

# Swim Ireland Complaints and Disciplinary Rules and Procedures

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for Clubs, Members & Affiliates

SWIM  
IRELAND

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IRELAND

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the water

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September 2018

**SWIM  
IRELAND**

Please check the Swim Ireland website for the most up-to-date version

## Contents

<b>INTRODUCTION</b>	<b>5</b>
<b>SUMMARY OUTLINE OF THE RULES AND PROCEDURES</b>	<b>6</b>
<b>General procedural points:</b>	<b>9</b>
<b>GENERAL GUIDELINES TO THE COMPLAINTS AND DISCIPLINARY RULES AND PROCEDURES</b>	<b>10</b>
<b>DEFINITIONS</b>	<b>12</b>
<b>PART A – COMPLAINTS AND DISCIPLINARY RULES</b>	<b>15</b>
<b>1. JURISDICTION</b>	<b>15</b>
<b>2. OFFENCES</b>	<b>16</b>
<b>3. SANCTIONS</b>	<b>17</b>
3.1 Warnings	17
3.2 Immediate Sanctions	18
3.3 Interlocutory Sanctions	18
3.4 Non-Immediate Sanctions	19
<b>4. MITIGATING AND AGGRAVATING FACTORS</b>	<b>19</b>
<b>PART B – COMPLAINTS AND DISCIPLINARY PROCEDURES</b>	<b>20</b>
<b>INTRODUCTION</b>	
<b>1. GENERAL</b>	<b>21</b>
1.1 Proof	21
1.2 Confidentiality	21
1.3 Young People (Under 18 Years Of Age)	21
1.4 Exemption From Liability	21
1.5 Fast Track Hearings	21
1.6 Costs/Expenses	21
1.7 Criminal Charges	22
1.8 Poor Practice	22
1.9 Suspension Pending Hearing	22
1.10 Communication	22
1.11 Notification To Swim Ireland	22
1.12 Mediation As An Alternative	23

<b>2.</b>	<b>COMPLAINTS AND DISCIPLINARY BODIES AND RELEVANT PEOPLE (Club, Regional and National)</b>	<b>23</b>
2.1	Responsible Bodies	23
2.2	Person In Charge	23
2.3	The Children’s Officer	24
2.4	Complaints And Disciplinary Committee	25
2.5	Club Or Regional Complaints And Disciplinary Committee	26
2.6	Complaints And Disciplinary Officer (CDO)	27
2.7	Swim Ireland Complaints And Disciplinary Committee (SICDC)	28
<b>3.</b>	<b>COMMENCEMENT</b>	<b>29</b>
3.1	Disciplinary Action	29
3.2	Complaints	29
<b>4.</b>	<b>INFORMAL RESOLUTION AT CLUB OR REGIONAL LEVEL</b>	<b>29</b>
<b>5.</b>	<b>MEDIATION AT NATIONAL LEVEL</b>	<b>30</b>
<b>6.</b>	<b>COMPLAINTS AND DISCIPLINARY HEARINGS AT CLUB OR REGIONAL LEVEL</b>	<b>30</b>
<b>7.</b>	<b>COMPLAINTS, APPEALS AND DISCIPLINARY HEARINGS AT NATIONAL LEVEL</b>	<b>33</b>
<b>8.</b>	<b>COMPLAINT TAKEN BY OR AGAINST THE CLUB OR REGIONAL COMMITTEE (OR BY MEMBER OF THE COMMITTEE AGAINST A MEMBER OF THE CLUB).</b>	<b>35</b>
<b>9.</b>	<b>APPEALS TO SICDC</b>	<b>36</b>
<b>10.</b>	<b>SPORT DISPUTE SOLUTIONS IRELAND (SDSI) ARBITRATION (APPEAL)</b>	<b>36</b>
	<b>PART C – SANCTIONS</b>	<b>37</b>
	<b>Swim Ireland Sanction Guidelines</b>	<b>39</b>
<b>APPENDIX 1</b>	<b>Swim Ireland Complaint Form Template 2018</b>	<b>43</b>
<b>APPENDIX 2</b>	<b>Swim Ireland Complaint Decision Template 2018</b>	<b>47</b>
<b>APPENDIX 3</b>	<b>Swim Ireland Notice of Appeal Form Template 2018</b>	<b>48</b>

## INTRODUCTION

### Swim Ireland

Swim Ireland is the National Governing Body on the island of Ireland for swimming, diving and water-polo, recognised as such by Sport Ireland, The Olympic Council of Ireland, Sport Northern Ireland, FINA (World Governing Body for the Aquatics) and LEN (European Governing Body for the Aquatics). Swim Ireland is a non-profit organisation, working closely with volunteers in order to achieve our mission to foster and develop our sport both competitive and otherwise and to promote the development of physical and social qualities that come from swimming and associated sports.

### Swim Ireland Complaints and Disciplinary Rules and Procedures

Swim Ireland have rules and procedures for dealing with complaints and disciplinary matters within our organisation. These are in place to help ensure all participants within our sport can participate for fun, safely and in the spirit of fair play. The Complaints and Disciplinary Rules and Procedures have been developed in consultation with our members and the following document outlines the process in a clear and transparent manner. It endeavours to ensure our members have an easy to follow guide in how to raise and deal with complaints and disciplinary matters as they arise within our sport.

The first section (Part A – Rules) deals with the scope of the Complaints and Disciplinary Rules, Offences and Sanctions. The second section (Part B – Procedures) is intended to provide a step by step guideline for the benefit of any Complainant, Respondent or Complaints and Disciplinary Committee as to how a Complaint should be commenced, investigated, decided on and appealed if necessary. The third section (Part C – Sanctions) deals with the sanctions.

These Rules and Procedures deal with any breaches of:

- (i) the Rules themselves
- (ii) the Memorandum and Articles of Association of Swim Ireland
- (iii) the Swim Ireland Rule Book
- (iv) Swim Ireland Codes of Conduct
- (v) Swim Ireland Safeguarding Policies (latest update), as amended from time to time
- (vi) other Swim Ireland regulations in existence.

By following these Rules and Procedures, the appropriate Complaints and Disciplinary Body shall determine the Offences committed and the Sanctions to be imposed, if any, at Club, Regional or National level.

## SUMMARY OUTLINE OF THE RULES AND PROCEDURES

### Disciplinary

Disciplinary action is when a sanction is issued by either a Person in Charge or CDC to any individual member, team, association, club, region or committee or subcommittee or other grouping within or affiliated to Swim Ireland. Disciplinary action can be issued in the following forms:

- Warnings – verbal or written
- Immediate sanction – issued there and then by the Responsible Person
- Non-Immediate Sanction – Only issued by a Complaints and Disciplinary Committee

### Complaint

A complaint is an expression of discontent by any individual member, team, association, club, region or committee or subcommittee or other grouping within or affiliated to Swim Ireland concerning the behaviour of any individual member, team, association, club, region or committee or subcommittee or other grouping within or affiliated to Swim Ireland or parent.

### Complaint and Disciplinary Action

If you are upset about the way someone has behaved and the behaviour is a breach of the code of conduct or rules you can ask for this to be corrected. This can either be done through:

- a disciplinary action which can be instant, or
- a complaints process

You can make a complaint or be the subject of a complaint or disciplinary action if you are:

- (i) An individual member of Swim Ireland
- (ii) A team
- (iii) An association
- (iv) A club
- (v) A region
- (vi) A committee or subcommittee
- (vii) A grouping within or affiliated to Swim Ireland
- (viii) A parent of a child member

### Person in Charge

The Person in Charge is the person who is in charge at an event, for example:

- Coach
- Team Manager
- Committee
- Referee (Club level Meet)
- Competition Manager/Lead Referee

These people are appointed in various Club, Regional and National activities and are considered to be responsible for the well-being of participants and to make sure acceptable behaviour is supported by everyone involved at the particular event.

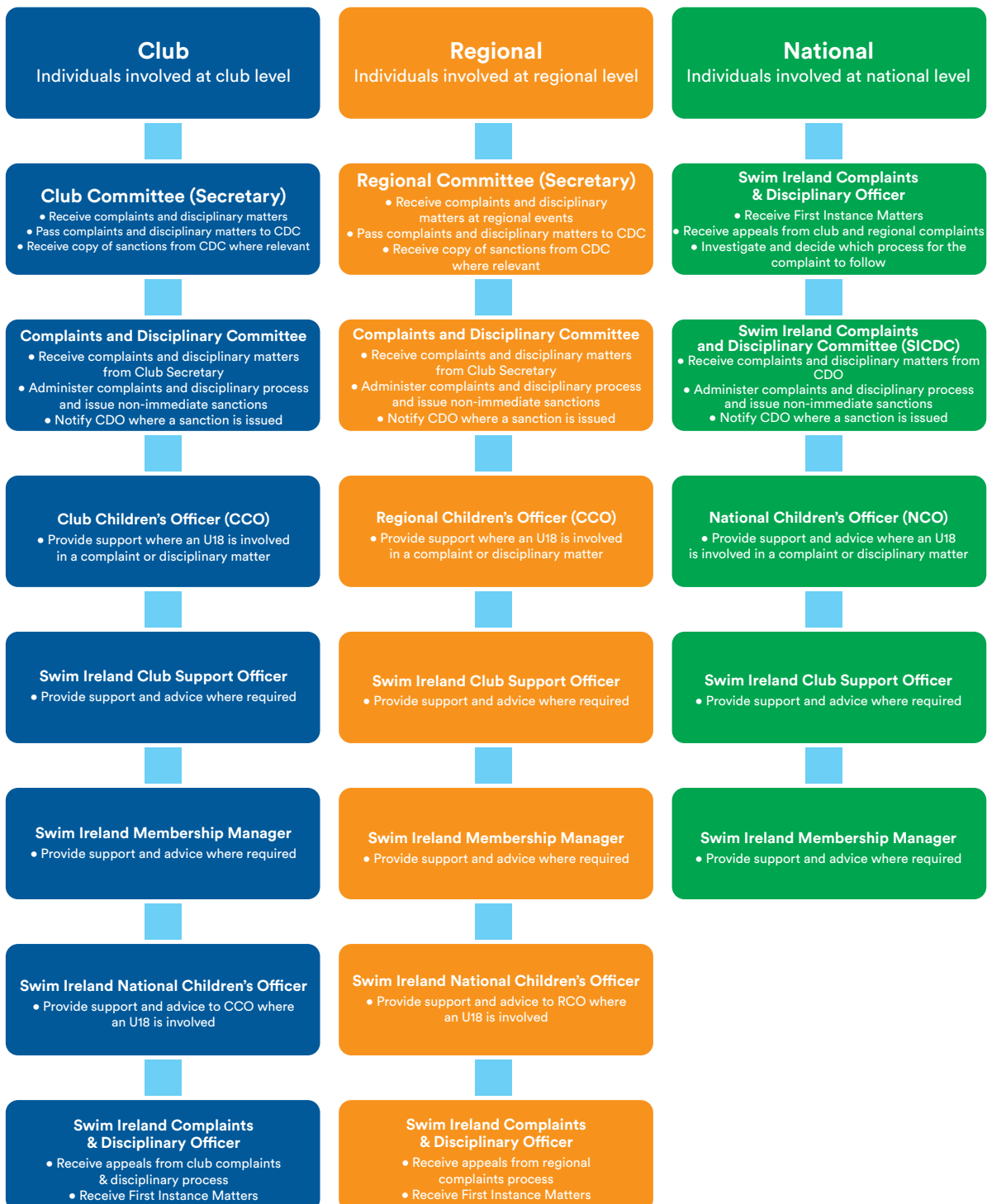
A Person in Charge is the only individual who can issue an **immediate sanction**.

