



## Complaints & Disciplinary Rules & Procedures

DI-Gov-CDRP-V3.0

Anne McFarland

### Revision History

Name	Date	Reason For Changes	Version
CMoran	20 <sup>th</sup> June 17	Updated 8.1 appeals committee detail	V1.0 to V2.0
CMoran/AMcFarland	18 <sup>th</sup> Sept 17	Updated to include JSI in place of Board for appeals, relationship to constitution, mediation, notification of an incident, extenuating circumstances for late notification time limit 18 months and corrections made to numbering	V2.0 to D2.1

### Review Cycle

Review Cycle	Review Date	Reviewer	Status-Action Needed

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## **COMPLAINT AND DISCIPLINARY RULES AND PROCEDURES**

### **INTRODUCTION**

Dressage Ireland is the National Governing Body for dressage in the island of Ireland. These Complaint and Disciplinary Rules and Procedures apply from 15 November 2016. Every Member should have ease of access to fair procedures in dealing with any Complaint or Disciplinary Action.

#### **Complaint**

The Rules and Procedures below allow for a grievance procedure for Complaints to be made by any Member or Region against any other Member or Region.

#### **Disciplinary Action**

The Rules and Procedures below allow for Disciplinary Action to be taken against any Member or Region for breaches of the Regulations.

#### **Rules and Procedures**

These Rules (Part 1 of this document) and Procedures (Part 2 of this document) are designed to provide a quality and consistent administration of Complaints and Disciplinary Action. The Rules set out the jurisdiction, offences, sanctions and aggravating and mitigating factors to be taken into account.

The Procedures prescribe the relevant Bodies who administer Complaints and Disciplinary Action. It specifies how each is commenced and the right of appeal.

#### **Consistency**

Each Member and Region must adhere to these Rules & Procedures. In the case of any conflict between any other internal policies or codes of conducts these Rules and Procedures will take precedence.

#### **Structure of Bodies**

The administration of Complaints and Disciplinary Action for DI members is to be heard by the DI Hearings Committee. In the event that the matter is not resolved satisfactorily by the DI Hearings committee, the matter can be appealed to the Just Sport Ireland.

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### **Omissions**

If there is an omission in these rules, then the Hearings Committee and/or Just Sport Ireland shall decide the matter in accordance with Dressage Ireland custom or, in the absence of custom, in accordance with the spirit of the Rules and Procedures. Dressage Ireland may review and amend these Rules and Procedures from time to time, particularly where legislative updates or legal developments require it. Dressage Ireland will also review, and may amend, the monetary value of the complaint and appeal fees and/or the penalties payable under these Procedures on an annual basis.

### **Definitions**

Board means the members of the Board of Directors for the time being of Dressage Ireland Clg.

Complainant means the party making the Complaint.

Complaint means any written complaint made against any Member, Region, Participant or any Sub- committee.

Dressage Ireland means Dressage Ireland Clg.

Disciplinary Action means the steps undertaken in initiating, investigating and prosecuting and disciplinary misconduct by a Member, Region or Participant.

Hearings Committee means the Dressage Ireland hearings committee appointed by the Board to hear Complaints or administer Disciplinary Actions.

Member means a person who is a member of Dressage Ireland in accordance with the

Official means a show secretary or judge at a show.

Parent means the person legally appointed as being responsible for a child.

Participant means any rider, owner or assistant such as a doctor, physio, parent, coach, trainer, mentor, psychologist, manager, advisor, agent or representative that accompanies a rider to a Show.

Procedures mean these Complaints and Disciplinary Procedures.

Region means a provincial region or branch of Dressage Ireland.

Respondent means the Participant, Member, Region or Dressage Ireland responding to or the subject of a Complaint or Disciplinary Action

Show means any Regional or Dressage Ireland national or international show (including but not limited to training, meetings, competitions, of any kind).

Spectator means any person who neither participates in nor officiates at a Show but who attends the Show.

Volunteer means a person who volunteers to assist the show organiser at a show.

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## **PART 1 – THE COMPLAINTS AND DISCIPLINARY RULES (“the Rules”)**

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1. **JURISDICTION** Any breaches of the following shall be dealt with under the Complaints and Disciplinary Rules:
- (i) These Rules and Procedures
  - (ii) Internal policies and Terms of Reference of Dressage Ireland
  - (iii) The Rulebook of Dressage.

