

## **DISCIPLINE PROCEDURES ADOPTED 21 FEBRUARY 2023**

The within procedures are intended to apply to all current and future allegations (including associated cases) of inappropriate attempts to affect the outcome of dance competitions and are to be in substitution of Appendices 1 and 2 of the Discipline Procedures most recently updated on the 20<sup>th</sup> day of January 2021. However for the avoidance of doubt, Paragraph 3.2(a) and 3.2(b) of the existing Disciplinary Procedures shall continue to apply to an allegation of gross misconduct.

In any case where there is an inconsistency between anything in these procedures and the Disciplinary Procedures most recently updated on the 20<sup>th</sup> day of January 2021, these procedures shall prevail.

For any complaints not coming within the scope of the complaints made in July 2022 and subsequently, the original appendices shall continue to apply.

### **1. Definitions:**

- 1.1. Discipline Committee: In each case, the committee, comprising three people, to be drawn from the panel of independent persons, that shall hear and determine the complaints made against the Individual.
- 1.2. The Individual: The person against whom a complaint has been made. Where the Individual is represented, the term shall be construed accordingly.
- 1.3. An Coiste Faire: For the purposes of these procedures, shall be the party presenting the complaints and evidence against the Individual.
- 1.4. "The Parties" where used, shall mean the Individual and An Coiste Faire collectively and the word "Parties" shall be construed accordingly.
- 1.5. Appeals Committee: In each case, the Committee, comprising five people, to be drawn from the panel of independent persons, that shall hear and determine any appeals as may be brought by either Party.
- 1.6. The Disciplinary Coordinator shall be the person in charge of coordinating the arrangement of hearings and/or appeals as provided for herein, facilitating communications between the Parties and the Committee concerned and for providing the Books of Evidence to both the Individual and the Committee concerned and/or any matter reasonably or necessarily arising in that regard.

## **2. Preliminary:**

- 2.1. Each Discipline Committee, once selected, shall elect a chairperson from one of their number.
- 2.2. The date, time and place of the hearing of the complaint against the Individual shall be chosen by the Discipline Committee in consultation with the Individual and An Coiste Faire. The ultimate discretion as to the date, time and place of the hearing shall rest with the Committee in each case.
- 2.3. Hearings shall be heard in person unless otherwise directed by the Discipline Committee. The arrangements for such hearings shall in each case be made by the Disciplinary Coordinator upon the direction of the Discipline Committee and will be communicated to the parties four weeks in advance of the hearing.
- 2.4. If the Discipline Committee, following consultations with the Individual and An Coiste Faire, deem it appropriate, hearings may be heard remotely. The ultimate discretion in this regard shall rest with the Discipline Committee. In any case where a remote hearing is directed, the arrangements for same shall be made by the Disciplinary Coordinator upon the direction of the Discipline Committee and will be communicated to all parties four weeks in advance of the hearing.
- 2.5. It shall be the responsibility of the Individual and An Coiste Faire to ensure that they have sufficient equipment and means of participating fully in the hearing.
- 2.6. Where necessary, the Discipline Committee may take evidence from persons by way of video link and it shall be the responsibility of the Individual or An Coiste Faire, as the case may be, to ensure that any and all witnesses as may be intended to be called to give evidence by video link have sufficient equipment and means of participating fully in the hearing.
- 2.7. Any and all communications to or from the Discipline Committee shall be in writing or by email through the Disciplinary Coordinator and shall be copied to both Parties. The obligation to do so, shall be on the Parties. Where any communication has not been copied to either Party, the Disciplinary Coordinator shall furnish a copy to that Party.
- 2.8. The Discipline Committee shall decide on all matters of procedure and shall have full authority and discretion to adjourn a hearing, at any stage before or during the hearing, and for any length of time it

considers necessary. The Discipline Committee will communicate with the parties in writing the reason for the adjournment and will continue, as it deems necessary, to update the parties regarding the adjournment.

2.9. The Discipline Committee may determine any matter relating to the admissibility of evidence, or the inclusion of any document, statement or evidence in the Book of Evidence, at any time before or during the hearing and, where such matter fails to be determined before the hearing, the Discipline Committee may either make a determination in writing before the hearing, if it considers there is sufficient time to do so, or may in any case, reserve its determination to the hearing.