## Complaints and Disciplinary Committee

The CDC committees at club, regional and national level deal with complaints and with disciplinary action or reports. The CDC decides on how an incident is dealt with and is the only committee that can issue a non-immediate sanction.

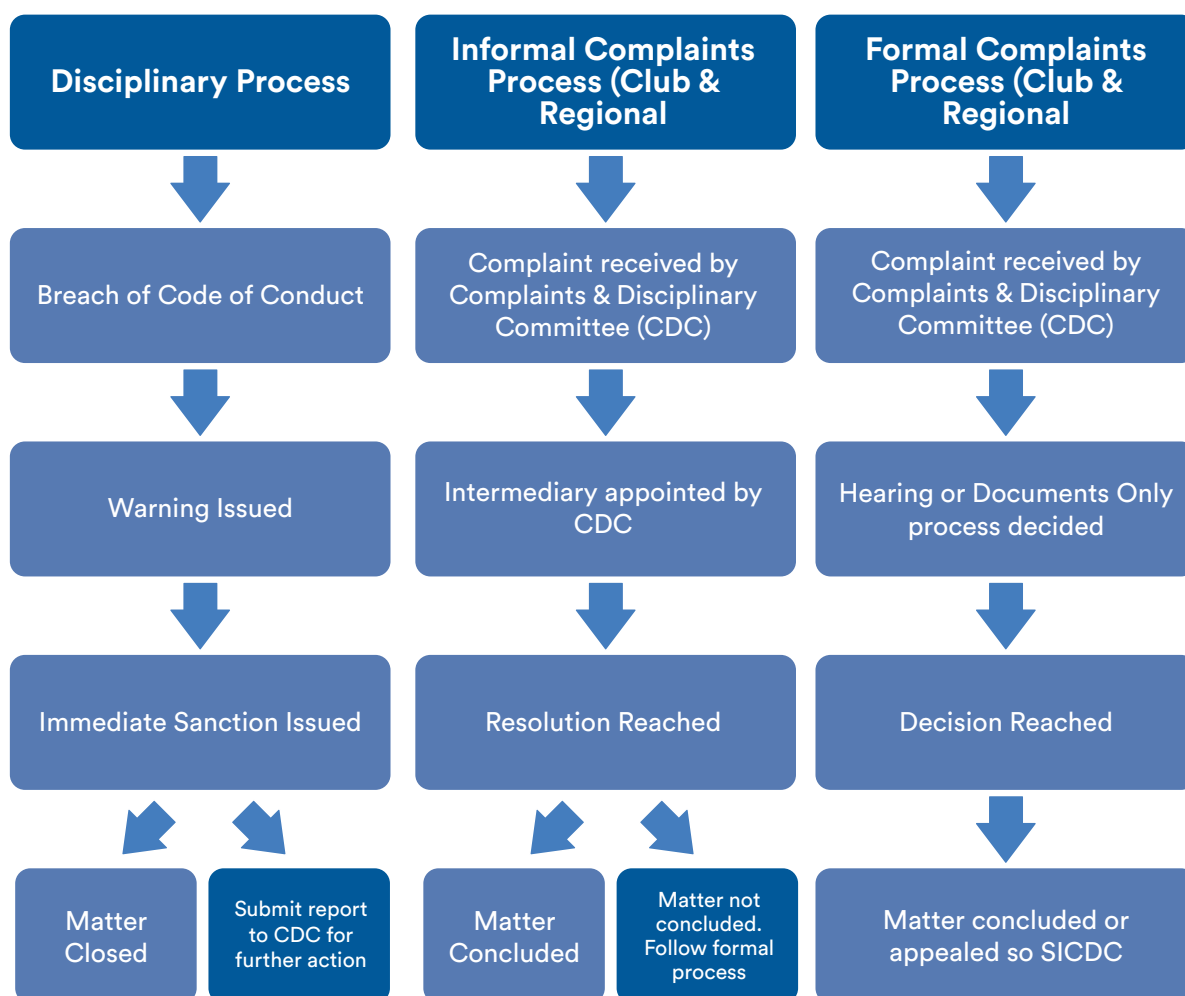
All members of a CDC must be members of Swim Ireland. At club and regional level the CDC cannot have more than one member who is also on a club or regional committee.

The following diagrams outline the roles and responsibilities of individuals and committees at club, regional and national level.



### Summary for Club or Regional Complaints and Disciplinary Committees

The following summarises the complaints and the disciplinary process at club and regional level.



Where a sanction has been issued by a Club or a Regional CDC, the Swim Ireland Complaints and Disciplinary Officer must receive a copy of the decision ([complaints@swimireland.ie](mailto:complaints@swimireland.ie))

### Complaints and Disciplinary Officer (CDO)

Swim Ireland has appointed a CDO who is independent of the organisation and has the following roles and responsibilities:

- Receive disciplinary matters, complaints and appeals
- Investigate and decide if a prima facie case exists
- Dismiss matters
- Refer matters to mediation
- Correspond with parties
- Prepare papers for complaints and appeals and present matters at a Hearing where relevant
- Refer matters to Swim Ireland Complaints and Disciplinary Committee (SICDC) for Hearing

The current Complaints and Disciplinary Officer is Brian Murray, contactable at:

Brian Murray, Swim Ireland Complaints and Disciplinary Officer  
Email: [complaints@swimireland.ie](mailto:complaints@swimireland.ie)



### General procedural points:

- CDC should always consider resolution through an informal process as an initial course of action. If the informal complaints procedure does not lead to a satisfactory conclusion then the formal complaints procedure shall be adopted.
- It should be emphasised that disputes/complaints should be dealt with at local level until all resolutions at this level have been exhausted.
- Complaints relating to incidents at Club, Regional and National level should be dealt with by the CDC at that level.
- The outcome of a matter at club/regional level may be appealed to the Swim Ireland CDC (SICDC) who act as an Appeals Committee. Swim Ireland may require appropriate matters to be mediated.
- The timeframes contained in the document should be adhered to.
- Following a decision by SICDC the process may be challenged to Sport Dispute Solutions Ireland (SDSI) formally Just Sport Ireland (JSI). See Part B (Procedures) clause 10.
- Members when making a Complaint or an Appeal may be subject to an administration fee as set out in this document.
- Specific exclusions contained in the document indicate where it would not be appropriate to use these Rules and Procedures to deal with matters arising. These Rules and Procedures are not an appropriate mechanism for dealing with certain complaints such as allegations of physical or sexual abuse or other potential child abuse issues for which other procedures exist using the appropriate statutory authorities. In respect of such allegations, parties are referred to the Swim Ireland Safeguarding Policies (latest update) as amended from time to time.

**All Swim Ireland Clubs and Regions must incorporate the Swim Ireland Complaints and Disciplinary Rules and Procedures into their Constitution and Rule Book. Clubs and Regions must ensure that the Swim Ireland Complaints and Disciplinary Rules and Procedures documentation is made available as widely as possible.**

## GENERAL GUIDELINES TO THE COMPLAINTS AND DISCIPLINARY RULES AND PROCEDURES

### General

It is the right of a Swim Ireland Member to make a Complaint where standards of care, treatment and practice are perceived to fall short of what is acceptable and should be expected. Likewise, it is the right of Swim Ireland Clubs, Regional and/or National Bodies to take Disciplinary Action against a Member and others outlined in Part A (Rules) clause 1.2 for misconduct that has been committed by a Respondent.

### Simple and Clear Rules

The Complainant and Respondent and the Complaints and Disciplinary Committees should have ease of access to clear and simplified rules and to fair procedures in dealing with any Complaint or Disciplinary Action.

### Consistency

These Rules (Part A of this document) and Procedures (Part B of this document) are designed to provide a high quality and consistent approach to Complaints. These Rules and Procedures deal with Complaints from Swim Ireland Members or from an appropriate person acting on behalf of a Swim Ireland Member, and Disciplinary Action against Swim Ireland Members and others outlined in Part A (Rules) clause 1.2.

### Local Level

It should be emphasised that Disputes/Complaints should be dealt with at local level until all resolutions at this level have been exhausted. In the event that the matter is not resolved satisfactorily at local level, the matter can then be appealed to the National Swim Ireland Complaints and Disciplinary Committee (SICDC) If either party is still not satisfied with the outcome, there is the right to challenge the decisions of SICDC on certain grounds before Sport Dispute Solutions Ireland arbitration (SDSI) formally Just Sport Ireland (JSI).

### Responsiveness

Responding effectively and in a timely manner to Complaints is a key element of quality service. Co-operation with any investigation of the Complaint is essential and the use of a standardised approach is of benefit to Complainants and to all involved.

### Mediation

Swim Ireland supports Mediation as a form of dispute resolution. Where the Complaints and Disciplinary Officer (CDO) considers a matter appropriate for resolution by Mediation then the parties to the matter may be compelled to participate in the Mediation. The Mediation does not prejudice either party's right to proceed to a formal Hearing should the Mediation not result in a settlement of the matter.

### Aquatic Disciplines

All aquatic disciplines, i.e. Diving, Swimming, Synchronised Swimming and Water Polo, are bound by these Rules and Procedures save and except where Complaints relate to breaches of competition rules, whereby the mechanisms set out by those competition rules shall apply.

### Three Parts

This document is divided into three parts. Part A deals with the scope of the disciplinary rules, offences and sanctions. Part B covers the rights and obligations of parties and the procedures to be used before the Complaints and Disciplinary Committees (Club, Regional and National). Part C deals with the sanctions.

### **Sport Dispute Solution Ireland (SDSI)**

Sport Dispute Solution Ireland (SDSI) is an independent arbitral body that was set up by the Federation of Irish Sports (FIS) in 2005 under the name of Just Sport Ireland (JSI) and renamed in 2018. National Governing Bodies (NGBs) that have signed up to SDSI arbitration bind its Members so that any challenge to decisions of the internal bodies of those National Governing Bodies shall be referred to SDSI arbitration and therefore challenges cannot be taken to the Courts. Swim Ireland has signed up to SDSI arbitration.

### **Associate Members**

Complaints or disciplinary issues relating to Associate Members working in a private capacity do not come within the jurisdiction of Swim Ireland or these Rules and Procedures, except for exceptional circumstances where there is no other independent third party to which to refer the Complaint, in which case Swim Ireland may accept jurisdiction. Similarly, Complaints relating to Affiliate Members should be referred to the Affiliate Member organisation in the first instance, but these may be appealed to the SICDC.

### **Excluded Complaints**

These Rules and Procedures are not an appropriate mechanism for dealing with certain Complaints such as allegations of physical or sexual abuse or other potential child abuse issues for which other procedures exist using the appropriate statutory authorities. In respect of allegations of physical or sexual abuse or other potential child abuse issues, parties are referred to the Swim Ireland Safeguarding Policies and Procedures as amended from time to time.

These Rules and Procedures are not an appropriate mechanism for dealing with Complaints against employees of Swim Ireland at Club, Regional or National level. Such Complaints should be referred to the relevant employer – in general this will be the employee's line manager. These Rules and Procedures provide guidance to Members as to the appropriate mechanism for dealing with Complaints or issues that may arise in relation to their membership of Swim Ireland, and to whom each type of Complaint should be referred.

