant
- d. Keeps records of decisions by Provincial DDC

7.2 **Provincial Disputes Resolution and Disciplinary Committee** (Made up of three members at least one of which should be a committee member, where an actual or perceived conflict of interest exists then alternative appropriate members may be sourced to take part in the DDC, Please consult with National Disputes Resolution and Disciplinary Officer in this instance)

- a. Receives complaints from Provincial Secretary.
- b. Administers Disputes Resolution and Disciplinary Process (Section Consideration of complaints CI DRDP)
- c. Notifies Provincial Secretary and National Disputes Resolution and Disciplinary Officer in writing of outcome of DRDC hearing.

7.3 Outcomes of a Disputes Resolution and Disciplinary Committee may affect an individual's participation at Club Level therefore the DRDC should decide on actions to be taken in this regard whilst respecting the privacy of all parties to the DRDC. (Advice should be sought from the National Disputes Resolution and Disciplinary Officer)

7.4 The Provincial Safeguarding Officer should be notified if either a Complainant, Respondent or Witness is under 18 yrs of age or deemed to be a Vulnerable Adult.

- a. Provincial Safeguarding Officer will attend DRDC and provide advice guidance and comment but have no jurisdiction to rule on hearing.

7.5 National Safeguarding Officer will provide support and guidance to Provincial Safeguarding Officer where required.

7.6 Cycling Ireland National Complaints and Disciplinary Officer will provide support throughout the process as required.

7.7 Appeals shall be notified to National Complaints and Disciplinary Officer who will pass the complaint to National Disputes Resolution and Disciplinary Chairperson

Appendix 8

Steps to deal with a dispute at National/Commission Event

- 8.1 Complaints may be received regarding an alleged breach of rules or Codes of Behaviour during an event that was organised and ran by a Commission. It may not always be appropriate that complaints of this nature are heard by a Commission DRDC. It may be more appropriate that the Complaint is heard at Club Level if it involves for example a breach regarding Club behaviour at an event. Where a complaint is such that an adverse finding on the part of the person alleged of an offence may be suspended or expelled from Commission activities then the complaint should be heard by the Commission DRDC. Where a club refuses or is unwilling to hear the complaint then the Commission will take authority.
- 8.2 On the other hand, the complaint may be lodged by the Commission at which point an unbiased DRDC should be established. In these instances, advice should be sought from the National Disputes Resolution and Disciplinary Officer
- 8.3 Commission Individuals involved:
Commission Committee Secretary (Where complaints are made to another Committee member the details of the complaint will be forwarded to Commission Secretary)
- a. Receive complaints and disciplinary matters
 - b. Pass complaints and disciplinary matters to Commission DRDC
 - c. Receive copy of sanctions from Commission DRDC where relevant
 - d. Keeps records of decisions by Commission DRDC
- 8.4 **Commission Disputes Resolution and Disciplinary Committee** (Made up of three members at least one of which should be a Committee Member, Where an actual or perceived conflict of interest exists then alternative appropriate members may be sourced to take part in the DRDC, Please consult with National Disputes Resolution and Disciplinary Officer in this instance)
- a. Receives complaints from Commission Secretary
 - b. Administers Complaints and Disciplinary Process (Section Consideration of complaints CI DRDP)
 - c. Notifies Commission Secretary and National Disputes Resolution and Disciplinary Officer in writing of outcome of DRDC hearing
- 8.5 Outcomes of a Disputes Resolution and Disciplinary Committee may affect an individual's participation at Club Level therefore the DRDC should decide on actions to be taken in this regard whilst respecting the privacy of all parties to the DRDC. (Advice should be sought from the National Disputes Resolution and Disciplinary Officer)
- 8.6 The Commission Safeguarding Officer should be notified if either a Complainant, Respondent or Witness is under 18 yrs. of age or deemed to be a Vulnerable Adult.
- a. Commission Safeguarding Officer will attend DRDC and provide advice guidance and comment but have no jurisdiction to rule on hearing.
- 8.7 National Safeguarding Officer will provide support and guidance to Provincial Safeguarding Officer where required.

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8.8 Cycling Ireland National Disputes Resolution and Disciplinary Officer will provide support throughout the process as required.

8.9 Appeals shall be notified to National Complaints and Disciplinary Officer who will pass the complaint to National Disputes Resolution and Disciplinary Chairperson.