These rules together with the Complaints and Disciplinary Procedures (Part 2) regulate the organisation and function of the Committees responsible for taking decisions and the procedures to be followed by them.

1.1 The Rules apply in respect of:- (a) Complaints (b) Disciplinary Action (c) Appeals before Just Sport Ireland.

1.2 The following natural and legal persons and any sub-committee are subject to and agree to be bound by these rules: - (a) Member (b) Region (c) Official (d) Participant (e) Spectator (f) Volunteer.

1.3 Exclusions: -

(a) Employment and quasi employment contractual disputes involving personnel at Region or national level (which are dealt with before the Employment Appeals Tribunal or the Courts)

(b) Decisions of an Official made during a show which is final and binding.

(c) Complaints relating to Board Members of Dressage Ireland (which shall be referred to the Chair of the Board or the Chair of the Audit Committee)

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(d) Breaches of the Constitution or Enforcement of the Constitution (which shall be referred to the Chair of the Board or the Chair of the Audit Committee)

(e) Allegations of child abuse (which shall be referred to statutory authorities and be dealt with as per process under Irish Sports Council Guidelines for Safeguarding Children, as amended from time to time

(f) Criminal matters which shall be referred to the statutory authorities.

(g) Anti-doping matters which shall be dealt with in accordance with the Irish Anti-Doping Rules.

(h) Any athlete who is licensed by Horse Sport Ireland; or any Athlete who applies for a license from Horse Sport Ireland from the time he or she submits the application for a licence; or any Owner of a Horse used by an Athlete representing Ireland in an International Event. These shall be dealt with under HSI General Rules.

## **2. OFFENCES**

- (a) Any breach of the Regulations
- (b) Aggressive or threatening behaviour towards another Member (mental or physical)
- (c) Aggressive or threatening behaviour towards an Official (mental or physical)
- (d) Verbal Assault
- (e) Physical Assault
- (f) Bullying
- (g) Ineligibility
- (h) Racial harassment
- (i) Sexual harassment
- (j) Discrimination
- (k) Forgery or falsification
- (l) Corruption
- (m) Theft
- (n) Alcohol or substance abuse

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- (o) Misconduct likely to bring the sport of Dressage or Dressage Ireland into disrepute
- (p) Criminal conviction – which is likely to bring Dressage Ireland into disrepute.
- (q) Mischievous or vexatious complaints.

### **3. SANCTIONS**

#### **3.1 Immediate Sanctions – Official**

An Official has the power to prevent further participation or expel a Volunteer, Participant or Member at a Show for any incident.

#### **3.2 Interlocutory Sanctions**

3.2.1 Where a Member is under criminal investigation for a criminal offence, which if proven, is likely to bring a Region or Dressage Ireland into disrepute, then the Dressage Ireland Hearings Committee shall be empowered to suspend a Member from membership and/or from future participation in an affiliated show pending the outcome of a criminal investigation but without necessarily convening an oral hearing on the matter.

3.2.2 The Hearings Committee shall be empowered to impose a suspension on a Participant or Member pending the determination of a Complaint or Disciplinary Action where the gravity of the allegation made shall warrant an immediate suspension.

#### **3.3 Non-Immediate Sanctions**

3.3.1 The Hearings Committee has jurisdiction to impose a Non-Immediate Sanction

3.3.2 Non-Immediate Sanctions may be imposed by the Hearings Committee following a decision either on foot of a consideration of all of the documents relating to the Complaint or Disciplinary Action or on foot of an oral hearing

3.3.3 The following Non-Immediate Sanctions may be imposed by the Hearings Committee and may be upheld, quashed or varied by the Board:

- (a) Written warning
- (b) Reprimand
- (c) Suspension from participation in:
  - Show(s) for any period
  - A team for any period
- (d) Suspension from being a Member
- (e) Expulsion from being a Member
- (f) Fine
- (g) Other sanction as deemed appropriate

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#### **4. MITIGATING AND AGGRAVATING FACTORS**

4.1 The Hearing 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 The Hearing Committee shall take into account the following factors: - (a) Age (b) Cooperation (c) Prior warnings (d) Prior record (e) Remorse (f) Gravity of offence (g) Effect on other party (if any) (h) Effect of sanction on Respondent (i) Any other factor deemed relevant.