### **Omissions**

If there is an omission in these Rules and Procedures, then the Complaints and Disciplinary Bodies (Club, Regional and/or National) shall decide in accordance with the Swim Ireland (or Regional or Club) custom or, in the absence of custom, in accordance with the spirit of these Rules and Procedures.

### **Amendments**

Swim Ireland may review and amend these Rules and Procedures from time to time, particularly where required by legislative updates or legal developments. Swim Ireland will also review, and may amend, the monetary value of the Complaint and Appeal fees and/or the penalties payable by Clubs or Regions under these Rules and Procedures on an annual basis. Swim Ireland will undertake a formal review of the Rules and Procedures before or during 2020.

**Each Club and Region must incorporate these Rules and Procedures into its Constitution/Rules.**

## DEFINITIONS

Terms defined in the Swim Ireland Memorandum and Articles of Association shall have the same meaning in these Rules and Procedures unless the context indicates otherwise or as otherwise defined below.

**Affiliate Member** means an Affiliate Member as defined in the Swim Ireland Memorandum and Articles of Association.

**Associate Member** means an Associate Member as defined in the Swim Ireland Memorandum and Articles of Association.

**Board** means the Members of the Board for the time being of Swim Ireland.

**Child** means any person under the age of 18 years

**Children's Officer** means the Children's Officer appointed by Club, Region or by Swim Ireland

**Club** means any Club as defined in the Swim Ireland Memorandum and Articles of Association.

**Code of Conduct** means the relevant code of conduct and/or set of rules outlining the rules and responsibilities of, or proper practices applicable to Events or Members acting in a specific role, duty or official capacity.

**Complaint** means an expression of discontent by one Unit concerning the behaviour of any other Unit, which must be submitted in writing (which may include email) accompanied by all relevant documentation in support of the Complaint and the appropriate fee.

**Complaints and Disciplinary Bodies:** means those bodies listed in Part B (Procedures) clause 2.1 and **Complaints and Disciplinary Body** means any of them (e.g. Club, Regional, National).

**Complaints and Disciplinary Committee (CDC)** means the Complaints and Disciplinary Committee of the Club, Region or of Swim Ireland, as the case may be.

**Complaints and Disciplinary Officer (CDO)** means the person appointed by Swim Ireland to receive Complaints, conduct investigations, administer Complaints and Disciplinary Action and to act as prosecutor in respect of any Disciplinary Action.

**Complainant** means the person making the Complaint.

**Competition Rules** mean the rules governing any competition as recognised and published from time to time by the Board of Swim Ireland or any Unit duly authorised by Swim Ireland for such purpose.

**Disciplinary Action** means an action brought by any Club, Region or Swim Ireland against any Unit.

**Disciplinary Report** means a report from an official and/or Person in Charge or any clarification or addition thereto.

**Discipline** means a sanction imposed by way of correction and training. Disciplinary will have the equivalent meaning.

**Doping Control Official** means the official in charge or other persons involved in Doping Control.

**Event** means any Club, Region or Swim Ireland National or International Event (including but not limited to training, meetings or competitions) that may or may not involve an overnight stay.

**First Instance Matter** means a matter that is within the first instance jurisdiction of Swim Ireland because it falls within one of the following categories:

- (a) a serious claim or allegation which, if substantiated, has the possibility of bringing Swim Ireland into disrepute;
- (b) a majority of a Club or Regional Committee is involved in the decision to bring a Complaint against a Member to the extent that the Club or Region could not form a Complaints Committee that would be free from conflicts of interest;
- (c) a Complaint is brought by a Member against a Club or Regional Committee as a whole such that the Club or Region could not form a Complaints Committee that would be free from conflicts of interest;
- (d) a Complaint relating to a National or International Event or occurring at a National Performance Centre.

A “First Instance Matter” includes a matter referred to and accepted by SICDC by a Club or Regional Complaints and Disciplinary Committee because it falls within one of (a) to (d) above.

**Immediate Sanction** means a sanction set out at Part A (Rules) clause 3.2.

**Licence** means a Swim Ireland licence granted to a member to undertake a role that has specific requirements according to Swim Ireland licensing procedures; such roles include, but not limited to, coach, teacher, official, team manager.

**Mandated Person** means the person (as defined within the Children First Act 2015) with the legal obligation to report concern or reported harm to a child. Harm in this instance is harm within the meaning of Children First Act 2015. The Mandated Person is the National Children’s Officer

**Member** means Member of Swim Ireland as defined in the Swim Ireland Memorandum and Articles of Association.

**Non-Immediate Sanction** means a sanction set out at Part A (Rules) clause 3.4.4.

**Offence** means those offences listed in Part A (Rules) clause 2.

**Office** means the Office of Swim Ireland currently located at Irish Sport HQ, National Sports Campus, Blanchardstown, Dublin 15.

**Officer** means a person who holds an executive position on a Club or Regional Committee or Swim Ireland, normally the Chairperson, Treasurer and Secretary.

**Official** means any person who officiates at or assists in or time-keeps at a competition.

**Parent** means the legally appointed person responsible for a child – parent or guardian/carer.

**Participant** means any Member or person who participates in activities organised or sanctioned by Swim Ireland, its Regions or Clubs, in any capacity, including but not limited to a swimmer, coach, leader, manager, doctor or spectator.

**Person in Charge** means the Member in ultimate authority over a Member, team or delegation at an Event.

**Privileges** mean normal social entitlements of participants at an Event.

**Procedures** mean Part B of these Swim Ireland Complaints and Disciplinary Rules and Procedures.

**Region** means any Region as defined in the Swim Ireland Memorandum and Articles of Association.

**Respondent** means the person responding to or the subject of a Complaint.

**Rules** mean Part A of these Swim Ireland Complaints and Disciplinary Rules and Procedures.

**Sanctions** means Part C of these Swim Ireland Complaints and Disciplinary Rules and Procedures.

**SICDC** means the Swim Ireland Complaints and Disciplinary Committee.

**Swim Ireland** means the Irish Amateur Swimming Association Company Limited by Guarantee trading as Swim Ireland.

**Spectator** means any person who neither participates in nor officiates at an Event but who attends in a capacity to support a participant or participants.

**Suspension** means a suspension for a period of time from activities and roles as defined in Part 3 (Sanctions).

**Time Out** means a temporary suspension from participation at an Event.

**Unit** means any individual Member, team, association, Club, Region or committee or subcommittee or other grouping within or affiliated to Swim Ireland, parent.

**Written Warning** means a recorded written admonishment valid for a period of twelve months

## **PART A – COMPLAINTS AND DISCIPLINARY RULES**

### **1. JURISDICTION**

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

- (i) offences;
- (ii) breaches of these Rules;
- (iii) breaches of the Swim Ireland Memorandum and Articles of Association;
- (iv) breaches of Swim Ireland Rule Book;
- (v) breaches of Swim Ireland Code of Conduct or the Safeguarding Policies and Procedures, as amended from time to time; or
- (vi) breaches of other Swim Ireland regulations or Codes of Conduct in existence.

Where a Complaint or Disciplinary Action arises from an alleged breach of the above, reference must be made to the specific breach and where possible the clause and/or subsection must be specifically referred to on the Complaint Form or Notice of Disciplinary Action.

In doing so the Complaints and Disciplinary Bodies shall determine the offences committed and the sanctions to be imposed, if any, at Club, Regional or National level.

These Rules (Part A) together with the Complaints and Disciplinary Procedures (Part B) and Sanctions (Part C) regulate the organisation and function of the bodies responsible for taking decisions and the procedures to be followed by these bodies.

In the absence of a specific provision in these Rules, the Complaints and Disciplinary Bodies shall decide according to the general principles appearing in these Rules or, failing that, according to the general principles of Irish law.

**1.1** The Rules apply in respect of Complaints or Disciplinary matters against natural and legal persons as specified in Part A (Rules) clause 1.2.

**1.2** The following natural and legal persons are subject to these rules:

- (a) Member of Swim Ireland;
- (b) Teacher/Coach/Official;
- (c) Participant in an Event;
- (d) Affiliate Member;
- (e) Associate Member;
- (f) Unit;
- (g) Parent.

**1.3** Notwithstanding any other provisions in these Rules, the following matters are excluded from the provisions of these Rules and Procedures:

- (a) Employment and quasi employment contractual disputes, which shall include a Swim Ireland tutor;
- (b) Breaches of any technical provisions of any Competition Rules (other than in respect of eligibility). Such breaches shall be dealt with in accordance with the provisions of such Competition Rules for Swimming, Water Polo and Diving. For the avoidance of doubt, this clause shall not cause matters outside any technical breaches of any Competition Rules (as may be determined by any Complaints and Disciplinary Body at its discretion) to be excluded from the provisions of these Rules and Procedures;
- (c) Complaints relating to Board Members of Swim Ireland (which shall be referred to the Chairperson of the Board);
- (d) Allegations of child abuse. Such allegations shall be referred to the statutory authorities and be dealt with as per process under Swim Ireland Safeguarding Policies and Procedures, as amended from time to time;
- (e) Competition administration (National level only). Such matters shall be referred to the Chief Executive Officer (CEO) of Swim Ireland;
- (f) Criminal matters. Such matters shall be referred to the statutory authorities;
- (g) Anti-doping matter, where such allegations shall be dealt with in accordance with the Irish Anti-Doping Rules save where the Irish Anti-Doping Rules specifically provide for certain matters or allegations to be dealt with pursuant to these Rules.
- (h) Matters relating to an Affiliate Member or Associate Member outside the auspices of Swim Ireland. Such matters shall be referred to the Affiliate Member or party engaging the Associate Member. However, nothing in this clause shall prevent Swim Ireland from bringing any action under these Rules and Procedures against any Associate Member in respect of any certification or license granted by Swim Ireland to such Associate Member.

## **2. OFFENCES**

- (a) Breach of any rules, statutes, codes, regulations more specifically provided for at Part A (Rules) clause 1;
- (b) Offensive behaviour to other Participants and/or Doping Control Official
- (c) Unsporting behaviour;
- (d) Violation of instructions and directives from Swim Ireland officials;
- (e) Damaging the dignity of a person or a group of persons, in any way whatsoever, in particular due to colour, race, handicap, sex, sexual orientation, religion or ethnic origin;
- (f) Violation of contractual obligations towards Swim Ireland;
- (g) Cheating;



- (h) Inciting hatred or violence;
- (i) Fighting;
- (j) Aggressive or threatening behaviour;
- (k) Bullying;
- (l) Ineligibility;
- (m) Racism;
- (n) Intimidation or threats;
- (o) Coercion;
- (p) Discrimination;
- (q) Foul language;
- (r) Disparaging comments;
- (s) Forgery or falsification;
- (t) Corruption;
- (u) Acts or omissions bringing Swim Ireland, any department or official thereof and/or the sport of swimming into disrepute;
- (v) Curfew violation;
- (w) Alcohol or substance use during an event or while carrying out official duties;
- (x) Visitation violations;
- (y) Criminal investigation for indictable offences;
- (z) Criminal conviction which is likely to bring Swim Ireland into disrepute;
- (aa) Mischievous or vexatious Complaints.
- (bb) Breach of a Code of Conduct.
- (cc) Failing or refusing to comply with an Anti-Doping investigation, without acceptable justification.