2.10. Without prejudice to the foregoing, the Parties shall be under an obligation to bring to the attention of the Discipline Committee any such matters referred to in paragraph 2.9, or any matter upon which either or both Parties require a determination, as soon as practicable.

### **3. Book of Evidence and related matters**

3.1. The Disciplinary Coordinator shall serve by registered post and/or by email on the Individual, not less than six weeks before the date chosen for hearing, a Book of Evidence containing the following:

- i. The particulars of the complaint being made against the Individual to include particularisation of the breaches of the Code of Conduct and/or Child Protection Policy and/or the Social Media Policy which are alleged to have occurred thereby;
- ii. The identity of the complainant or complainants;
- iii. The investigation report;
- iv. Any and all evidence which An Coiste Faire intends to rely in the course of the hearing concerned;
- v. Any witness statements and/or documents obtained by An Coiste Faire in connection with the complaint arising from any investigation into the complaint with which the hearing is concerned and upon which An Coiste Faire intends to rely in the course of the hearing concerned;
- vi. Any and all other evidence, witness statements or documents obtained by An Coiste Faire arising from any investigation into the complaint with which the hearing is concerned whether or not An Coiste Faire intends to rely upon such material in the course of the hearing concerned;

- vii. By agreement, any other document, statement or evidence as the Individual may wish to include.
- viii. Where there is a dispute as to the inclusion of any document, statement or evidence in the Book of Evidence by either Party, the Discipline Committee shall have full authority to hear and determine any application by either Party as to the proper inclusion or otherwise of such document, statement or evidence either in advance or on the day of the hearing.

3.2. The Individual shall, not less than three weeks before the date chosen for hearing, provide An Coiste Faire with a copy of any evidence, witness statements or documents upon which they intend to rely at the hearing and which they wish to have included in the Book of Evidence.

3.3. Any and all evidence, witness statements or documents shall be presumed to be admissible unless the Discipline Committee, upon application being made to it either before or during the hearing, shall determine otherwise.

3.4. Where any Party fails to disclose any evidence, witness statement or document upon which they intend to rely at the hearing within the time allowed under these procedures, the said evidence, witness statement or document shall be presumed not to be admissible unless the Discipline Committee, upon application being made to it either before or during the hearing, shall determine otherwise.

3.5. The Disciplinary Coordinator shall provide the Discipline Committee with three copies of the Book of Evidence not less than two weeks before the date chosen for the hearing.

3.6. Where a dispute arises as to the admissibility of any evidence, witness statements or documents before the Book of Evidence has been provided to the Discipline Committee, the disputed documents shall not be included in the Book of Evidence but may be included subsequently if the Discipline Committee so determines upon application having been made to it either before or during the hearing.

3.7. Evidence shall be heard orally except where otherwise agreed between the Parties whether before or during the hearing.

3.8. The Discipline Committee may give any evidence such weight as it considers appropriate in the circumstances of the hearing.

#### **4. Hearing**

- 4.1. The Discipline Committee may make any direction or take any steps as it deems in its discretion to be necessary and appropriate for the hearing.
- 4.2. Both Parties shall be entitled to be legally represented and that representation may speak on their behalf in all matters, save where the Individual may be giving evidence. The Parties shall be responsible for their own legal costs.
- 4.3. Both Parties may call witnesses on their behalf, but it shall be the responsibility of the Parties to secure the attendance of such witnesses, whether in person or by video link, at the appropriate time and place. Both parties must exchange the names of such witnesses and inform the Discipline Committee of such witnesses, two weeks prior to the hearing. Where witnesses are proposed to give evidence by video link, notice of same shall be given to the Discipline Committee and the opposing party in writing.
- 4.4. The witness expenses of persons called on behalf of either Party shall be the responsibility of, and borne by, the calling Party.
- 4.5. The Parties shall be entitled to cross-examine any and all witnesses called by the opposing Party and the calling Party.
- 4.6. Evidence to be submitted and/or submissions to be made to the Discipline Committee in the course of the hearing shall only be submitted or made in the presence of both Parties, save where one Party fails to attend the hearing without reasonable cause or explanation.
- 4.7. For the avoidance of doubt, the Discipline Committee shall have full discretion to proceed with a hearing in the absence of either Party, if the Party not in attendance has communicated an intention not to attend or has otherwise failed to attend without reasonable cause or explanation. Nothing in these procedures shall be construed as obliging the Discipline Committee to proceed with a hearing in the absence of either Party merely by reason of their non-attendance either where that Party has communicated an intention not to attend or has otherwise failed to attend without reasonable cause or explanation. The Discipline Committee shall be entitled to take all matters it considers relevant into account in reaching a determination in this regard and shall provide reasons therefor.