Appendix 9

Functions of Preliminary Case Management Committee

- 9.1 The Primary function of a Case Management Committee is to consider complaints brought to the attention of the National Disputes Resolution and Disciplinary officer ensuring fairness, governance accountability and oversight.
- 9.2 A Preliminary Case Management Committee will normally consist of three persons in the first instance comprising of the National Complaints and Disciplinary Officer, the Independent Chairperson of Cycling Irelands National Disputes Resolution Disciplinary Panel and one other member to be appointed by the Independent Chairperson of Cycling Irelands National Disputes Resolution Disciplinary Panel
- 9.3 The Disputes Resolution and Disciplinary Officer will administer the PCMG and anonymise all information to protect the confidential nature of dealing with complaints.
- 9.4 The PCMG does not hear complaints or take part in Disputes Resolution Disciplinary Committees.
- 9.5 Main considerations of PCMC
- a. Has the complaint been made in the required format using the appropriate form?
 - b. Has the complaint been made in the timescale laid down in the Disputes Resolution and Disciplinary Policy?
 - c. Has the appropriate fee been attached?
 - d. Is formal action necessary and is it clear what alleged breaches have been made?
 - e. Has mediation/restorative practice been offered?
 - f. Is there further information required?
 - g. Does the complaint require referral to the appropriate DRDC?
- 9.6 Normal findings of a PCMC will be to
- a. Refer Complaint back to Club DRDC or other DRDC as deemed appropriate in the circumstances with the support of the NDRDO
 - b. Refer Complaint to National Safeguarding Officer under Safeguarding and Child Protection Guidelines.
 - c. Inform complainant of any other deliberations of PCMC which may deem a complaint to be outside of the normal parameters within which a complaint may be heard.
- 9.7 Where a PCMC feels that an offence has occurred refer complainant to statutory authorities.

Appendix 10

Guidance on Chairing a Disputes Resolution and Disciplinary Committee

The below checklist is for guidance purposes only, as it is recognised that the Chair will need to determine how best to manage any hearing given the individual circumstances of the case.

10.1 Introductions

- a. Welcome attendees.
- b. Request that all attendees turn off any electronic devices to avoid unnecessary interruptions during the meeting and advise that Cycling Ireland expressly prohibits the recording of meetings and that such recording would be a breach of the Disputes Resolution Disciplinary Process and an offence in itself and deem the hearing invalid.
- c. Introduce those officials present and their roles, this may include panel members, Safeguarding Officer, Disputes Resolution Disciplinary Officer, Note taker.
- d. Ask the parties to introduce themselves and the companion they may have with them.
- e. Confirm with the parties that they have received the letter notifying them of the disputes hearing and any associated documentation.
- f. Advise that any questions, comfort breaks and adjournments requests should be directed at the Chair.
- g. Identify the location of the rooms available to both the individual and member(s) of the original panel, to be used should any adjournments be required.

Process

- h. The Chair confirms all parties received all documents in advance of the hearing.
- i. The Chair explains the procedures and format for the hearing outlining the time available to all parties.
- j. The Chair/Disputes Resolution Disciplinary Officer shall present the case to include.
 - i. Date of receipt of dispute
 - ii. Details of process
 - iii. Summary of alleged breach of Code of Behaviour
 - iv. Confirms that Mediation/Restorative practice has been
 1. Offered
 2. Accepted and not successful.
 3. Not accepted

10.2 The Chairperson invites the party initiating the Dispute to present details of the alleged breach of Code of Behaviour infringement how so ever agreed to be a valid dispute. This may be time framed with the discretion of the Chair to extent time.

10.3 The Chair may invite witnesses having been agreed prior to the hearing.

10.4 The party is then invited to present any submissions having previously notified the Committee of said submissions.

10.5 The Committee is invited to ask questions of the party initiating the dispute.

10.6 The Chairperson invites the subject of the dispute to respond to the allegations.

10.7 The Chair may invite witnesses having been agreed prior to the hearing.

10.8 The subject of the allegation is invited to present any submissions having previously notified the Committee of said submissions.

10.9 The Committee is invited to ask questions of the party initiating the dispute.

10.10 **Adjournment**

- a. Committee will adjourn to consider the case and decide the outcome of the hearing.
- b. A decision will be made when a simple majority vote of the Disputes Resolution Disciplinary Committee is reached.

