

**LISTEN
ENGAGE
REPRESENT**



DISCIPLINARY RULES AND PROCEDURES WELSH ATHLETICS LTD (“WA”)

These Rules and Procedures set out WA’s disciplinary jurisdiction over Participants (as defined below) in Athletics in Wales and are intended to be legally binding over all those subject to it.

1. INTERPRETATION

1.1 The definitions and rules of interpretation in this clause apply in this procedure.

ADT	the Athletics Disciplinary Tribunal
ADT Procedure	the rules and procedures of the ADT as annexed to these Rules
Anti-Doping Rules	the rules contained in the UK Anti-Doping Rules in force from time to time and as published by UK Anti-Doping
Anti-Doping Rule Violation	an actual or alleged breach of the Anti-Doping Rules
Appellant	a person with standing being WA, UK Athletics and the parties set out in paragraph 20.3,
Arbitrator	an independent party appointed in accordance with clause Error! Reference source not found. ;
Athletic Representatives	a person selected by WA (which includes the Welsh Schools Athletic Association) to represent Wales in a competition recognised by WA anywhere in the world

**LISTEN
ENGAGE
REPRESENT**



WELSH ATHLETICS
ATHLETAU CYMRU

Chair	the chair of the WA Disciplinary Panel, as appointed under Rule 8
Charge	a formal accusation made by WA that the Participant has, or is alleged to have committed an act of Misconduct
Charge Letter	a letter confirming the details as set out in Rules 7.4.1 to 7.4.4
Club	athletics clubs within Wales recognised by the board of directors of Wales Athletics Limited
Coaches	a person who holds a UKA coaching licence
Corporate Documents	WA's articles of association and memorandum of association, byelaws and codes of conduct as in force from time to time
Decision	a decision made by the WA Disciplinary Panel in accordance with Rule 16
Directions	instructions from the WA Disciplinary Panel as to the conduct of the Disciplinary Proceedings, which shall include a timetable leading to a Hearing
Disciplinary Proceedings	proceedings brought by WA against a Participant under these Rules
Hearing	a session convened by the WA Disciplinary Panel in order for the evidence (as permitted under the Directions) relating to a Charge against a Participant to be heard to allow the WA Disciplinary Panel to reach a decision on the Charge

**LISTEN
ENGAGE
REPRESENT**



WELSH ATHLETICS
ATHLETAU CYMRU

Level 1-3 Officials

Officials who are licensed by WA at level 1-3 (inclusive)

Level 4-5 Officials

Officials who are licensed by UKA at level 4-5(inclusive)

Misconduct

means:

- (a) Any breach of WA's Corporate Documents;
- (b) Any breach of any of the Codes of Conduct;
- (c) Any Anti-Doping Rule Violation committed by a Participant;
- (d) Any breach of the terms of any licence granted to any person by WA;
- (e) Any breach of duty by any officer, consultant or employee of WA;
- (f) Any failure or refusal to co-operate with any investigation conducted by WA;
- (g) Any failure or refusal to comply with an Interim Suspension (as defined in Rule 6.2.1); and/or
- (h) A breach of the duty of confidentiality contained in paragraph 12.1 of these Rules.

LISTEN ENGAGE REPRESENT



WELSH ATHLETICS
ATHLETAU CYMRU

Officials	persons who are licensed by WA or UKA (as the case may be)
Participant	all Athletic Representatives, Clubs, volunteers of WA, spectators, Level 1-3 Officials, parents and guardians of Athletic Representatives, members of the Welsh Athletics Limited board of directors, attendees in committee meetings and any other person in any way involved in representing Welsh Athletics (including the Welsh Schools Athletic Association) anywhere in the world
Rules	these disciplinary rules and procedures as updated from time to time
Rules of Appeal	the rules as set out in Rules 20 to Error! Reference source not found.
Sanction	any penalty imposed by WA Disciplinary Panel on a Participant in accordance with these Rules
UKA	United Kingdom Athletics Limited, Athletics House, Alexander Stadium, Walsall Road, Perry Barr, Birmingham, B42 2BE.
UKA DRP	the disciplinary rules and procedures of UKA

Vulnerable Witnesses any person:

- (a) Who is defined as vulnerable, a vulnerable witness, a child or an adult at risk in law or in the usual practice of the Courts;
- (b) Who has (actually or allegedly) suffered abuse (sexual or otherwise) or any form of bullying or harassment; or
- (c) Who the WA Disciplinary Panel considers is vulnerable for any other reason.