### **3. SANCTIONS**

#### **3.1 WARNINGS**

Prior to imposing an Immediate Sanction, where appropriate, a Person in Charge may issue any of the following Warnings in any sequence to a Member at an Event prior to imposing an Immediate Sanction:

- (a) Verbal Warning;
- (b) Written Warning.

### 3.2 IMMEDIATE SANCTIONS

The following Immediate Sanctions may be imposed by a Person in Charge to a Member at an Event:

- (a) Time Out from the Event;
- (b) Removal of Privileges at the Event;
- (c) Suspension from the Event;
- (d) Expulsion from the Event.

### 3.3 INTERLOCUTORY SANCTIONS

**3.3.1** On confirmation that a Respondent is under criminal investigation for a criminal offence, which if proven, is likely to bring the Club, Region or Swim Ireland into disrepute, then the Chair of the Board of Swim Ireland shall be empowered to suspend a Respondent from Membership and/or from future participation in a Club, Region or National Event and/or from attending a Club, Region or National building pending the outcome of a criminal investigation prior to any hearing on the matter before a Complaints and Disciplinary Committee.

**3.3.2** The Chair of the Board of Swim Ireland shall be empowered to impose a suspension on a Respondent pending the determination of a Complaints and Disciplinary Committee where the gravity of the matter received shall warrant immediate suspension.

### 3.4 NON-IMMEDIATE SANCTIONS

**3.4.1** The Complaints and Disciplinary Committee (Club, Regional or National) has sole jurisdiction to impose a Non-Immediate Sanction save where a Fast Track Committee is convened under Part B (Procedures) clause 1.5.

**3.4.2** Non-Immediate Sanctions may only be imposed by a Complaints and Disciplinary Committee following a decision either on foot of consideration of all of the documents relating to the Complaint, Disciplinary matter or on foot of an Oral Hearing.

**3.4.3** Any suspension or removal from Membership or Affiliation from a Club must be notified to Swim Ireland for consideration in accordance with Article 29 of the Swim Ireland Memorandum and Articles of Association as amended in 2011 (or the relevant appropriate article if amended).

**3.4.4** Non-Immediate Sanctions that may be imposed by a Complaints and Disciplinary Committee are contained in **Table 1 and Part C (Sanctions)**.

**TABLE 1 NON-IMMEDIATE SANCTIONS**

Low Offence	Medium Offence	High Offence
<b>Option 1</b>	<b>Option 1</b>	<b>Option 1</b>
Written Warning for 12 months plus a fine of between €50 and €100	Written Warning for 12 months plus a fine of between €100 and €200	Written Warning for 12 months plus a fine of between €200 and €500
<b>Option 2</b>	<b>Option 2</b>	<b>Option 2</b>
Suspension for a period of up to three months With option of monetary fine	Suspension for a period of between three and six months With option of monetary fine	Suspension for a period of between six and twelve months With option of monetary fine
The ultimate sanction shall be expulsion from the organisation		

**4. MITIGATING AND AGGRAVATING FACTORS**

**4.1** A Complaints and Disciplinary Committee shall take into account mitigating and aggravating factors once a decision on culpability is reached but prior to the imposition of a sanction.

**4.2** A Complaints and Disciplinary Committee shall take into account the following factors:

- (a) Age
- (b) Co-operation
- (c) Prior warnings
- (d) Prior record
- (e) Active sanctions
- (f) Apology made
- (g) Remorse
- (h) Gravity of offence
- (i) Effect on victim
- (j) Effect of sanction on Respondent
- (k) Effect of sanction on other individuals
- (l) Any other factor deemed relevant

## **PART B – COMPLAINTS AND DISCIPLINARY PROCEDURES**

### **INTRODUCTION**

#### **Complaint**

A Unit of Swim Ireland may bring a Complaint against another Unit.

#### **Disciplinary Action**

A Club, Region or Swim Ireland may initiate Disciplinary Action against a Unit in respect of alleged misconduct.

#### **Guide**

The Procedures set out below are intended to provide a step by step guideline as to how a Complaint or Disciplinary Action should be commenced, investigated, decided on and appealed for the benefit of any Complainant, Respondent or Complaints and Disciplinary Committee.

#### **Mediation**

The Complaints and Disciplinary Officer (CDO) may, prior to a formal Hearing, refer the parties to a Complaint or Appeal to Mediation. Members of Swim Ireland agree to refer any Complaint to Mediation as organised by Swim Ireland as recommended by the CDO.

#### **Local Level**

Complaints and Disciplinary Actions relating to incidents at Club, Regional or National level and should be dealt with by the Complaints and Disciplinary Bodies at that level, save in respect of First Instance Matters which shall be referred immediately to the Swim Ireland Complaints and Disciplinary Committee (SICDC).

#### **Technical Breaches**

The primary function of the Complaints and Disciplinary Committee (at the relevant level) is to hear and decide Complaints and Disciplinary Action. They attempt to do so in a fair and swift manner. In so far as there may be minor technical breaches of these Procedures such breaches as such do not constitute cause for dismissal on appeal of a decision

#### **Appeal**

Subject to the functions and the investigative and decision-making powers of the CDO at Part B (Procedures) clause 2.6 and the requirements set out at Part B (Procedures) clause 9, if either party is dissatisfied with the decision of the Complaints and Disciplinary Committee then they may lodge an appeal of any aspect, or all, of that decision to the Swim Ireland Complaints and Disciplinary Committee (SICDC) via the CDO if the original decision was made at Club or Regional level.

#### **SDSI Arbitration**

If a party is dissatisfied with the decision of the SICDC then a challenge may be brought to SDSI Arbitration, in accordance with Part B (Rules) clause 10, and shall be limited to a review of the legality of the decision and/or procedures used by the Complaints and Disciplinary Bodies.

## 1. GENERAL

### 1.1. PROOF

The Complaints and Disciplinary Bodies shall make decisions on culpability based on the 'balance of probabilities' meaning that the incident in question was more likely than not to have occurred.

### 1.2 CONFIDENTIALITY

Members of the Complaints 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 their disciplinary function. The administration of a disciplinary function may require the disclosure of certain offences and sanctions to be made to other persons at Club, Region or National level but only where strictly required.

### 1.3 YOUNG PEOPLE (UNDER 18 YEARS OF AGE)

- (a) Any Member under 18 years of age shall be accompanied by his/her parent at any Hearing.
- (b) Any Member under 18 years of age who is a Complainant, or a Respondent is, save for exceptional circumstances, obliged to be present at a Hearing.
- (c) Any Member under 18 years of age who is present at a Hearing as a complainant, Respondent or witness may be obliged to give evidence (either in writing or at the Hearing, depending upon the circumstances).
- (d) In all cases, but particularly where the subject of the Complaint is under 18 years of age, steps should be taken to ensure the fair treatment of both parties, and advice should be sought if necessary from the Club, Region and National Children's Officer/CEO.
- (e) The Complaints and Disciplinary Bodies shall ensure a Children's Officer is present where the matter concerns a Member under 18 years of age.

### 1.4 EXEMPTION FROM LIABILITY

Members of Complaints and Disciplinary Bodies may not be held personally liable for any deeds, acts or omissions relating to any disciplinary procedure.

### 1.5 FAST TRACK HEARINGS

In exceptional and urgent circumstances, where it is not possible to convene a Hearing before the National Complaints and Disciplinary Committee, i.e. SICDC, in the normal course prior to an Event, then either party may apply to the CDO of Swim Ireland who shall arrange an expedited Hearing and who shall have discretion to decide on the appropriate Members and quorum for the expedited ad hoc SICDC.

### 1.6 COSTS/EXPENSES

Any costs or expenses incurred by a Member (or any of his/her witnesses, if relevant) in relation to any matter under these Procedures will be the sole responsibility of that Member. The Complaints and Disciplinary Bodies shall have no authority to make any award for costs.

There is a cost for each Club, Region and Swim Ireland in administering the Complaints and Disciplinary process. Accordingly, Members when making a Complaint or making an Appeal will be subject to an administration fee as set out in this document. Where an Appeal is upheld, the administration fee for the original complaint may be reimbursed to the Complainant. For the avoidance of doubt, no such fee shall be payable in respect of any Complaint and/or Disciplinary Action brought by any appointed Official, or Officer of Swim Ireland. The relevant body shall have the discretion regarding the application of a fee.

### **1.7 CRIMINAL CHARGES**

The Complaints and Disciplinary Committee reserves the right to suspend a Member or Associate Member where that Member or Associate Member is subject to a criminal charge where that charge has the potential to bring the Club/Region or Swim Ireland into disrepute. Once the matter has been dealt with by the statutory authorities, the relevant Complaints and Disciplinary Committee reserves the right to take further action in accordance with these Procedures including referring the matter to the SICDC, or other Officer such as the National Children's Officer, as appropriate.

In the event of criminal charges being initiated in relation to the alleged misconduct of a Member or Associate Member the subject of the Complaint received by the Club/Region, then the Member or Associate Member may be suspended pending the outcome of the said charges, which will be referred to the statutory authorities. Once the statutory authorities have dealt with the matter, even if the Member or Associate Member concerned is not eventually convicted of the charge, the Club/Region/Swim Ireland shall nevertheless have the right and power to review all circumstances in accordance with these Rules and Procedures and decide to continue the suspension or expel the Member or Associate Member, if it deems it so necessary in the interests of the Club/Region or Swim Ireland as a whole.

### **1.8 POOR PRACTICE**

It should be noted that allegations of breaching the current Swim Ireland Safeguarding Policies and Procedures (as amended from time to time) are not necessarily suspected child abuse. A breach of the code of conduct can be due to poor practice which should be dealt with pursuant to these Rules and Procedures. If assistance is required in order to define what is abuse vis-a-vis poor practice the Club/Regional Children's Officers or the Swim Ireland National Children's Officer or the Swim Ireland Club Support or Development Officers should be contacted for advices. Matters of poor practice are dealt with pursuant to these Rules and Procedures.

### **1.9 SUSPENSION PENDING HEARING**

A Complaints and Disciplinary Committee shall be empowered to impose a suspension on a Respondent pending the determination of a Complaint where the gravity of the Complaint received shall warrant immediate suspension. This provision is appropriate where a serious offence is committed by a Unit which is unlikely to be disciplined before the occurrence of the next Event that the Unit participates or may be involved in.

### **1.10 COMMUNICATION**

All communications to or from any party will be conducted primarily by email. An email shall be deemed to have been received within 24 hours of sending, unless documentary proof is adduced to prove otherwise.

### **1.11 NOTIFICATION TO SWIM IRELAND**

Swim Ireland must be notified if a Member receives a sanction, is suspended, stepped down from a position or expelled from a Club or Region at any stage during a process. Notification should be received in writing from the person or committee imposing the sanction stating the sanction imposed, the outcome and their authority in the process. This must be sent to the Swim Ireland Complaints and Disciplinary Officer.

### **1.12 MEDIATION AS AN ALTERNATIVE**

Mediation is a flexible process conducted confidentially in which a neutral person actively assists parties in working towards a negotiated agreement of a dispute or difference, with the parties in ultimate control of the decision to settle and the terms of resolution.

The CDO may recommend Mediation in appropriate matters. Where the CDO so recommends, the parties shall be bound to refer that matter to Mediation.

Participation in Mediation does not prejudice either party's right to a formal Hearing before the Complaints and Disciplinary Bodies.

In the event that Mediation is unsuccessful, the matter may then proceed through the appropriate Complaints and Disciplinary Body.