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## **PART 2 – THE COMPLAINTS AND DISCIPLINARY PROCEDURES (“the Procedures”)**

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### **INTRODUCTION**

A Complainant is any member of the public, Volunteer, Participant, Member, Region or Dressage Ireland who may bring a Complaint against another Member, Region or Dressage Ireland.

A Respondent is the person or party that is the subject matter of the Complaint, Objection or Disciplinary Action.

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, administered, conducted, decided and appealed.

The primary function of the Hearing Committee is to decide Complaints and administer Disciplinary Action. They attempt to do so in a fair and swift manner. In so far as there may be minor technical breaches of Procedures, Complainants recognise that laymen, who are volunteers may on occasion administer justice somewhat robustly and where such breaches do not constitute a fundamental breach of natural justice then there will be no cause for dismissal on appeal. If either party is dissatisfied with the final outcome, then they have a right to one appeal.

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## **1. GENERAL**

### **1.1. PROOF**

The Hearing Committee or Just Sport Ireland shall make decisions based on the 'balance of probabilities' meaning that the incident was more likely than not to have occurred.

### **1.2 CONFIDENTIALITY**

Members of the Hearing Committee or Just Sport Ireland 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 function.

### **1.3 MINORS**

Any Participant or Member under the age of 18 shall be accompanied by their guardian or parent at any hearing. Any Participant or Member under the age of 18 who is a Complainant, Objector or Respondent is obliged to attend any hearing. The Hearing Committee or Just Sport Ireland shall ensure a Children's Officer is present at hearings where either party is a minor.

### **1.4 EXEMPTION FROM LIABILITY**

Members of the Hearing Committee or Just Sport Ireland may not be held personally liable under these rules or in any Court for any acts or omissions in their role as members of the Hearing Committee or Just Sport Ireland. Complaints against any member of the Hearing Committee or Just Sport Ireland sitting as members of Hearing Committee or Just Sport Ireland will be entertained.

### **1.5 FAST TRACK HEARINGS**

In exceptional and urgent circumstances, where it is not possible to convene a hearing before the Hearing Committee or Just Sport Ireland, then either party may apply to the Chair of Dressage Ireland who shall arrange an expedited hearing and which shall have discretion to decide on the appropriate members and quorum for the expedited hearing.

### **1.6. COSTS/EXPENSES**

Any costs or expenses incurred by a Participant, Member, Region or Dressage Ireland (or any of their witnesses, if relevant) in relation to any matter under the Rules and Procedures will be the sole responsibility of that party. The Hearing Committee or Just Sport Ireland shall have no authority to make any award for costs. There is an administrative cost for each Complaint and Appeal. There shall be no administrative fee for initiating a



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Disciplinary Action. Accordingly parties who file a Complaint or Appeal will be subjected to an administration fee as set out below. Where a Complaint or Appeal is upheld, the administration fee will be reimbursed.

### **1.7 DEFECTS**

No procedure or decision of the Hearing Committee or Just Sport Ireland shall be quashed or held invalid by reason of any defect, irregularity, omission or technicality of a nature which does not amount to a fundamental breach of natural justice.

### **1.8 MEDIATION**

Dressage Ireland recognises Mediation as a method of dispute resolution however no formal Mediation procedure currently exists within the context of the Rules and Procedures. Dressage Ireland reserves the right to introduce a formal Mediation procedure in the future. If Mediation is introduced the time constraints as specified in the Rules and Procedures for initiating and completing the Complaints & Disciplinary process will be suspended pending completion of the Mediation. While Dressage Ireland is supportive in the informal resolution of complaints, Dressage Ireland does not take any responsibility for the outcome of such informal procedures.

## **2. COMPLAINTS AND DISCIPLINARY BODIES**

### **2.1**

The following shall be responsible for imposing disciplinary sanctions: - (a) Official (b) Hearings Committee (c) Just Sport Ireland.

### **2.2 OFFICIAL**

2.2.1 Immediate Sanctions may be imposed by an Official to any Participant, Volunteer or Spectator at a Show.

2.2.2 An Official shall specify the nature of the misconduct and the rule breached prior to imposing an Immediate Sanction.