10.11 **Decision**

a. **Dispute upheld.**

- i. Decision to be issued to both parties in writing within seven days of the hearing from the Committee through the Disputes Resolution Disciplinary Officer.
- ii. Disciplinary Action/Sanctions notified if deemed appropriate by a majority of the DRDC taking any mitigating/aggravating factors into consideration.
- iii. Grounds to appeal are communicated with decision of the Disputes Resolution Disciplinary Committee

b. **Dispute Rejected**

- i. Decision to be issued to both parties in writing within seven days of the hearing from the Committee through the Disputes Resolution Disciplinary Officer.
- ii. Grounds to appeal communicated with decision of the Disputes Resolution Disciplinary Committee

10.12 If the panel is unable to decide as further information is required, inform the parties as to when they can expect written notification of the decision or if further action is deemed necessary what this would entail. (Further action may involve interviewing other witnesses or further investigation as agreed by the Disputes Resolution Disciplinary Committee and is permissible within the Disputes Resolution Disciplinary Policy)

10.13 Close the hearing, ensuring that everyone understands what is going to happen next

Appendix 11

Schedule of Sanctions.

The following provides a list of potential offences that may be brought to a Complaints and Disciplinary Committee. It is important that a CDC take both aggravating and mitigating factors into consideration when considering a complaint. The following factors may be taken into consideration.

1. Age;
2. Co-operation;
3. Prior warnings;
4. Prior record;
5. Apology made;
6. Remorse;
7. Gravity of offence;
8. Effect on victim;
9. Effect of sanction on Respondent;
10. Any other factor deemed relevant.

Having taken these factors into consideration a DRDC may reduce the scale of the offence or increase the scale of the offence. The abiding culture of a DRDC should be underpinned by a Restorative approach whereby the rights and safety of everyone involved is protected. Advice can be sought from the National Disputes Resolution and Disciplinary Officer

OFFENCE	LOW OFFENCE	MEDIUM OFFENCE	HIGH OFFENCE
1. Fighting, Aggressive or threatening behaviour		Written Warning	Suspension from: (a) Events (b) Team/Squad (c) Club events Membership/Affiliation participation in an Event/Team or Squad
2. Unsportsmanlike behaviour	Reprimand	Written Warning	Suspension Written Warning Membership expulsion
3. Behaviour in contravention of Cycling Irelands Equality Policy	All behaviour in contravention of equality policy would be considered medium or high offence	Suspension from: (a) Events (b) Team/Squad (c) Club events Written Warning Removal of Privileges Membership suspension/Affiliation	Membership termination
4. Cheating	Reprimand Suspension from	Final Written Warning Removal of Privileges	Membership termination

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	(a) Events (b)Team/Squad (c) Club events	Suspension from: (a) Events (b)Team/Squad (c) Club events Suspension from Membership/Affiliation	
5. Bullying (Bullying can take many forms and be both covert and overt for example psychological or social intimidation, such as verbal intimidation or nonverbal intimidation, insulting comments, 6. exclusion or isolating an individual (playing mind games, ganging up on an individual) More obvious forms of bullying include physical bullying such as: 7. pushing, tripping, grabbing or any other type of direct physical contact attacking or threatening behaviour 8. any form of sexual harassment, such as flashing or groping 9. initiation or hazing (where you're made to do humiliating things to be accepted)	Reprimand	Written Warning Severe Reprimand Removal of Privileges Suspension from: (a) Events (b)Team/Squad (c) Club events	Membership termination (Extreme bullying may be subject to criminal prosecution)
10. Intimidation or threats	Reprimand	Written Warning	Membership termination
11. Racism	N/A	Written Warning Suspension from (a) Events (b)Team/Squad (c) Club events Removal of Privileges Membership suspension	Membership termination
12. Inciting hatred	N/A	Written Warning Suspension from (a) Events (b)Team/Squad (c) Club events Removal of Privileges Membership suspension	Membership Termination
13. Breaches of Rules and	Reprimand	Written	Severe Reprimand

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14. Codes of Conduct or other Cycling Ireland policies		warning/Reprimand	Membership Suspension Suspension/Termination from (a) Events (b)Team/Squad (c) Club events
15. Offensive behaviour 16. to club members, Cycling Ireland officials, spectators Cycling Ireland members	Reprimand	Written warning/Reprimand	Severe Reprimand Membership Suspension Suspension/Termination from (a) Events (b)Team/Squad (c) Club events
17. Violation of 18. instructions and 19. directives from 20. Cycling Ireland Officials	Reprimand	Written warning/Reprimand	Membership Suspension Suspension/Termination from (a) Events (b)Team/Squad (c) Club events
21. Foul language	Verbal Reprimand recorded on members club record	Written Warning & Fine	Severe Reprimand Written Warning Fine
22. Disparaging comments	Verbal Reprimand recorded on members club record	Written Warning Fine	Written Warning Suspension from participation in: (a) Events (b)Team/Squad (c) Club events
23. Discrimination	Verbal Reprimand recorded on members club record	Written Warning Suspension from participation in: (a) Events (b)Team/Squad (c) Club events	Suspension from participation in: (a) Events (b)Team/Squad (c) Club events Membership/ Affiliation terminated/suspended
24. Acts or omissions 25. Bringing the sport of Cycling into disrepute	N/A	Written Warning Suspension from to Participation	Written Warning Expulsion from Membership Fine
26. Criminal investigation for indictable offences	Suspension from participation in: (a) Events (b) Team/Squad (c) Club events pending the outcome of	Suspension from participation in: (a) Events (b) Team/Squad (c) Club Events pending the outcome of	Suspension from Participation in: (a) Events (b) Team/Squad (c)Club Events pending the outcome of