## **2. COMPLAINTS AND DISCIPLINARY BODIES AND RELEVANT PEOPLE (Club, Regional and National)**

### **2.1 RESPONSIBLE BODIES**

The following bodies and/or people shall be responsible for imposing disciplinary sanctions:

- (a) Person in Charge
- (b) Club and Region Complaints and Disciplinary Committees (CDC)
- (c) Swim Ireland Complaints and Disciplinary Committee (SICDC)

### **2.2 PERSON IN CHARGE**

**2.2.1** Immediate Sanctions may only be imposed by the Person(s) in Charge at an Event.

**2.2.2** The Person in Charge need not give a warning as per Part A (Rules) clause 3.1 herein;

**2.2.3** The imposition of a warning is not bound by the sequence of warnings as set out in Part A (Rules) clause 3.1 herein;

**2.2.4** The imposition of an Immediate Sanction need not be imposed in the order set out as per Part A (Rules) clause 3.2;

**2.2.5** Persons in Charge shall, where a Respondent is under 18 years of age, notify the parents or adult in charge of the Respondent of the Immediate Sanction where such Immediate Sanction involves expulsion from an Event, and/or where a number of warnings and Immediate Sanctions have been imposed prior to the expulsion;

**2.2.6** Persons in Charge shall prepare a report for the Complaints and Disciplinary Committee within three days of the incident only if:

- (i) an Immediate Sanction has been imposed and
- (ii) where the Person in Charge deems it necessary that further sanction be imposed on a Respondent (without commenting on what that further sanction should be).

**2.2.7** The report prepared by Person in Charge shall contain:

- (i) Details of the nature of the misconduct;
- (ii) The rule breached;
- (iii) Immediate Sanction imposed; and
- (iv) Time, date and venue of the Event.

## 2.3 THE CHILDREN'S OFFICER

2.3.1 The Children's Officer may be one of the following:

- (a) National Children's Officer (NCO)
- (b) Regional Children's Officer (RCO)
- (c) Club Children's Officer (CCO)

2.3.2 The role of the Children's Officer in the context of these Rules and Procedures is to promote and safeguard the rights of child Members in respect of the initiation, investigation, resolution, Hearing, Appeal and implementation of any sanction in respect of a Complaint or Disciplinary Action.

2.3.3 The Children's Officer shall be a notice party to any Hearing involving a child in a Complaint or Disciplinary Action.

2.3.4 The Children's Officer shall receive a copy of the Complaint or Notice of Disciplinary Action and any response thereto together with any supporting documentation submitted, where a Complaint or Notice of Disciplinary Action involves a child Member.

2.3.5 The Children's Officer shall assist any child Member in respect of the meaning and interpretation of rules and procedures and processes involved in a Complaint or Disciplinary Action.

2.3.6 The Children's Officer shall not act as an advisor to any child Member in respect of proving or disproving any facts relating to a Complaint or Disciplinary Action.

2.3.7 The Children's Officer shall immediately liaise with the Parent of a child Member of any Complaint or Disciplinary Action involving that child Member.

2.3.8 The Children's Officer may attend Mediation if the Mediator deems it appropriate and/or where requested to do so by the child Member.

2.3.9 Prior to any Hearing in respect of a Complaint or Disciplinary Action involving a child, the Complaints and Disciplinary Committee shall correspond with and, if the Children's Officer deems it necessary, meet with the Children's Officer to receive guidelines for the Complaints and Disciplinary Committee.

2.3.10 In particular, the Children's Officer may give guidance to the Complaints and Disciplinary Committee on the following exhaustive list:

- (a) Rules, regulations and guidelines relevant to the welfare of the child;
- (b) How evidence should be delivered by parties;
- (c) How to conduct the Hearing in the most child-friendly manner.

2.3.11 The Children's Officer shall have the right to serve notice on the CDO or Secretary of the Club or Region in respect of any concerns of non-compliance by SICDC or a CDC in respect of best practice for child welfare at a Hearing.

2.3.12 The Children's Officer shall be present at any Hearing before the Complaints and Disciplinary Committee where the Complainant or Respondent is a child.



**2.3.13** Subject to Part B (Procedures) clause 2.3.14, 2.3.16 and 2.3.18, the Children's Officer does not have a right to deliver submissions or actively participate at a Hearing unless invited to do so by the Complaints and Disciplinary Committee.

**2.3.14** The Children's Officer may intervene in a hearing if he/she feels it is necessary in order to protect the welfare of a child.

**2.3.15** The Complaints and Disciplinary Bodies are not permitted to invite submissions from the Children's Officer on any issue of culpability.

**2.3.16** The Complaints and Disciplinary Bodies are permitted to invite submissions from the Children's Officer solely in respect of child welfare issues in the context of the Hearing.

**2.3.17** The Children's Officer shall not sit on any Complaints and/or Disciplinary Committee and shall not have any role whatsoever in the decision-making process.

**2.3.18** If the Children's Officer is a necessary witness to a Complaint, Appeal or Disciplinary Action and where that matter would otherwise require the presence or involvement of that person in their capacity as Children's Officer, another suitable person must be appointed to assume the role of Children's Officer for the duration of the matter.

## **2.4 COMPLAINTS AND DISCIPLINARY COMMITTEE (Club, Region and Swim Ireland)**

**2.4.1** The Complaints and Disciplinary Committee, which shall consist of a minimum of three persons over 18 years of age, shall be appointed in accordance with the rules and/or constitution of the Club/Region/Swim Ireland (as the case may be):

- (a) Every person appointed to sit on a Complaints and Disciplinary Committee must be a Swim Ireland registered member save for the Board-appointed Chairperson to the SICDC:
- (b) A written record of the appointed Complaints and Disciplinary Committee must be kept;
- (c) No more than one person from a Club or Regional management committee may sit on a Complaints and Disciplinary Committee.

**2.4.2** A Children's Officer may not sit on the Complaints and Disciplinary Committee. See Part B (Procedures) clause 2.3, of this document for details of the role of the Children's Officer with regard to the Complaints and Disciplinary Rules and Procedures.

**2.4.3** A quorum of three Members shall be sufficient to convene a meeting/Hearing of the Complaints and Disciplinary Committee.

**2.4.4** The Complaints and Disciplinary Committee shall be empowered to delegate any particular function to one Member of the Complaints and Disciplinary Committee, save and except for any decision making on culpability.

**2.4.5** Subject to the remainder of this clause, the Board-appointed Chairperson of the SICDC shall, on receipt of a Complaint, Appeal or Disciplinary Action, appoint three persons from the SICDC to deal with such Complaint, Appeal or Disciplinary Action. The Chairperson may, at his discretion, appoint further persons from the SICDC where the Chairperson believes that it is warranted due to the seriousness of the Complaint, Appeal or Disciplinary Action. Any such panel shall be deemed to represent the SICDC as a whole.

**2.4.6** On appointment, the Complaints and Disciplinary Committee shall appoint a Chairperson to chair any meetings or Hearings. If the Board-appointed Chairperson of SICDC is present, he/she shall be the Chairperson for the purpose of the Hearing.

**2.4.7** The Secretary of the Complaints and Disciplinary Committee will notify the time, date and venue of the Hearing.

**2.4.8** No person appointed to the Complaints and Disciplinary Committee shall stand for more than four years, save for the Chair of the SICDC. The Chair of the SICDC shall be appointed by the Board of Swim Ireland who may consider extending the maximum term of office.

**2.4.9** Any Member of the Complaints and Disciplinary Committee shall decline to participate in the consideration of certain Complaints if there would be serious grounds to question his/her impartiality such as having a direct or indirect interest in the outcome of the proceedings.

**2.4.10** The Complaints and Disciplinary Committee (or any panel of the Complaints and Disciplinary Committee nominated to hear a particular matter) shall act on a simple majority vote (+ 51%) in arriving at its decision/s.

**2.4.11** The Complaints and Disciplinary Committee shall have jurisdiction to impose any sanctions as set out in 3.4, Part A (Rules) and Part C - Sanctions.

## **2.5 CLUB or REGIONAL COMPLAINTS AND DISCIPLINARY COMMITTEE**

**2.5.1** The Secretary of the Club or Regional Complaints and Disciplinary Committee (CDC) shall receive a written Complaint, Disciplinary Report or an Appeal.

**2.5.2** Immediate Sanction from a Club or Regional Secretary as relevant;

**2.5.3** The Club or Regional CDC shall have the following functions:

- (i) To investigate a Complaint, Disciplinary Report or an Appeal of an Immediate Sanction as relevant. Where any Complaint, Disciplinary Report or an Appeal of an Immediate Sanction makes reference to suspected child abuse the Mandated Person shall be immediately notified;
- (ii) To consider an informal resolution to a Complaint, Disciplinary Report or an Appeal of an Immediate Sanction if appropriate;
- (iii) To consider a formal resolution to a Complaint, Disciplinary Report or an Appeal of an Immediate Sanction by informing the respondent with the following information and documentation.
  - a) Copy of the written Complaint/Disciplinary Report;
  - b) The relevant rule allegedly breached;
  - c) Copy of supporting documents relied on by either party;
  - d) The parties to the Complaint;
  - e) The procedures involved;
  - f) The possible sanctions;
  - g) The rights of the parties at the Hearing;
  - h) Any other procedural requirements.

- (iv) To correspond with and notify the parties of all necessary information prior to a hearing of the Club or Regional CDC;
- (v) To prepare documents for a meeting or Hearing convened by the Club or Regional CDC;
- (vi) To maintain a record of decisions reached by the Club or Regional CDC;
- (vii) To inform Swim Ireland of any decision reached by the Club or Regional CDC;
- (viii) To ensure that sanctions are observed by respondents.

## 2.6 COMPLAINTS AND DISCIPLINARY OFFICER (CDO)

2.6.1 Swim Ireland shall appoint a Complaints and Disciplinary Officer.

2.6.2 The CDO shall have the following functions:

- (i) To be the recipient of any written Complaint, Appeal and Disciplinary Report (email to: [complaints@swimireland.ie](mailto:complaints@swimireland.ie));
- (ii) To investigate a Complaint, Appeal or Disciplinary Report. Where any Complaint, Appeal or Disciplinary Report makes reference to suspected child abuse the CDO shall immediately notify the Mandated Person.
- (iii) To investigate an incident which comes to the attention of the CDO, but which is not contained in a Complaint, Appeal or Disciplinary Report;
- (iv) To seek an informal resolution of a Complaint or an Appeal where the CDO considers it appropriate;
- (v) To determine whether a prima facie case has been made against a Respondent on receipt of a Complaint, Appeal or an incident which comes to the attention of the CDO but which is not contained in a Complaint, Appeal or Disciplinary Report;
- (vi) To refer the Complaint, Appeal or Disciplinary Report (whichever the case may be) to the Committee where in the opinion of the CDO a prima facie case to answer has been established;
- (vii) To dismiss a Complaint or an Appeal where after an investigation, in the opinion of the CDO, a prima facie case to answer has not been established;
- (viii) To dismiss a Complaint or an Appeal where an invalid Complaint or Appeal has been made;
- (ix) To determine if the Complaint or Appeal has been made in the correct jurisdiction and within the correct timeframes;
- (x) To instruct and advise the Swim Ireland Office where any fee needs to be returned;

- (xi) To refer the parties to a Complaint/Appeal to Mediation, where appropriate;
- (xii) To correspond with and notify the parties of all necessary documentation pertaining to the complaint or disciplinary matter prior to a meeting/Hearing before the Complaints and Disciplinary Committee;
- (xiii) To prepare documents for the Complaints and Disciplinary Committee;
- (xiv) To present the case in respect of a disciplinary matter before the Complaints and Disciplinary Committee, including the calling of witnesses etc;
- (xv) To maintain a record of decisions of the Complaints and Disciplinary Committee;
- (xvi) To liaise with the CEO of Swim Ireland or his/her delegate and to return all records to the Office on completion;

**2.6.3** Where the CDO has any actual, perceived or potential conflict of interest, he/she shall stand aside from investigating the Complaint/Disciplinary matter and the CEO of Swim Ireland shall appoint another CDO in respect of that particular matter. In the event that the CDO does not stand aside, the CEO of Swim Ireland shall be entitled to remove the CDO from the investigation and appoint another CDO.