WA Disciplinary Panel the committee formed to adjudicate a Charge made against a Participant and formed in accordance with Rule 8

2. JURISDICTION

2.1 WA shall have disciplinary jurisdiction over Participants.

2.2 In the event of a dispute or question concerning jurisdiction over a disciplinary matter between UKA and WA, the determination as to where the jurisdiction lies will reside with UKA.

2.3 In appropriate cases, notwithstanding the fact that WA has jurisdiction over a Participant, it may delegate the conduct of disciplinary proceedings to any other relevant competent body.

2.4 Disciplinary jurisdiction over Coaches and Level 4-5 Officials shall reside with UKA and be subject to the UKA DRP, save for where UKA has specifically requested WA to Charge an Official or Coach under these Rules.

3. MISCONDUCT

- 3.1 WA may prosecute and conclude Disciplinary Proceedings against any Participant for Misconduct
- 3.2 WA may, in its sole discretion and at any time, refer any disciplinary matter over which it has jurisdiction to the ADT following which the matter will be dealt with in accordance with the ADT Procedure. For the avoidance of doubt, such discretion shall only apply to WA and any Participant may not refer any disciplinary matter to the ADT.

4. EXCLUSIONS FROM JURISDICTION

- 4.1 In accordance with their terms, consideration of the following matters shall be excluded from the disciplinary jurisdiction of WA:
 - 4.1.1 Matters dealt with under UK Athletics' Safeguarding Regulations; and
 - 4.1.2 Disputes concerning selection, both for the World Class Programme and for the composition of UK Athletics or British Athletics representative teams.

5. POWERS OF INVESTIGATION

- 5.1 WA shall have power to investigate any Participant for Misconduct.
- 5.2 WA shall have the power to require any Participant to:
 - 5.2.1 Provide such specified or general information as WA may request;
 - 5.2.2 Attend any meeting, inquiry, hearing or proceedings to answer questions;
 - 5.2.3 To produce documents within their power, possession, custody and/or control, as WA may reasonably direct.
- 5.3 WA may instruct such advisers as it considers appropriate for the purposes of carrying out such investigations, meetings, inquiry, hearing, or proceedings.

5.4 Without prejudice to rule 5.5, it shall not be an acceptable answer, to a request from WA to disclose documents or information pursuant to this rule, that such documents or information requested are confidential.

5.5 A Participant shall not be required to provide documents that are subject to legal professional privilege or where such disclosure would be prohibited by law.

6. **INTERIM OR PROTECTIVE MEASURES**

6.1 Where WA considers that a Participant may have committed Misconduct, it may impose such interim or protective measures as it considers appropriate without the forming of the WA Disciplinary Panel.

6.2 These measures may include (each an “**Interim Suspension**”):

6.2.1 the imposition of a temporary suspension upon a Participant pending a hearing;

6.2.2 the temporary suspension of a Participant’s licence pending a Hearing; and/or

6.2.3 temporarily removing a Participant from any role in WA, from holding any office in WA, or having any entitlement to participate in its decisions.

6.3 Any breach of the terms or conditions of the Interim Suspension will constitute a new disciplinary offence and shall be dealt with accordingly.

6.4 WA may request the delivery of any documents or property relating to a potential charge of Misconduct or request that any Participant, whether or not the subject of a potential Charge, attends for interview or answers any questions put to them by WA in relation to a Charge.

7. **INITIATING DISCIPLINARY PROCEEDINGS**

7.1 WA may initiate disciplinary proceedings against any Participant for Misconduct. A Participant charged with Misconduct shall be called a “**Respondent**”.

- 7.2 WA may initiate a Charge based upon any allegation or suspicion of Misconduct reported to WA, or of its own motion.
- 7.3 WA shall initiate a Charge by sending a Charge Letter to each Respondent charged with Misconduct.
- 7.4 The Charge Letter shall set out:
- 7.4.1 The nature of the complaint or Misconduct constituting the Charge;
 - 7.4.2 A brief summary of the facts relied upon by WA;
 - 7.4.3 The proposed composition of the Disciplinary Committee; and
 - 7.4.4 Any relevant documents currently available to WA (but only in such circumstances where their release would not jeopardise or prejudice the investigation).
- 7.5 The Charge Letter shall state a date within which the Respondent must respond to the Charge as well as requesting that the Respondent states whether the Charge is admitted.
- 7.6 If a Charge is admitted, the matter shall be referred to the Disciplinary Committee solely for the purpose of sanction.
- 7.7 If a Charge is admitted but the Respondent wishes to mitigate a Charge on a basis which WA disputes, the WA Disciplinary Panel shall set Directions in accordance with these Rules, in order to resolve these disputed issue(s) of fact.
- 7.8 Where a Charge is denied, the procedures set out below in paragraph 11 shall apply.