2.2.3 An Official shall prepare a report for the Hearings Committee within three days of the incident or as soon as possible thereafter only if (i) an Immediate Sanction has been imposed and (ii) where an Official deems it necessary that further Disciplinary Action is required. (without commenting on what that further sanction should be).

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2.2.4 The report prepared by an Official shall contain (a) details of the nature of the misconduct (b) the rule breached (c) Immediate Sanction imposed and (d) time, date and venue of the incident.

## **2.3 HEARINGS COMMITTEE**

2.3.1 The Hearings Committee shall each consist of a panel of three members over the age of 18 who shall be appointed by the Board. It is recommended that at least one member is a current or retired solicitor, barrister or judge and that at least two are members of an HSI affiliate or a member or emeritus member of the Turf Club or INHSC. No person shall sit on the Hearing Committee who has a conflict of interest.

2.3.2 A Children's Officer may not sit on the Hearings Committee.

2.3.3 A quorum of two persons shall be sufficient to convene a hearing of the Hearings Committee.

2.3.4 The Hearings Committee shall be empowered to delegate any particular function to one member of the Hearings Committee, save and except for any decision of sanction.

2.3.5 On appointment, the Hearings Committee shall appoint a chairperson to chair any meetings or hearings.

2.3.6 No person appointed to the Hearings Committee shall stand for more than four years.

2.3.7 Any member of the Hearings Committee shall decline to participate in the consideration of a Complaint or Disciplinary Action where he/she has an interest in the outcome of the proceedings.

2.3.8 The Hearings Committee shall act on a simple majority vote.

2.3.9 The Hearings Committee have jurisdiction to impose sanctions as set out in sections 3.2 and 3.3 of the above Rules.

## **2.4 JUST SPORT IRELAND**

2.4.1 Just Sport Ireland shall act as an appellate body to decisions of the Hearings Committee.

## **3. COMMENCEMENT**

### **3.1 Complaint**

A Complaint is commenced when any member of the public, Volunteer, Participant, Member or Region makes a Complaint against another Participant, Member or Region.

3.1.1 For a Complaint to be valid, the Complaint shall: -

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(a) Be notified within 14 days of the date of the alleged incident with full details sent within 28 days (save where extenuating circumstances are proven to the satisfaction of the relevant Hearing Committee in which case the time limit will be 18 months).

(b) Be in writing

(c) Refer specifically to an incident(s)

(d) Specify the Rule allegedly broken

(e) Be accompanied by an appropriate fee made payable to Dressage Ireland. The fee in respect of Complaint is €50 which is refundable at the discretion of the Hearings Committee.

### **3.2**

Disciplinary Action Disciplinary Action may be commenced in the following ways: -.

3.2.1 By an Official who imposes any "Immediate Sanction" against a Participant or Member.

3.2.2 On receipt of a report from an Official to the Hearings Committee.

3.2.3 By the Chair of the Hearings Committee on becoming aware of any alleged breach of the Regulations or any act of misconduct.

## **4. MEDIATION**

4.1 On receipt of a Complaint, (but not a Disciplinary matter), the Hearings Committee may delegate to an appropriate person the function of approaching the parties to ascertain the parties' agreement to deal with the Complaint through Mediation. The delegated person shall not be a member of the Hearings Committee.

4.2 In determining appropriateness in referring a Complaint to Mediation the delegated person as specified above shall approach the Complainant to confirm they are agreeable for the Complaint being dealt with in such a manner.

4.3 In the event that either of the parties to the Complaint is not agreeable to referring the Complaint Mediation then the matter shall be heard before the Hearings Committee, then they may proceed to a formal hearing before the Hearings Committee.

4.4 If either party is dissatisfied with the outcome of Mediation, then they may proceed to a formal hearing before the Hearings Committee.

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## **5. PRE HEARING**

### **5.1 Complaint**

5.1.1 In the case of a formal Complaint, the Complainant shall deliver a written, signed Complaint to the Hearings Committee within the prescribed time limit.

5.1.2 Within 14 days of receipt of the Complaint, the Hearings Committee shall write to the Complainant and Respondent advising the parties of its appointment, the nature of the Complaint, clarification of any facts and copies of documentation, inviting the parties to make any further comment or adduce any further documentation and to seeking any further details as the Committee may deem necessary.

5.1.3 The Committee shall have discretion to extend the 14 day deadline where they deem it appropriate.

## **6. HEARING**

6.1 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 Hearings Committee shall have regard to the gravity of the Complaint or Disciplinary Action.

