

**POLICY NO. 4:**

**Disciplinary Procedures of Irish Squash:** The purpose of this policy is to set out the procedures to be followed where a report or complaint is received in relation to breaches of the Irish Squash Code of Conduct (Policy No. 2).

1. **CONSTITUTIONAL POSITION:** The Constitutional position in relation to the Code of Conduct and Disciplinary Procedures is set out in Clause 3 of the memorandum and in Articles 6, 11, 56, 59, 60 and 61 of the Articles of Association.
2. **CODE OF CONDUCT:** The Irish Squash Code of Conduct is set out in Policy No. 2.
3. **DOPING:**  
Breaches of Sport Ireland Anti-Doping policy will be dealt with by Sport Ireland.
4. **CRIMINAL MATTERS:**  
Criminal matters will be referred to the statutory authorities.
5. **ARBITRATION:**  
If disputes or differences cannot be resolved under this policy, then they shall be referred to Just Sport Ireland for final and binding arbitration as per Article 59 of the Articles of the Association.
6. **TOURNAMENT DIRECTORS / COACHES / MANAGERS OF NATIONAL TEAMS:**
  - a. Tournament Directors and the Coaches and Managers of National teams are reminded that they have a special responsibility to report any incident of serious misconduct which occurs and where the matter comes within the jurisdiction of Irish Squash.
  - b. A Tournament Director shall have the power to withhold the payment of prize money from a player but where a report alleging serious misconduct is to be made under this policy the withholding of prize money in this way shall be subject to confirmation by the DC.
7. **REPORTING AN INCIDENT:**
  - a. An alleged incidence of misconduct may be reported by any person. It must be submitted in writing to the Hon. Secretary of Irish Squash within 10 days of the alleged incident, or such longer period as may be deemed by the Convenor of the Disciplinary Committee to be reasonable in the circumstances.
  - b. The Hon Secretary shall immediately refer the report received to the Convenor of the Disciplinary Committee and the matter shall not be discussed by the Board.
  - c. Where no formal report has been sent to the Secretary the Convenor may deem it appropriate, on his/her own initiative or at the request of the Board or Executive, to initiate an investigation into any incident of suspected misconduct. This may also be done where it is considered that the report received from the Hon Secretary may not have dealt adequately with the situation.
  - d. In the circumstances described above the Convenor of the Disciplinary Committee shall arrange for an investigation to be carried out and shall designate a member or members of the DC for the purpose. The person or persons so designated shall submit a written report to the Convenor, where possible within 15 days of being asked to carry out the investigation. The Convenor shall also inform the Hon. Secretary of Irish Squash that an investigation is being undertaken. Any member of the DC designated to carry out the initial investigation shall take no part in any subsequent disciplinary proceedings arising from the report, other than to give evidence to the DC or the Appeals Committee if required to do so.

8. DISCIPLINARY COMMITTEE:

- a. The Disciplinary Committee (DC) is established to hear reports / complaints in relation to the conduct of administrators, coaches, officials, players, parents, guardians, supporters and any other person against whom it is alleged there has been a breach of the Code of Conduct.
- b. The DC shall be appointed annually by the Board. It shall consist of a Convenor and up to 7 other named persons. The quorum for a meeting of the DC shall be three. The Disciplinary Committee must include at least one person who is not a member of Irish Squash and may include members of the board.
- c. A member of the DC who is involved in an issue/incident or who has an interest in the outcome of the adjudication of the issue/incident shall exclude themselves from all proceedings in that specific complaint.
- d. The DC shall have power to impose sanctions as listed below on administrators, coaches, officials, players, parents/guardians or supporters (offences are punishable regardless of whether they have been committed intentionally, unintentionally or negligently):
  1. A warning or reprimand
  2. A fine
  3. The return of awards
  4. A suspension
  5. A ban on taking part in a squash-related activity
  6. The annulment of a result
  7. An exclusion
  8. A forfeit
  9. A deduction of points
  10. A demotion
  11. Suspension from membership
  12. Replaying a match
  13. Stand down order
  14. Deselection from a team
  15. Any other sanction that deemed appropriate by the DC.