8. THE WA DISCIPLINARY PANEL

- 8.1 The WA Disciplinary Panel shall be composed of three members selected by WA for their expertise, and experience in Athletics or sport generally, and for their impartiality. No person may be appointed a member of a WA Disciplinary Panel if

they have any current financial relationship with WA, or are biased or lack impartiality on any basis.

8.2 Any challenge by a Respondent to the suitability or impartiality of a member of the WA Disciplinary Panel must be made within 7 days of the receipt of the Charge Letter.

8.3 In the event of such a challenge, the challenge may either be resolved by consent or by the decision of the Chair of the WA Disciplinary Panel.

8.4 Where the impartiality of the Chair is challenged, this matter shall be resolved by the CEO of WA (or a suitably qualified member WA Disciplinary Panel nominated by such CEO).

8.5 Where a Respondent falls under the disciplinary jurisdiction of both UK Athletics and WA, the UKA Disciplinary Panel may be jointly appointed by UK Athletics and WA. In such case:

8.5.1 The UKA Disciplinary Panel (as formed under the UKA DRP) shall also act as the disciplinary panel of WA and shall have the sanctioning and procedural powers set out in the UKA DRP in addition to its powers under these Rules. The procedure in the UKA DRP will be followed. In relation to any conflict between these Rules and UKA DRP, the UK DRP shall prevail.

8.5.2 UK Athletics and WA shall jointly prosecute the case and shall each have the full right to determine the submissions to the UKA Disciplinary Panel in relation to the matters over which they have jurisdiction, including to delegate such authority to the other.

8.5.3 The evidence in the case shall be heard only once and shall be applied by the UKA Disciplinary Panel in relation to all charges made by UK Athletics and WA.

9. POWERS OF THE WA DISCIPLINARY PANEL

9.1 The WA Disciplinary Panel shall determine its own procedure and may determine any question as to its own jurisdiction.

- 9.2 In the discharge of its functions, the WA Disciplinary Panel shall have the following powers:
- 9.2.1 To impose, amend or to abridge any time limits;
 - 9.2.2 To impose any Directions upon either WA or a Respondent with respect to matters before the WA Disciplinary Panel;
 - 9.2.3 To order disclosure by either party of all or any documents in that party's possession it considers to be relevant;
 - 9.2.4 To determine whether expert evidence is required and, if so, in relation to what issues and to make orders relating thereto;
 - 9.2.5 To order the attendance of any Participant to any of the proceedings of the WA Disciplinary Panel;
 - 9.2.6 To order the attendance of any officer or employee of, or consultant, to WA to any proceedings of the WA Disciplinary Panel;
 - 9.2.7 To decide upon any matters of law or fact arising in the course of its proceedings;
 - 9.2.8 To draw any inferences (positive or negative) from the presence or absence of any evidence before the WA Disciplinary Panel ;
 - 9.2.9 To conduct preliminary hearings on any matters arising in the course of the Disciplinary Proceedings, or from the failure or refusal of any party to comply with the any Directions made;
 - 9.2.10 To make final awards as to any matters arising in the course of Disciplinary Proceedings including striking out complaints or defences or parts of complaints or defences, or reaching a conclusion as to an issue in proceedings, in the absence of, or the necessity for, a full hearing; and
 - 9.2.11 To set a date for the Hearing or to adjourn or postpone any hearing.

9.3 Any Hearing of the WA Disciplinary Panel may take place in person or via video conference or through a variety of both media, at the complete discretion of the WA Disciplinary Panel.

10. RIGHTS OF AUDIENCE BEFORE THE WA DISCIPLINARY PANEL

10.1 Both WA and the Respondent may be legally represented before the WA Disciplinary Panel. Alternatively, either party may choose to be represented by any person they nominate to speak on their behalf, subject to such a person not being involved or the subject of the proceedings. Both WA and the Respondent may only have one representative speaking on their behalf save for where permission for multiple representatives is granted by the Chair of the WA Disciplinary Panel.

