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THE BRITISH CANOE UNION

MARATHON RACING COMMITTEE

DISCIPLINARY REGULATIONS

1st May 2008

These Disciplinary Regulations are intended for all complaints other than “Field of Play” incidents, but including any event referred on by a Protest Committee dealing with a field of play incident.

“Helping & inspiring people to go canoeing”

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MARATHON RACING COMMITTEE
DISCIPLINARY REGULATIONS

These Regulations set out how matters referred to the Marathon Racing Committee by the Union's Investigations Officer or a Protest Committee are dealt with.

1. Interpretation

1.1 In these regulations the words and expressions used shall have the following meanings:

“the Board”	the board of the Union as constituted under the Memorandum and Articles of Association of the Union;
“the Investigations Officer”	the Investigations Officer of the Union appointed by the Chief Executive from time to time;
“the Protest Committee”	the persons appointed from time to time by the Marathon Racing Committee or an event organiser to deal with matters arising during competition;
“the Executive Committee”	the persons elected or appointed at an ACM to the Marathon Racing Committee from time to time;
“Member”	an individual member of the Union participating in the Discipline in respect of whom a complaint has been made under Regulation 2.1 of these procedures;
“the Union”	the British Canoe Union;

1.2 All references to periods of a number of days, relate to the period starting the day after the date of posting or the date of receipt where documents are delivered by hand or the date of the incident or meeting and ending the day of receipt, meeting etc.

1.3 Words denoting the singular number shall include plural number and vice versa and words denoting the masculine gender shall include the feminine gender.

2. Disciplinary Procedure

2.1 The Executive Committee shall appoint a panel of three of its members (“the Panel”) to hear and determine any complaint or matters referred to it by a Protest Committee or the Union's Investigations Officer under Regulation 6.2(a)(ii) of Part A of the Union's Dispute Resolution and Disciplinary Procedures for matters other than Doping and Child Protection Matters. The Executive Committee and the Panel shall deal with such matters in accordance with the procedure set out below.

- 2.2 The Panel shall ensure that as soon as practicable and within 14 days of receiving the complaint from either the Investigations Officer or a Protest Committee, a copy of the complaint has been handed personally or by recorded delivery post to the Member. Notification of the date when the Panel will meet (via e-mail, personal or conference call communications, if deemed appropriate) to consider the complaint will be set as soon as practicable and within 30 days and an invitation to provide in writing, within 14 days (or such shorter time period as the Panel thinks fit) of the notice, any rebutting facts, mitigation, explanation or submission must be sent to the Member with the copy of the complaint. No member of the Panel may consider the matter in the event that he has a conflict of interest or could not be regarded as being impartial in the matter. In such circumstances, the Panel shall, in its sole discretion, replace that member with another member of the Executive Committee and if no such member can hear the matter then that member shall be replaced with another elected member of the Union for the only purpose of considering the complaint.
- 2.3 At the same time the Member shall be asked whether he wishes to be present at the meeting when the complaint is being considered, in which case that Member shall be informed that they may attend to make representations and that he may be asked questions. The Member shall also be informed that if no reply is received within the period of 14 days (or such shorter time period as the Panel thinks fit) the Panel will consider the complaint in his absence on the basis of the facts and statements in their possession. The Panel may invite the person making the complaint to comment on any reply provided by the Member, and shall supply a copy of any such comments to the Member before the meeting. The Panel may in its sole discretion invite the person making the complaint to attend the meeting.
- 2.4 At the meeting the Panel shall consider the complaint and any statement made in writing or orally by the Member. If that Member has asked to be present at the meeting he must have been given not less than seven days (or such shorter time period as the Panel thinks fit) notice of the meeting and he must have been invited to attend the meeting and offered the opportunity of being accompanied by an advisor. The Panel may question either party, if present, may call upon them to supply additional evidence or may adjourn the meeting to a later date. Once the Panel has completed its consideration of the complaint, it shall provide the Member with its written decision as soon as practicable and in any event within 14 days of the date of the original meeting or any adjourned meeting.
- 2.5 On completing its considerations of the complaint, the Panel shall draw up its findings of fact and may decide:
- (a) to reject the complaint; or,
 - (b) to warn or reprimand the Member; or,
 - (c) to suspend the Member from participating in specified events or training facilities held under the Marathon Racing Committees jurisdiction either:
 - (i) for a specified period, not exceeding three months; or,
 - (ii) for a specified number of such events or facilities, not exceeding five in number, consecutively, where that number, would not have taken place within the three-month period specified above; or,

- (d) to recommend to the Board that the Member should be suspended from participating in Marathon Racing events or training facilities for a longer period or that the Member should be suspended or expelled from the Union, or that some other specified penalty (such as suspension of funding) should be imposed by the Board.
- 2.6 Where the Panel has found against the member, it shall as soon as practicable and in any event within the 14 days of the date of its original meeting or any adjourned meeting notify that Member by recorded delivery post of its findings of fact and of its decision and the grounds for that decision or recommendation, and shall inform him of his right of appeal under Regulations 2.8 and 2.9 below, and shall send a copy of the notification to the Board.
- 2.7 Where the Panel has made recommendations to the Board under 2.5(d) above, the Board shall decide whether or not to adopt such recommendations a Board Meeting shall be convened (via e-mail, personal or conference call communications) as soon as practicable to decide on the sanction to be imposed.
- 2.8 If the Member or the person who made the original complaint disagrees with the decision of the Panel, he shall be entitled to make a new complaint pursuant to Rule 3.1 (b) of Part A of the Union's Dispute Resolution and Disciplinary Procedures for matters other than Doping and Child Protection Matters by way of a Notice. The Notice must set out in detail why the Member or the person who made the original complaint disagrees with the decision of the Panel. The Notice must be accompanied by a cheque for £100 made payable to the Union ("the Deposit"). This Deposit shall be held by the Union and re-paid to the Member or the person who made the original complaint in the event that his complaint against the Decision is upheld by an Arbitral Panel or Disciplinary Committee. Where the Member's or the person who made the original complaint is rejected by an Arbitral Panel or Disciplinary Committee or if the matter is resolved by mediation, the Deposit shall be retained by the Union.
- 2.9 The Investigations Officer shall consider the matter and decide if the Notice shows that there is on the face of it sufficient evidence for the case to be determined in accordance with Rule 6.1 of Part A of the Union's Dispute Resolution and Disciplinary Procedures for matters other than Doping and Child Protection Matters. If he does so decide, he shall refer the Dispute to be decided by the Disciplinary Committee or to resolve by arbitration or by mediation in accordance with Rule 6.2 of Part A of the Union's Dispute Resolution and Disciplinary Procedures for matters other than Doping and Child Protection Matters. A different person shall be appointed as the Investigation Officer to make this decision to the person who was appointed as the Investigations Officer to review the initial Complaint against the Member.

Clause 8.2 of the Terms of Reference of the Marathon Racing Committee

The Executive Committee shall have the power to appoint a panel of three persons to decide any matter referred to it pursuant to Rule 6.2(a)(ii) of the Union's Dispute Resolution and Disciplinary Procedures for matters other than Doping and Child Protection Matters in accordance with the Disciplinary Regulations approved by the Board and adopted by the Marathon Racing Committee from time to time.