9. DISCIPLINARY COMMITTEE PROCEDURES:

- a. If the Convenor of the DC decides that the matter falls to another Association to consider, the Convenor shall send the report forthwith to that Association. If a response from that Association, indicating that acceptable action has been taken, has not been received within thirty days, the Convenor shall inform the Hon Secretary who, in consultation with the President, shall arrange for the Executive to meet to decide whether further action is required. If the Executive then decides to refer the matter to the DC for consideration, the time limits specified in this policy shall come into operation from the date of referral to the DC rather than the date of the incident.
- b. The Convenor of the DC shall arrange for a panel of the DC to meet within a week of receiving a report of an incident (or such longer time not exceeding thirty days where circumstances necessitate). This meeting may discuss the general issues involved prior to receiving the response of the person or persons who are the subject of the report but will not make any findings before considering that response.
- c. The Convenor of the DC shall inform the subject of a disciplinary report of the alleged incident or breach and provide that person with the opportunity to respond in person, in writing, or both in person and in writing so that such response may be considered by the DC. Failure on the part of the subject/s of the report / complaint to respond shall not preclude the DC from discussing the issues or from making findings.
- d. The DC shall communicate with the parties via written means of communication and mail. Such written communication should require proof of postage or use registered mail. Email

shall not be used unless requested by the subject of the report/complaint. Communication with juniors shall be through their parent(s)/guardian(s).

- e. The DC may decide to handle/merge multiple issues/incidents where it is deemed appropriate by the DC.
- f. If the DC decides that a person has breached the Code of Conduct, the DC shall have regard to the previous Disciplinary record of that person.
- g. The DC may consult/interview any relevant person to gather any relevant information to assist with the adjudication of the matter.
- h. The DC reserves the right to have legal representation and/or consult with legal representatives at any stage of the process.

#### 10. PROCEDURE FOR MEETINGS / HEARING OF THE DISCIPLINARY COMMITTEE:

- a. The DC shall take minutes of meetings and hearings. Such minutes will normally be of a summary nature such as the subject discussed, key comments and any subsequent actions. A verbatim report of what was said and '*who said what*' will not be recorded or kept.
- b. The Chairperson of the DC (who may also be the Convenor) shall make an opening statement which will provide:
  - An explanation of the purpose of the meeting or hearing;
  - An explanation of the procedures to be followed;
  - A reference to any time limits that might apply;
  - An explanation of the issue/incident in the report/complaint;
  - Any other matter that the Chairperson considers should be mentioned.
- c. The Chairperson shall provide answers to any procedural questions that may arise in the course of the meeting.
- d. Where a response has been received from the subject/s of the report/complaint that response shall be read / heard by the members of the DC.
- e. Where the subject of the report/complaint wishes to make an oral submission that submission shall be heard.
- f. Where juniors are involved the junior shall be accompanied by their parent/s or guardian/s and the Chairperson of the DC shall ensure that a Children's Officer shall be present.
- g. Any evidence or relevant information supplied by witnesses or parties involved shall be read / heard / examined and discussed as appropriate.
- h. The DC members shall consider the various submissions, evidence and other information and will make recommendations for any future action including sanctions if deemed appropriate.
- i. Within 7 days of the hearing the DC shall issue a report which records the rationale for making a decision, the overall findings, any sanctions imposed and the right to appeal or review.
- j. A copy of the report shall be shared with the respondent/appellant and the Irish Squash Board.

#### 11. PROVISION FOR APPEAL TO APPEALS COMMITTEE:

- a. The person/s who made the original report/complaint or the subject of that report/complaint may lodge an appeal in writing to the Secretary against decision of the Disciplinary Committee within 7 days of the issue of the decision of the DC. An appeal must be accompanied by a deposit of €100 or £100. The deposit shall be refunded if the appeal succeeds.
- b. The collection of any fine imposed by the DC shall be suspended pending the outcome of the appeal or review. Any term of suspension imposed by the DC shall, however, remain in force pending the outcome of the appeal or review.

12. APPOINTMENT OF APPEALS COMMITTEE:

- a. Within 7 days of the receipt of an appeal, the Executive shall appoint a Chairperson of an Appeals Committee (AC). The Chairperson of the AC shall not be a member of the Board of Irish Squash nor a person who sat on the original DC involved in the decision.
- b. After consultation with the Chairperson of the AC, the Executive shall appoint other persons to form an AC of not more than four. The appeals committee must include at least one person who is not a member of Irish Squash. The quorum for a meeting of the AC shall be three.
- c. The Convenor of the DC shall supply the Chairperson of the AC with copies of all papers relating to the case.