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

**2.6.5** In the course of an investigation of any Complaint/Disciplinary Report, the CDO may consider any evidence he/she deems relevant and shall have the right to make enquiries of any individuals and seek any information or documents in relation to the matter. For the avoidance of doubt, where necessary, the CDO is entitled to consult with the judge/official/ Person in Charge to clarify any issues arising in relation to a Disciplinary Report, including his/her handwriting.

**2.6.6** Prior to referring the matter to the Complaints and Disciplinary Committee, the CDO shall notify the Respondent and any other relevant party with the following information and documentation:

- (i) Copy of the written Complaint/Disciplinary Report;
- (ii) The relevant rule allegedly breached;
- (iii) Copy of supporting documents relied on by either party;
- (iv) The parties to the Complaint;
- (v) The procedures involved;
- (vi) The possible sanctions;
- (vii) The rights of the parties at the Hearing;
- (viii) Any other procedural requirements.

## **2.7 SWIM IRELAND COMPLAINTS AND DISCIPLINARY COMMITTEE (SICDC)**

**2.7.1** The SICDC shall act as an appellate body to decisions of the Club or Regional Complaints and Disciplinary Committee decisions.

**2.7.2** The SICDC shall act in the first instance for First Instance Matters.

**2.7.3** The SICDC shall hear Complaints and Disciplinary Actions in the First Instance at Club/Region level where an application has been made to Swim Ireland by any party and consent is given by the CDO of Swim Ireland to such an expedited Hearing.

**2.7.4** The SICDC shall be bound by Part B (Procedures) clause 2.4.

### 3. COMMENCEMENT

#### 3.1 DISCIPLINARY ACTION

Disciplinary Action may be commenced in the following ways:

- 3.1.1 By a Person in Charge who imposes any Immediate Sanction against a Member.
- 3.1.2 On receipt of a written report from a Person in Charge or CDO (as the case may be) by the relevant Complaints and Disciplinary Committee.
- 3.1.3 By the CDO or Secretary of the relevant Club or Regional Management Committee on becoming aware of any alleged breach of rules or regulations or any allegation of misconduct.

#### 3.2 COMPLAINTS

The Complaints procedure may be commenced when any party (which includes a Club Committee) makes a written Complaint against a Unit.

- 3.2.1 The Complaint shall be delivered by email to the CDO or Secretary of the relevant Club or Regional Management Committee, as the case may be.
- 3.2.2 For a Complaint to be valid, the written Complaint shall be made:
  - 3.2.2.1 In writing on the Complaint Form Template (see Appendix 1);
  - 3.2.2.2 Delivered to the CDO or Secretary of the relevant Club or Regional Management Committee within 14 days of the date of the alleged incident unless the CDO or Secretary of the relevant Club or Regional Management Committee is satisfied that there are exceptional circumstances to extend beyond the 14 days deadline.
  - 3.2.2.3 Be accompanied by a fee of €50 for First Instance Complaints or €100 for Appeals or such other amount as determined by the Swim Ireland Office from time to time, (unless otherwise indicated in these Rules and Procedures and which fee shall not include any subsequent fee imposed payable in respect of any Appeal of any decision).

### 4. INFORMAL RESOLUTION AT CLUB OR REGIONAL LEVEL

- 4.1 In respect of any matter, which the CDC deems to be appropriate, the parties, in the first instance, should agree to explore an informal resolution
- 4.2 Where the CDC deems it appropriate to proceed with an informal resolution, the CDC will contact the parties to such matter outlining the reference to an informal process and indicate an officer of the club or region appropriate to carry this out.
- 4.3 The time period within which to make and process a matter is stayed pending the outcome of the informal process.

4.4 The appointed person will make contact with the parties directly and will arrange meetings with each of the parties and will conduct the informal process in any manner deemed appropriate to effect a resolution.

4.5 The appointed person will use his/her best endeavours to conclude the process within seven days of receipt of the Complaint from the CDC and will write out to the parties confirming the outcome.

4.6 The appointed person shall notify the CDC within 24 hours after the outcome i.e. whether the process resulted in resolution or not.

4.7 In the event that the informal process does not result in settlement of the matter, the CDC shall will follow the process for a formal resolution.

## 5. MEDIATION AT NATIONAL LEVEL

5.1 In respect of any matter, which the CDO deems to be appropriate for Mediation, the parties, in the first instance, agree to refer such matter to Mediation.

5.2 Where the CDO deems it appropriate to refer the matter to Mediation, the CDO will contact the parties to such matter outlining the reference to Mediation and the contact details for the Mediator.

5.3 The time period within which to make and process a matter is stayed pending the outcome of the Mediation process.

5.4 Swim Ireland shall maintain a panel of Mediators.

5.5 The Mediator will make contact with the parties directly and will arrange meetings with each of the parties and will conduct the Mediation in any manner the Mediator deems appropriate.

5.6 The Mediator will use his/her best endeavours to convene the Mediation within seven days of receipt of the Complaint from the CDO.

5.7 The Mediator shall notify the CDO within 24 hours after the Mediation of the outcome i.e. whether the process resulted in settlement or not. The Mediator shall keep the terms of any such settlement strictly confidential save where required for proper administration and records.

5.8 In the event that the Mediation does not result in settlement of the matter, the CDO shall refer the matter to the Complaints and Disciplinary Committee for formal resolution.

5.9 Swim Ireland may agree to discharge the specific expenses of the Mediator as advised to the parties.

## 6. COMPLAINTS AND DISCIPLINARY HEARINGS AT CLUB OR REGIONAL LEVEL

6.1 Where a Hearing shall take place, within 14 days of receipt of a Complaint or the commencement of Disciplinary Action, the Secretary of the relevant Complaints and Disciplinary Committee (in this clause, the "Committee") shall write to the relevant parties advising them of:

- (i) Composition of the Committee;
- (ii) Declaration that the Committee Members have no interest in the outcome;
- (iii) The parties to the Complaint/Disciplinary Action;
- (iv) The offence alleged and relevant rule;
- (v) The rights of the parties;
- (vi) List of witnesses to be called;
- (vii) Procedures involved;
- (viii) Potential sanctions;
- (ix) Confirmation of documents to hand;
- (x) Invitation for any further evidence to be relied on/submissions in writing;
- (xi) Time, date and venue for Hearing.

The Committee shall have discretion to extend the deadline in exceptional circumstances.

**6.2** The Committee, in its discretion, may invite other persons (including but not limited to witnesses, officials or experts) to provide evidence or assistance to the Committee in any form.

**6.3** The Committee shall decide either to convene an Oral Hearing or to decide the matter on a “documents only” basis. In considering the above, the Committee shall have regard to a number of relevant factors, including, but not limited to, the nature and the gravity of the Complaint or Disciplinary Action and the capacity of the parties involved.

**6.4** The Committee shall conduct the Hearing of any matter in the following manner where it deems it appropriate:

**6.4.1** The Committee shall have the power to convene any meetings by way of teleconference;

**6.4.2** The Committee shall have the discretion to accept testimony by telephone, written statement or submission, whether by fax, email or other means;

**6.4.3** The Committee shall have the power to decide on the admissibility, relevance and weight of any evidence (including the testimony of any fact or expert witness) and shall not be bound by any laws or rules regarding the conduct of Court proceedings in relation to such matters. Facts may be established by any reliable means, including admissions.

**6.5** The parties to a Hearing are entitled to:

- (i) Be accompanied at the Oral Hearing if one is convened, by either a Member of Swim Ireland or a close family Member or someone in loco parentis such as an unrelated guardian or custodian. Legal representatives shall not be permitted;
- (ii) Call witnesses. Such witnesses may only be present to give their evidence and which witnesses may be questioned by the Committee;
- (iii) Make submissions in writing or otherwise.

**6.6** Where a party exercises any or all of the rights as set out in 6.5, Part B (Procedures) then the party shall notify the Chairperson of the Committee and the other party of the names of any persons accompanying and the names of any witnesses. The Committee shall have due regard to 1.3, Part B (Procedures) where the witness is under 18 years of age.



**6.7** A Children's Officer shall be present at the Hearing where the Complainant or Respondent is under 18 years of age. The Children's Officer shall attend to ensure that the rights of the child are protected at the Hearing. The Children's Officer shall be entitled to make observation to the Committee but shall not be permitted to make any decision on culpability.

**6.8** Where the witness is under 18 years of age, the Children's 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.

**6.9** In the case of a Complaint, in the event of the non-attendance, without reasonable cause (considered by the Committee to be a justifiable reason for non-attendance) of a Complainant at a Hearing, the Complaint against the Respondent shall be taken no further. In the event of non-attendance, without reasonable cause, of a Respondent at a Hearing, the Committee will be entitled to base its decision on the information and evidence it has received.

**6.10** The Committee may adjourn or rearrange the Hearing at its discretion. An adjourned or rearranged Hearing shall take place as soon as is practicable, and the suspension of the Member, if already imposed, shall be automatically extended until the rearranged Hearing takes place.

**6.11** In the case of a Disciplinary Action, the Secretary of the relevant Club or Regional Management Committee, as the case may be, shall present the case against the Respondent, and the he/she shall be entitled to introduce such evidence and witnesses at his/her discretion. In the case of a Complaint, the Complainant shall present the case against a Respondent.

**6.12** The Secretary of the relevant Club or Regional Management Committee /Complainant (as the case may be) shall have the burden of proving the alleged Offence(s) or rule breach(es). The standard of proof shall be whether the Secretary of the relevant Club or Regional Management Committee /Complainant has established the Offence(s) or rule breach(es) on the balance of probabilities. Where facts are established by virtue of a Disciplinary Report the burden of proof is then on the Respondent to establish the contrary on the balance of probabilities.

**6.13** Facts established in a Court Hearing where that Court has imposed sanction on a Respondent shall be irrefutable evidence of those facts against a Respondent in a Complaint or Disciplinary Hearing.

**6.14** A Disciplinary Report shall be, until the contrary is established to satisfaction of the Committee, sufficient evidence of:

- (i) the qualifications and authority of any official/judge/citing commissioner/ Person in Charge who has reporting authority; and
- (ii) the authority of the official/judge/ Person in Charge who signed the Disciplinary Report;
- (iii) the facts stated in the Disciplinary Report.

**6.15** On deciding culpability but prior to the imposition of a sanction, the CDC shall adjourn to establish and take into account any aggravating/mitigating factors as set out in Part A (Rules) clause 4.



**6.16** The decision of the Committee shall be made and notified in writing to the relevant parties within seven days of the Hearing, unless the Committee deems an extension of time necessary. The CDC shall retain the decision on a register and shall notify the Swim Ireland Office accordingly.