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	criminal investigations	criminal investigations	criminal investigations
27. Coercion	Verbal Reprimand recorded on members club record	Written Warning	Written warning Suspension from Membership/Affiliation
28. Criminal conviction likely to bring Cycling Ireland into disrepute.	Suspension from Membership	Expulsion from Membership	Expulsion from Membership

Appendix 12

Complaint Form

Complainant

(insert name of Complainant here):

1. YOUR CONTACT DETAILS:

Name: _____

Parent/Guardian: (Where complainant is under 18) _____

Address:

Tel No:

Email:

Club:

Respondent

(insert name of Respondent here):

- If a Complainant or Respondent is under 18 years of age then please state the name of the parent or guardian to represent the Complainant/Respondent.
- Failure to complete all sections will result in an invalid Complaint.
- A Complaint must be delivered to the Club or Regional Secretary or to the Complaints and Disciplinary Officer (CDO) by email within ?? days of an incident.
- A Complaint must be accompanied by payment of a €? fee. An Appeal must be accompanied by payment of a €? fee.
- The completed Complaint form should be returned to:
A) If Internal Club Complaint – Club Secretary by email
B) If External Club Complaint – by email to Complaints and \Disciplinary Officer

2. AGREEMENT TO MEDIATE

Do you wish to participate in Mediation/Restorative Practice in a effort to resolve this complaint if all parties agree?

Yes_____ NO_____

I HEREBY AGREE TO PARTICIPATE IN THE MEDIATION OF THIS DISPUTE IF THE CDO DEEMS IT APPROPRIATE THAT THIS COMPLAINT BE MEDIATED. PLEASE NOTE THAT THIS IS VOLUNTARY UNDER THE CYCLING IRELAND COMPLAINTS AND DISCIPLINARY RULES AND PROCEDURES.

Disputes Resolution & Disciplinary Policy

Signed: _____ Name in block: _____

Date:

3. COMPLAINT DETAILS

When completing this section, please give as much information as possible.

Date of incident(s)

Location of incident(s)

Details of incident(s)

Name of other party/ies

Club of other parties if known.

Name of Witness/es

Club of Witness/es

4. DESCRIPTION OF COMPLAINT

Specify the exact nature of your complaint(s): (use additional sheets if necessary)

Description of Offence:

(Identify one or more Offences in section 5 of Cycling Ireland Complaints and Disciplinary Policy that you allege has/have been breached). Where the offence is a breach of a code of conduct, specify which area/s of the code of conduct specifically that you allege have been breached.

5. SUPPORTING DOCUMENTATION

If you are supplying supporting documentation, please set out a description of each document relied on here:

Document A

Document B

Document C

Signed:

Complainant: _____

Name in block capitals: _____

Date:

The Disputes Resolution and Disciplinary Bodies shall keep all information disclosed to them confidential and no disclosure of any detail shall be made to any third party unless in the administration of the disciplinary function or as part of an appeal or a requirement by law.

Additional information Sheet

Signed:

Complainant: _____

Name in block capitals: _____

Date:

All additional sheets must be signed and dated by complainant in order to be admissible.

Appendix 11

Fees:

Disputes/Complaints must be accompanied with the appropriate fee in all cases other than those deemed by a Safeguarding Officer at Club Provincial, Commission or National Level to be Child Welfare Concerns. Failure to attach the appropriate fee may deem a complaint to have not been made in accordance with the appropriate procedures and not valid.

All fees are payable by the complainant.

In a circumstance where a complaint has been upheld the relevant fee will be reimbursed.

Club Complaint ?

Appeal to National Disputes Resolution Disciplinary Committee?

Referral to Mediation or Restorative Practice?

Referral to Just Sport Dispute Solutions?