11. PROCEDURE BEFORE THE WA DISCIPLINARY PANEL

11.1 Upon the receipt of a Charge, a WA Disciplinary Panel shall be appointed.

11.2 The WA Disciplinary Panel shall be sent a copy of the Charge and shall, as soon as reasonably practicable, schedule a hearing to set Directions for the Hearing of the Charge.

11.3 The WA Disciplinary Panel shall supervise the compliance by WA and Respondent with the Directions.

11.4 At the hearing, in normal circumstances, WA will present its evidence first. The Respondent shall have the right to cross-examine all and any witnesses presented by WA.

11.5 Once WA has presented its case, the Respondent shall present its defence. It may call all and any evidence on its behalf. WA will have the right to cross-examine all and any of the witnesses presented by the Respondent.

11.6 In relation to any Vulnerable Witnesses giving evidence, the WA Disciplinary Panel shall have the power to do any of the following or a combination of the following:

11.6.1 Disapply paragraphs 11.4 and/or 11.5 above entirely;

- 11.6.2 Order that cross examination is directed through the Chair of the WA Disciplinary Panel;
 - 11.6.3 Order that cross examination be carried out in advance of the hearing with only limited persons present;
 - 11.6.4 Order that cross examination be carried out in writing with questions put to the witness and answered in writing prior to the hearing;
 - 11.6.5 Order any special measures it considers are required for the protection of the witness and their mental or physical wellbeing or to ensure that the witness is able to give their best evidence to the WA Disciplinary Panel.
- 11.7 Thereafter, WA, followed by the Respondent, shall have the right to make short closing submissions.
- 11.8 The WA Disciplinary Panel may at any time ask any questions of WA or the Respondent and question any of their witnesses.
- 11.9 Having heard all of the relevant evidence, the WA Disciplinary Panel shall reach its decision within such time as is reasonable in the circumstances.

12. THE CONFIDENTIALITY OF PROCEEDINGS

- 12.1 All proceedings of the WA Disciplinary Panel and any investigation relating to an allegation of Misconduct shall be confidential. All and any documents created or exchanged in the course of the disciplinary proceedings shall also remain confidential notwithstanding their conclusion. The confidentiality of any Disciplinary Proceedings may only be overridden by an order of the WA Disciplinary Panel that heard the relevant Proceedings, or by the ADT.

13. BURDEN AND STANDARD OF PROOF

- 13.1 WA shall bear the burden of proving the Charge. The standard of proof shall be the civil standard, in that the WA Disciplinary Panel must be satisfied that on the balance of probabilities the conduct constituting the Charge took place.

14. EVIDENCE

14.1 The WA Disciplinary Panel shall not be bound by any formal rules of evidence and may accept in evidence as admissible any evidence which it considers is relevant and cogent to the proceedings before it. The weight to be attributed to any evidence shall be a matter for the WA Disciplinary Panel.

15. VENUE

15.1 The venue of any disciplinary or appeal hearing will be at the complete discretion of the WA Disciplinary Panel.

16. THE DECISION

16.1 Having heard all of the relevant evidence, the WA Disciplinary Panel shall reach a decision. If the WA Disciplinary Panel is not unanimous in reaching its decision, this shall not be recorded and no dissenting judgment shall be given. The WA Disciplinary Panel shall decide whether the Charge is proven, not proven, or proven in part in accordance with clause 13. The decision shall be in writing and distributed to all parties as soon as reasonably practicable after it has been reached.

16.2 In matters of urgency, a summary of the conclusions reached by the WA Disciplinary Panel may be released with the full reasoned decision to follow.

16.3 Clear reasons shall be given for the conclusion reached in the written Decision. The parties may request clarification of any Decision of the WA Disciplinary Panel within seven days after it has been reached, after which time it shall become final and binding on all parties (subject to any subsequent appeal).

16.4 Either party or the WA Disciplinary Panel may request that parts of the written decision be redacted on grounds of confidence or the protection of third parties. The decision of the WA Disciplinary Panel to allow or not allow redactions is final

16.5 WA and a Respondent may, at any time prior to a hearing, agree a decision by mutual consent. Such decision must be presented to the WA Disciplinary Panel which may, in its sole discretion, ratify it or reject it. In the event it is rejected, the matter shall

proceed to a Hearing in accordance with these Rules. In the event it is ratified it shall be the binding decision of the WA Disciplinary Panel. A decision by mutual consent may include a provision that there shall be no right of appeal.