**6.17** The written decision shall be in a format as set out in the appendices. The decision shall include reference to the parties' right to appeal the decision to Swim Ireland within 14 days of the date of receipt of the written decision.

**6.18** Where the written decision is notified by way of post, the receipt of the document is deemed, unless the contrary is proved, to have been at the time at which the letter would be delivered in the ordinary course of post.

**6.19** Pending the appeal, the original sanction imposed by the Committee shall remain in force.

## **7. COMPLAINTS, APPEALS AND DISCIPLINARY HEARINGS AT NATIONAL LEVEL**

**7.1** Where a Hearing shall take place, within 14 days of receipt of a Complaint, Appeal or the commencement of Disciplinary Action, the Secretary of the Swim Ireland Complaints and Disciplinary Committee (SICDC) (in this clause, the "Committee") shall write to the relevant parties advising them of:

- (i) Composition of the Committee;
- (ii) Declaration that the Committee Members have no interest in the outcome;
- (iii) The parties to the Complaint/Disciplinary Action;
- (iv) The offence alleged and relevant rule;
- (v) The rights of the parties;
- (vi) List of witnesses to be called;
- (vii) Procedures involved;
- (viii) Potential sanctions;
- (ix) Confirmation of documents to hand;
- (x) Invitation for any further evidence to be relied on/submissions in writing;
- (xi) Time, date and venue for Hearing.
- (xii) The Committee shall have discretion to extend the deadline in exceptional circumstances

**7.2** In circumstances where an expedited process is necessary, the CDO may designate himself/herself or another Member from the Complaints and Disciplinary Panel to serve as the Committee in the event that it is not possible to constitute the entire Committee in an expedited manner. In such cases, the CDO or the person designated by the CDO shall have all the powers of a Committee as if a Committee had been duly convened.

**7.3** The Committee, in its discretion, may invite other persons (including but not limited to witnesses, officials or experts) to provide evidence or assistance to the Committee in any form.

**7.4** The Committee shall decide either to convene an Oral Hearing or to decide the matter on a "documents only" basis. In considering the above, the Committee shall have regard to a number of relevant factors, including, but not limited to, the nature and the gravity of the Complaint, Appeal or Disciplinary Action and the capacity of the parties involved.

**7.5** The Committee shall conduct the Hearing of any matter in any manner which it deems appropriate:

**7.5.1** The Committee shall have the power to convene any meetings by way of teleconference;

**7.5.2** The Committee shall have the discretion to accept testimony by telephone, written statement or submission, whether by fax, email or other means;

**7.5.3** The Committee shall have the power to decide on the admissibility, relevance and weight of any evidence (including the testimony of any fact or expert witness) and shall not be bound by any laws or rules regarding the conduct of Court proceedings in relation to such matters. Facts may be established by any reliable means, including admissions.

**7.6** The parties to a Hearing are entitled to:

- (i) Be accompanied at the Oral Hearing if one is convened, by either a Member of Swim Ireland or a close family Member or someone in loco parentis such as an unrelated guardian or custodian. Legal representatives shall not be permitted;
- (ii) Call witnesses. Such witnesses may only be present to give their evidence and which witnesses may be questioned by the Committee;
- (iii) Make submissions in writing or otherwise.

**7.7** Where a party exercises any or all of the rights as set out in Part B (Procedures) clause 7.6 (i) and 7.6 (ii), then the party shall notify the CDO, Chairperson of the Committee and the other party of the names of any persons accompanying and the names of any witnesses. The Committee shall have due regard to Part B (Procedures) clause 1.3, where the witness is under 18 years of age.

**7.8** A Children's Officer shall be present at the Hearing where the Complainant or Respondent is under 18 years of age. The Children's Officer shall attend to ensure that the rights of the child are protected at the Hearing. The Children's Officer shall be entitled to make observation to the Committee but shall not be permitted to make any decision on culpability.

**7.8.1** Where the witness is under 18 years of age, the Children's 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.

**7.9** In the case of a Complaint, in the event of the non-attendance, without reasonable cause (considered by the Committee to be justifiable reason for non-attendance) of a Complainant at a Hearing, the Complaint against the Respondent shall be taken no further. In the event of non-attendance, without reasonable cause, of a Respondent at a Hearing, the Committee will be entitled to base its decision on the information and evidence it has received.

**7.10** In the case of an Appeal, in the event of the non-attendance, without reasonable cause (considered by the Committee to be justifiable reason for non-attendance) of an appellant at a Hearing, the Appeal shall be deemed abandoned by virtue of the non-attendance of the appellant and the decision taken at first instance will stand.

**7.11** The Committee may adjourn or rearrange the Hearing at its discretion. An adjourned or rearranged Hearing shall take place as soon as is practicable, and the suspension of the Member, if already imposed, shall be automatically extended until the rearranged Hearing takes place.

**7.12** In the case of a Disciplinary Action, the CDO shall present the case against the Respondent, and the CDO shall be entitled to introduce such evidence and witnesses as the CDO may at his/her discretion decide is appropriate. In the case of a Complaint, the Complainant shall present the case against a Respondent.

**7.13** The CDO/Complainant or Appellant (as the case may be) shall have the burden of proving the alleged Offence(s) or rule breach(es). The standard of proof shall be whether the CDO/Complainant has established the Offence(s) or rule breach(es) on the balance of probabilities. Where facts are established by virtue of a Disciplinary Report the burden of proof is then on the Respondent to establish the contrary on the balance of probabilities.

**7.14** Facts established in a Court Hearing where that Court has imposed sanction on a Respondent shall be irrefutable evidence of those facts against a Respondent in a Complaint or Disciplinary Hearing.

**7.15** A Disciplinary Report shall be, until the contrary is established to satisfaction of the Committee, sufficient evidence of:

- (i) the qualifications and authority of any official/judge/citing commissioner/ Person in Charge who has reporting authority; and
- (ii) the authority of the official/judge/ Person in Charge who signed the Disciplinary Report;
- (iii) the facts stated in the Disciplinary Report.

**7.16** On deciding culpability but prior to the imposition of a sanction, the Committee shall take into account any aggravating/mitigating factors.

**7.17** After deciding on culpability of the Respondent, the Committee shall impose a sanction as set out in Part A (Rules) clause 3.4.

**7.18** The decision of the Committee shall be made and notified in writing to the relevant parties within 7 days of the Hearing, unless the Committee deems an extension of time necessary. The CDO shall retain the decision and shall notify the Swim Ireland Office accordingly.

**7.19** The written decision shall be in a format as set out in the appendices. The decision shall include reference to the parties' right to challenge the decision to SDSI within 14 days of the date of receipt of the written decision.

**7.20** Pending the appeal, the original sanction imposed by the Committee shall remain in force.

**7.21** Appeals to SICDC shall be a fresh hearing of all the facts of the dispute (i.e. a hearing de novo) however, the parties may, by mutual consent, agree to limit the hearing to specific matters or issues arising from the original decision, or to include matters that have arisen since the hearing.

## **8. COMPLAINT TAKEN BY OR AGAINST THE CLUB OR REGIONAL COMMITTEE (OR BY MEMBER OF THE COMMITTEE AGAINST A MEMBER OF THE CLUB).**

**8.1** A Club or Regional Committee Member or the Club or Regional Committee as a whole may make a Complaint against a Club Member or vice versa.

**8.2** Where a Club or Regional Committee Member makes the Complaint or where the Complaint is made against a Club or Regional Committee Member, the Club or Regional Complaints and Disciplinary Committee must be appointed without inclusion of that Club or Regional Committee Member.

**8.3** Where a Complaint is made by a Club Member against a Club or Regional Committee or vice versa, then jurisdiction should be declined by the Club or Region to determine the Complaint if that Club or Region could not form a Complaints Committee that would be free from conflicts of interest and a reference should be made to SICDC to hear the matter in the First Instance.

## **9. APPEALS TO SICDC**

**9.1** Subject to the functions and the investigative and decision-making powers of the CDO at Part B (Procedures) clause 2.6, a decision of the Club/Regional Complaints and Disciplinary Committee may be appealed to SICDC.

**9.2** The appellant shall deliver a completed Notice of Appeal to the CDO within 14 days of receipt of the Complaints and Disciplinary Committee's written decision along with a copy of relevant documentation together with an Appeal fee of €100.

**9.3** The procedures as set out in Part B (Procedures) clause 7, shall apply to Appeal Hearings.

**9.4** A copy of the Notice of Appeal shall be sent by email or registered post to the CDO of Swim Ireland.

## **10. SPORT DISPUTE SOLUTIONS IRELAND (SDSI) ARBITRATION (APPEAL)**

**10.1** Any decision of the Swim Ireland Complaints and Disciplinary Committee may be challenged before SDSI Arbitration.

**10.2** The challenge shall be limited to a review of the legality of the procedures used and/or the decision made by the Swim Ireland Complaints and Disciplinary Committee.

**10.3** No Member, Participant, Unit of Swim Ireland, its Affiliate or Associates may issue Court proceedings relating to such dispute in any Court in any jurisdiction.

**10.4** No dispute shall be referred to SDSI Arbitration until all available avenues of resolution under these Rules and Procedures have been exhausted.

**10.5** A Notice to Arbitrate must be filed with SDSI within 14 days of receipt of the written decision. The Notice to Arbitrate must be copied to the CDO of Swim Ireland at [complaints@swimireland.ie](mailto:complaints@swimireland.ie).

**10.6** The decision of the SDSI Arbitrator shall be final and binding.

**10.7** SDSI Arbitration shall be conducted in accordance with the SDSI Arbitration Rules and Procedures and in accordance with the Arbitration Act 2010 or any statutory modification or re-enactment thereof.

**10.8** The National Children's Officer shall be permitted to attend the Arbitration where any of the parties or witnesses are under 18 years of age

For more details on Sport Dispute Solutions Ireland refer to [www.sportdisputesolutions.ie](http://www.sportdisputesolutions.ie)

## PART C – SANCTIONS

### Introduction

In accordance with the Swim Ireland Memorandum and Articles of Association all members of Swim Ireland and parents of members under the age of 18 are bound by the Swim Ireland Complaints and Disciplinary Policies and Procedures, of which this document forms part.

A Complaints & Disciplinary Committee, at Club, Regional or National level, shall impose a sanction if the outcome of a complaints or disciplinary process finds there has been a breach of the Codes of Conduct or Rules of Swim Ireland in line with offences contained in Part A of the Swim Ireland Complaints and Disciplinary Procedures 2018.

### Determining the Sanction

The Complaints and Disciplinary Committee will determine if an offence is a low, medium or high category offence. The Committee will then consider the relevant sanction from either Option 1 or Option 2 taking into account aggravating and mitigating factors such as (but not limited to) the impact of the offence on other individuals, the degree to which the offender accepts responsibility, the behaviour of the offender and how any sanction may impact on other individuals.

An ultimate sanction results in expulsion from Swim Ireland on a permanent basis.

Low Offence	Medium Offence	High Offence
<b>Option 1</b>	<b>Option 1</b>	<b>Option 1</b>
Written Warning for 12 months plus a fine of between €50 and €100	Written Warning for 12 months plus a fine of between €100 and €200	Written Warning for 12 months plus a fine of between €200 and €500
<b>Option 2</b>	<b>Option 2</b>	<b>Option 2</b>
Suspension for a period of up to three months With option of monetary fine	Suspension for a period of between three and six months With option of monetary fine	Suspension for a period of between six and twelve months With option of monetary fine
The ultimate sanction shall be expulsion from the organisation		

### Payment of Fines

It is a condition of membership of Swim Ireland that all fines imposed by a Complaints and Disciplinary Committee must be paid. Fines remaining outstanding for 14 days will result in a disciplinary action being taken.