13. APPEALS PROCEDURE:

- a. The AC shall meet within seven days of being appointed to discuss the circumstances of the appeal.
- b. Following that meeting, The Chairperson of the AC shall arrange an appeals hearing and shall notify the appellant of the date of the hearing and their entitlement to attend and or be represented at that hearing.
- c. The appellant should be provided with at least 7 days' notice of the hearing and should be advised that they are entitled to attend and or be represented.

14. PROCEDURE FOR MEETINGS / HEARING OF THE APPEALS COMMITTEE:

- a. The AC shall take minutes of meetings and hearings. Such minutes will normally be of a summary nature such as the subject discussed, key comments and any subsequent actions. A verbatim report of what was said and '*who said what*' will not be recorded or kept.
- b. The Chairperson of the AC shall make an opening statement which will provide:  
An explanation of the purpose of the meeting or hearing;  
An explanation of the procedures to be followed;  
A reference to any time limits that might apply;  
An explanation of the issue/incident in the report/complaint;  
Any other matter that the Chairperson considers should be mentioned.
- c. The Chairperson shall provide answers to any procedural questions that may arise in the course of the meeting.
- d. Where the appellant has submitted a written appeal that shall be read by the members of the AC.
- e. Where the appellant or his/her representative wishes to make an oral submission that submission shall be heard.
- f. Where juniors are involved the junior shall be accompanied by their parent/s or guardian/s and the Chairperson of the DC shall ensure that a Children's Officer shall be present.
- g. Any information not supplied to the original DC and now submitted shall be read / heard / examined.
- h. On conclusion of the hearings, the AC will adjourn to consider the evidence and will make recommendations for any future action including sanctions if deemed appropriate.
- i. Within 7 days of the hearing the DC shall issue a report which records the rationale for making a decision, the overall findings, any sanctions imposed and the right to appeal.
- j. A copy of the report shall be shared with the respondent/appellant and the Irish Squash Board.

15. Obstruction: In the event that the AC committee believes that its work has been obstructed in any way, the AC may seek permission from the Board to dissolve their committee. Of itself any attempted interference with the work of the DC or AC shall be viewed as a breach of The Code of Behaviour.

16. Sport Dispute Solutions Ireland: If disputes or differences cannot be resolved under this policy then they shall be referred to Sport Dispute Solutions Ireland for final and binding arbitration as per Article 59 of the Articles of the Association.
17. The Convenor and members of the panel of the DC are expressly forbidden from entering into any form of discussion or negotiation with the subject of a complaint and/or his or her representative, or any other person, about the terms of any decision the DC might reach or any penalty or sanction to be imposed.
18. The Chairperson and members of the AC may, in the course of an appeal hearing, discuss with the appellant and/or his or her representative the terms of any penalty or sanction imposed by the DC, but only insofar as such penalty or sanction has been the subject of appeal. The Chairperson and members of the AC are expressly forbidden from negotiating with the appellant and/or his or her representative about the terms of the AC's decision.
19. The subject of a DC or the appellant in an AC hearing may be represented by a person of their choice, other than a legal representative.
20. CONFIDENTIALITY: The DC and AC shall keep all communications and material relating to specific complaints strictly confidential. All such material shall only be accessible, as determined by the DC/AC, to the relevant parties as deemed necessary to the fair hearing of a complaint. Papers relating to a case will be lodged with the COO of the Federation and no other person shall have access to the papers without the permission of the Convenor of the DC or the Chairperson of the AC. The Federation may issue a factual statement or statements to the media.
21. HON. SEC. INFORMING THE BOARD: The Hon Secretary shall inform the Board at the earliest opportunity -
  - a. that a report has been made under this policy as per 8 (a);
  - b. that an investigation is being undertaken under this policy as per 8 (c);
  - c. of the decision of the DC in each individual case;
  - d. that a decision of the DC is the subject of an appeal;
  - e. of the decision of the AC;
  - f. where a dispute or decision has been referred to Sport Dispute Solutions Ireland for final and binding arbitration under Article 59 of the Articles of the Federation.