6.2 In the case of a Complaint the Complainant shall present his/her complaint and call such witnesses and make such submissions and the Respondent shall respond in like manner.

6.3 In the case of a Disciplinary Action the Official shall present the alleged misconduct against the Respondent and call such witnesses and make such submission and the Respondent shall respond in like manner.

6.4 If the Committee convenes an oral hearing it shall notify the parties of:

(i) The specific Complaint/ alleged Misconduct (ii) The relevant rule and offence alleged (iii) The parties to the Complaint/alleged misconduct (iv) The time, date and venue of the hearing (v) The procedures involved (vi) The possible sanctions (vii) The rights of the parties (viii) Any other procedural requirements

6.5 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.

6.6 The parties are entitled at an oral hearing to: -

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- (i) Be accompanied at the oral hearing if one is convened, by a Member of Dressage Ireland. No legal representative may attend.
- (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.

6.7 The Committee shall conduct the hearing in any matter that it deems necessary so long as they adhere to natural justice. The Committee shall not be bound by formal rules of Court.

6.8 The procedures adopted by the Committee may include the following elements: -

- (i) The Chair circulates all documents received by either party in advance of the hearing.
- (ii) The Chair introduces the committee and the parties introduce themselves and their capacity.
- (iii) The Chair explains the procedures and format for the hearing.
- (iv) The parties are invited to present evidence and call witnesses.
- (v) The other party is invited to cross examine any witness called.
- (vi) The Committee is invited to ask questions of the parties and their representatives
- (vii) The parties are then invited to present any submissions.
- (viii) The Committee retires to review the evidence and submissions.

6.9 In the event that a request for information or clarification from the Committee is not complied with by any party the Committee will be entitled to draw inferences and impose any sanction as set out in Part 1. Section 3..

6.10 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 or Disciplinary Action against the Respondent shall be taken no further. In the event of nonattendance, 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.

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6.11 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, if already imposed, shall be automatically extended until the rearranged hearing takes place.

6.12 The Committee will determine whether or not the Complaint/ Disciplinary allegation is substantiated. If a Complaint/ Disciplinary allegation is substantiated, the Committee, in its discretion, will determine whether any sanctions as set out in clause 3.2. and 3.3 of the Rules above shall be imposed.

6.13 The decision of the Committee shall be made and notified to the parties orally if possible and in any event in writing within 3 days of the decision, unless the Committee deem an extension of time necessary.

6.14 The decision shall include reference to the parties right to appeal the decision within 7 days of the date of the decision.

6.15 The Committee shall be entitled to notify all parties by email giving not less than 48 hours of a hearing unless the parties agree to a shorter period.

6.16 Pending the appeal the original sanction imposed by the Committee shall stand.

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

7.1 A Member or Participant may bring a Complaint against a member of the Hearings Committee or vice versa.

7.2 Where the Complaint is made against a Hearings Committee Member, the Hearings Committee must be appointed without inclusion of that member of the Committee.

## **8. APPEALS**

8.1 An appeal of a decision of the Hearings Committee may be appealed to Just Sport Ireland acting in its capacity as an Appeals Committee.

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	<b>Review Date</b>	<b>20<sup>th</sup> Jan 2018</b>		
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	<b>Effective Date:</b>	<b>19 Sept 2017</b>		
<b>Complaints &amp; Disciplinary Rules &amp; Procedures</b>	<b>Written By:</b>	<b>Anne McFarland</b>		
	<b>Approved By:</b>	<b>The Board</b>		

8.2 The appeal shall be a fresh hearing as if the first hearing before the original Hearings Committee did not take place.

8.3 The appellant shall deliver a written and signed notification to appeal to the relevant Appeals Committee within 5 days of receipt of the Hearings Committee written decision specifying (a) the date of decision being appealed (b) the aspects of the decision being appealed (c) the grounds of appeal (d) copy of relevant documentation (e) an Appeal fee of €250.00 (which shall be refunded in the show of a successful appeal).

8.4 No appeal shall be accepted from any person who is not a Member or Region.

8.5 No appeal shall be accepted from a third party which is not a party to the original hearing even where that decision affects the third party.

8.6 The procedures as set out in Clause 6 shall apply to Appeal hearings.