### Written Warning

A written warning is issued by a Club, Regional or National Complaints and Disciplinary Committee to an offender and notified to the Secretary of Club or Regional Committee as relevant and forwarded to the Swim Ireland Complaints and Disciplinary Officer. The Swim Ireland Complaints and Disciplinary Officer will maintain a copy of the warning on file for the period of the warning.

### Subsequent breaches

If any subsequent breach of the Rules occurs during the period in which a written warning is operative, this shall be regarded as an aggravating factor. The Complaints and Disciplinary Committee will reach a finding before any mitigating or aggravating factors are considered. If a Complaints and Disciplinary Committee determine that any provision of the Rules has been breached during the period in which a written warning is operative, the breach of that provision shall automatically attract a High Offence level sanction..

### Suspension

The nature of the suspension shall be specified in the sanction and may mean one, some or all of the following:

- Suspension from Membership of the organisation
- Suspension of Licence
- Suspension from events or activities

During the period of suspension an individual shall be obliged to step aside from any role or position held in the organisation for the duration of the suspension and shall be excluded from:

- Seeking office to any elected position in the organisation at club, region or national level
- Being appointed to any role or duties within a club, region or at national level
- Undertaking and completing a transfer of club(s)

## Swim Ireland Sanction Guidelines

Section 1			
Offence	Low Offence	Medium Offence	High Offence
Fighting, Aggressive or threatening behaviour	N/A	<p>Written Warning for 12 months plus a fine of between €100 and €200</p> <p>Or</p> <p>Suspension for a period of between three and six months With option of monetary fine</p>	<p>Written Warning for 12 months plus a fine of between €200 and €500</p> <p>Or</p> <p>Suspension for a period of between six and twelve months With option of monetary fine</p>
Damaging the dignity of a person or a group of persons, in any way whatsoever, in particular due to his/her colour, race, handicap, sex, sexual orientation, religion or ethnic origin	N/A		
Racism	N/A		
Inciting hatred or violence	N/A		
Intimidation or threats	N/A		
Corruption	N/A		
Acts or omissions bringing Swim Ireland, any department or official thereof and/or the sport of swimming into disrepute	N/A		
Alcohol or substance use during an Event or while carrying out official duties	N/A		
Failing or refusing to comply with an Anti-Doping investigation, without acceptable justification.	N/A		

Section 2			
Offence	Low Offence	Medium Offence	High Offence
Offensive behaviour to other Swimmers, Participants, Judges, Swim Ireland Officials or Doping Control Official			
Unsportsmanlike behaviour			
Cheating			
Visitation violation	Written Warning for 12 months plus a fine of between €50 and €100	Written Warning for 12 months plus a fine of between €100 and €200	Written Warning for 12 months plus a fine of between €200 and €500
	Or	Or	Or
Curfew violation	Suspension for a period of up to three months With option of monetary fine	Suspension for a period of between three and six months With option of monetary fine	Suspension for a period of between six and twelve months With option of monetary fine
Bullying			
Coercion			
Discrimination			
Foul language			
Disparaging comments			



Section 3			
Offence	Low Offence	Medium Offence	High Offence
Violation of instructions and directives from Swim Ireland Officials			
Violation of contractual obligations towards Swim Ireland			
Ineligibility			
Forgery or falsification	Written Warning for 12 months plus a fine of between €50 and €100	Written Warning for 12 months plus a fine of between €100 and €200	Written Warning for 12 months plus a fine of between €200 and €500
	Or	Or	Or
Mischievous or vexatious Complaints	Suspension for a period of up to three months With option of monetary fine	Suspension for a period of between three and six months With option of monetary fine	Suspension for a period of between six and twelve months With option of monetary fine
Participation at an Event without the permission of Swim Ireland			
Purporting to represent Swim Ireland without the permission of Swim Ireland			
Taking part in a competition or display organised by a club or committee not affiliated to Swim Ireland			

<b>Section 4 (Breach of Codes of Conduct/Rules)</b>			
<b>Offence</b>	<b>Low Offence</b>	<b>Medium Offence</b>	<b>High Offence</b>
Breaches of Rules and/or Codes of Conduct or Safeguarding policies as amended from time to time	<p>Written Warning for 12 months plus a fine of between €50 and €100</p> <p>Or</p> <p>Suspension for a period of up to three months With option of monetary fine</p>	<p>Written Warning for 12 months plus a fine of between €100 and €200</p> <p>Or</p> <p>Suspension for a period of between three and six months With option of monetary fine</p>	<p>Written Warning for 12 months plus a fine of between €200 and €500</p> <p>Or</p> <p>Suspension for a period of between six and twelve months With option of monetary fine</p>

<b>Section 5 (Criminal Offences)</b>			
<b>Offence</b>	<b>Low Offence</b>	<b>Medium Offence</b>	<b>High Offence</b>
Criminal investigation for indictable offences	Suspension from Swim Ireland participation pending the outcome of criminal investigations		
Criminal conviction likely to bring Swim Ireland into disrepute.	Suspension from Swim Ireland participation pending the outcome of criminal investigations		

## APPENDIX 1 Swim Ireland Complaint Form Template 2018

### SWIM IRELAND COMPLAINT FORM

BETWEEN:

Complainant  
(insert name of  
Complainant here): \_\_\_\_\_

-and-

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 14 days of an incident.
- A Complaint to Swim Ireland must be accompanied by payment of a €50 fee. Any applicable fees at Club or Regional level are at the discretion of the Club or Regional body and the Complainant should enquire.

The completed Complaint form should be returned to:

- (a) **If Club Complaint** – Club Secretary by email
- (b) **If Regional Complaint** – Regional Secretary by email
- (c) **If National/First Instance Complaint** – by email to [complaints@swimireland.ie](mailto:complaints@swimireland.ie)

### YOUR CONTACT DETAILS:

Name: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

Address: \_\_\_\_\_

Tel No: \_\_\_\_\_

Email: \_\_\_\_\_

Club: \_\_\_\_\_

**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)** \_\_\_\_\_

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**Name of other party/ies** \_\_\_\_\_

\_\_\_\_\_

**Club of other party/ies** \_\_\_\_\_

\_\_\_\_\_

**Name of Witness/es** \_\_\_\_\_

\_\_\_\_\_

**Club of Witness/es** \_\_\_\_\_

**DESCRIPTION OF COMPLAINT**

**You must specify the exact nature of your complaint(s):**

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**Description of Offence:**

**(You must identify one or more Offences in Part B of the Swim Ireland Complaints and Disciplinary Rules that you allege has/have been breached). Where the offence is a breach of a code of conduct, you must specify which area/s or relevant code of conduct specifically that you allege have been breached.**

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### 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 \_\_\_\_\_

Document D \_\_\_\_\_

### AGREEMENT TO MEDIATE

**I HEREBY AGREE TO PARTICIPATE IN THE MEDIATION OF THIS DISPUTE IF THE CDC or CDO DEEMS IT APPROPRIATE THAT THIS COMPLAINT BE MEDIATED. PLEASE NOTE THAT THIS IS THE PREFERRED OPTION UNDER THE SWIM IRELAND COMPLAINTS AND DISCIPLINARY RULES AND PROCEDURES.**

Signed: \_\_\_\_\_

Name in block: \_\_\_\_\_

Date: \_\_\_\_\_

**The Complaints 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 a requirement by law and in line with the Swim Ireland Privacy Policy.**

**Where sanctions are issued by a CDC, Swim Ireland will be notified.**

## APPENDIX 2 Swim Ireland Complaint Decision Template 2018

### SWIM IRELAND COMPLAINT DECISION FORM

BETWEEN:

Complainant  
(insert name of

Complainant here): \_\_\_\_\_

-and-

Respondent  
(insert name of

Respondent here): \_\_\_\_\_

A Complaint having been made by [name of Complainant] against [name of Respondent] in respect of an alleged [details of offence] alleged to have occurred at [place] on [date] in breach of Rule [specify Rule].

The matter having been considered by the Complaints and Disciplinary Committee [on a documents only basis] OR [at an Oral Hearing] on (specify time date and venue) – DELETE WHERE APPROPRIATE.

On assessment of the evidence and submissions presented to the Complaints and Disciplinary, the Committee preferred the evidence of the [Complainant]/[Respondent] - DELETE WHERE APPROPRIATE that the alleged offence as per Rule [specify Rule for offence] [was]/[was not] - DELETE WHERE APPROPRIATE committed by the Respondent in breach of Rule [specify Rule].

Having taken into account all aggravating and mitigating circumstances, the Complaints and Disciplinary Committee **HEREBY DETERMINES** by [majority]/[unanimously] - DELETE WHERE APPROPRIATE [to impose a Sanction]/[not to impose a Sanction] - DELETE WHERE APPROPRIATE on the Respondent.

Specifically, the Complaints and Disciplinary Committee imposes the following Sanctions: [Insert (i) Sanction and (ii) specific Rule which empowers the Committee to impose Sanction].

The Complainant and Respondent are advised of their right of appeal to [name of Appeals Body] within 14 days from the date of this Decision.

Dated [insert date]

Signed [by quorum of members of the Complaints Committee present at the hearing – minimum 3]

## APPENDIX 3 Swim Ireland Notice of Appeal Form Template 2018

### SWIM IRELAND NOTICE OF APPEAL FORM

BETWEEN:

Complainant  
(insert name of  
Complainant here): \_\_\_\_\_

**-and-**

Respondent  
(insert name of  
Respondent here): \_\_\_\_\_

If an Appellant or Respondent is under 18 years of age, then please state the name of the parent or guardian to represent the Appellant/Respondent.

Failure to complete all sections will result in an invalid Appeal.

An Appeal must be delivered to the Complaints and Disciplinary Officer (CDO) by email within fourteen days of receipt of the Complaints and Disciplinary Committee's written decision the subject of the appeal.

An Appeal must be accompanied by payment of a €100 fee.

This completed Notice of Appeal form should be returned to [complaints@swimireland.ie](mailto:complaints@swimireland.ie)

#### YOUR CONTACT DETAILS:

**Name:** \_\_\_\_\_

**Parent/Guardian:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Tel No:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Club:** \_\_\_\_\_





## SUPPORTING DOCUMENTATION

**You must supply a copy of the written decision that you are appealing. If you are supplying any further supporting documentation, please set out a description of each document relied on here:**

Document **A** \_\_\_\_\_

Document **B** \_\_\_\_\_

Document **C** \_\_\_\_\_

Document **D** \_\_\_\_\_

**Toe in the water. Face in the water. Staying afloat. Touching the bottom. One length without stopping. Fifty lengths without stopping. Diving from the 10 meter board, without a toe out of place. Wading in amongst the horde, without running back out again. Lying flat on my back. Out to the buoy and back. Holding my breath. Holding court. Relaying. Relaxing. Getting used to the water. Getting fit. Getting faster.**

**— Me and the water.**

**SWIM  
IRELAND**

## Main Contact

Irish Sport HQ  
National Sports Campus  
Abbotstown  
Dublin 15

+353 1 625 1120  
[complaints@swimireland.ie](mailto:complaints@swimireland.ie)

**SWIM  
IRELAND**