17. SANCTIONS

17.1 If the WA Disciplinary Panel decides that the Charge is proven, or proven in part, it shall then move to consider the imposition of appropriate sanction.

17.2 In the exercise of its disciplinary power, the WA Disciplinary Panel may impose any one, or a combination of, the following Sanctions:

17.2.1 Declare the Respondent ineligible for selection by WA for any period of time;

17.2.2 Impose a suspended period of ineligibility;

17.2.3 Issue the Respondent with a reprimand or warning as to future conduct;

17.2.4 Revoke, or vary any licence or permission given by WA to any person in receipt of such a licence, such revocation to be either temporary (for a term to be decided by the WA Disciplinary Panel) or permanent;

17.2.5 Impose a financial penalty payable to WA;

17.2.6 Exclude a Respondent from any form of participation in athletic activities for any period of time;

17.2.7 Suspend or place any restriction on the membership of a Club or organisation under the jurisdiction of WA;

17.2.8 Remove a Respondent from any role in WA, from holding any office in WA, or from any entitlement to participate in its decisions.

17.2.9 Impose an order that the Respondent make a contribution towards the costs incurred by WA;

17.2.10 Suspend or terminate a Club's right to participate in WA or UK Athletics competitions, and to withdraw any sporting or membership privileges from such a Club;

17.2.11 Make declaration that any Officer, employees or consultants of WA is debarred from continuing to hold any office in WA; or

17.2.12 Order any such Sanction as the WA Disciplinary Panel may think fit.

18. PUBLICATION OF THE DECISION

18.1 At the discretion of WA, the Decision may be published on the WA website, UKA website and made available publicly, subject to such redactions as the WA Disciplinary Panel may order.

18.2 Alternatively WA may publish a summary of any decision, rather than the full decision, where, in the opinion of the WA Disciplinary Panel, the interests of athletes, or of the sport generally, or commercial confidence so warrant it.

18.3 Where it is agreed that a decision is confidential between the parties, disclosure may be made by WA for the purposes of the enforcement of the Sanction.

19. COSTS AND UPDATES

19.1 In general, both WA and the Respondent shall bear their own costs of the proceedings. WA shall pay the administrative costs relating to the Hearing. Costs shall only be paid by way of a Sanction, or part of a Sanction, if the Disciplinary Panel consider it appropriate.

19.2 WA may update these Rules at any time.

20. APPELLATE JURISDICTION

20.1 The UKA rules of appeal as in force from time to time constitute the exclusive appeal procedure governing a WA Disciplinary Decision and can be accessed here ([the UKA Rules of Appeal](#)).

20.2 The UKA Rules of Appeal apply in relation to:

20.2.1 An appeal from any Decision taken by a WA Disciplinary Panel ;

20.2.2 An appeal from a refusal to grant permission to promote an event;

20.2.3 An appeal from any decision as to an Athletic Representative's eligibility to compete for Wales;

20.2.4 An appeal from a refusal to renew any form of licence granted by WA or to impose conditions upon an existing licence whether during the pendency of the licence or on its renewal.

each of which is an "**Appeal Decision**".

20.3 The persons entitled to appeal against a WA Disciplinary Decision shall be WA, UK Athletics and the Respondent.

20.4 The Parties agree not to commence, continue, or maintain any legal proceedings, other than as set out herein. Any such proceedings may be stayed under Section 9 of the Arbitration Act 1996. All decisions under these Rules of Appeal are final and binding upon the Parties.

21. **COMMUNICATIONS ETC.**

21.1 All correspondence is related to a disciplinary matter or appeal shall be conducted by email.

21.2 WA may update these Rules at any time.

22. **GOVERNING LAW AND THE ARBITRATION ACT**

22.1 The Governing Law of all proceedings before the WA Disciplinary Panel shall be English and Welsh Law.

**LISTEN
ENGAGE
REPRESENT**



WELSH ATHLETICS
ATHLETAU CYMRU

- 22.2 Proceedings before the WA Disciplinary Panel and the Appeal Panel shall constitute Arbitrations for the purposes of Part 1 the Arbitration Act 1996. As such, they are subject to the procedural supervision of the English High Court in London.
- 22.3 Sections 44, 45 and 69 of the Arbitration Act 1996 are excluded from these proceedings.
- 22.4 The seat of the Arbitration shall be Wales.