4.8. For the avoidance of doubt, the Parties may make submissions at the hearing on any matters which are relevant thereto including, but not limited to, the credibility of any complainant or witness, the authenticity of any document or the provenance of any evidence.

## **5. Decision**

5.1. The Parties may make submissions to the Discipline Committee at the hearing in relation to applicable penalties, if any.

5.2. The Discipline Committee shall have sole authority to determine any and all matters of fact based on any admissible evidence, witness statements and/or documents submitted and submissions made to it.

5.3. For the avoidance of doubt, the applicable standard of proof shall be the civil standard and a complaint shall be deemed to be proven if, in the opinion of the Discipline Committee, the subject of the hearing is more likely than not to be true.

5.4. In the event that the Discipline Committee determines that a complaint is well-founded, it may impose any penalty it deems appropriate under paragraph 3.7 of the Discipline Procedures, entitled Possible Outcomes of Formal Action.

5.5. For the avoidance of doubt, the possible outcomes are not cumulative, and the Discipline Committee has sole discretion as to the appropriate penalty, if any, to apply in the event of a finding that a complaint is well-founded.

5.6. The Discipline Committee shall not hear, and the Parties shall not be entitled to adduce any evidence of the Individual's previous disciplinary record. Where such evidence is inadvertently adduced, this shall not be sufficient to invalidate the hearing and the Discipline Committee shall disregard such evidence.

5.7. If the Discipline Committee determines that a complaint is well-founded, it shall communicate that decision to the parties and may, at its sole discretion, seek to be apprised of the Individual's previous disciplinary record before determining a sanction, if any, before determining a sanction, if any, and the Individual may make written submissions to the Discipline Committee in that regard. Nothing in these

procedures shall be construed as obliging the Discipline Committee to be appraised of an individual's previous disciplinary record or from communicating a sanction, if any, at the same time as it communicates its determination as to the substance of the complaint before it.

## **6. Appeal**

- 6.1. Both Parties shall have a right of appeal from any decision of the Discipline Committee. The Parties shall have fourteen days to notify the Disciplinary Coordinator in writing of their intention to appeal from the date of the decision from the Discipline Committee. The appellant must set out all the grounds of appeal upon which it is intended to rely.
- 6.2. In the event that the Party appealing does not lodge an appeal within the requisite time, it will only be in exceptional circumstances that an application may be made to a panel of independent persons, hereafter referred to as the Appeals Committee, which will consider the application and the circumstances of the appeal. This panel if it permits an appeal to proceed, may also hear and determine the substantial appeal and it shall not be necessary to form a new committee for that purpose.
- 6.3. Appeals shall be a review of the findings of the Discipline Committee and/or any sanction imposed. Appeals may also be brought where new evidence, which was not previously available, becomes available and/or where there has been a fundamental departure from the stated procedures or in the case of fundamental unfairness.
- 6.4. For the avoidance of doubt, the Parties may be legally represented, and this representation may speak for the Party concerned in all matters. The Parties shall be responsible for their own legal costs.
- 6.5. The Appeals Committee, once selected, shall elect a chairperson from one of their number.
- 6.6. The date, time and place of the hearing of the complaint against the Individual shall be chosen by the Appeals Committee in consultation with the Individual and An Coiste Faire. The ultimate discretion as to the date, time and place of the hearing shall rest with the Appeals Committee in each case.
- 6.7. Appeals shall be heard in person unless otherwise directed by the Appeals Committee. The arrangements for such appeals shall in each case be made by the Disciplinary Coordinator at the direction of the Appeals Committee. Appeals shall be heard as soon as reasonably possible and the

date, time and place therefor will be communicated to the parties four weeks in advance of the hearing.

6.8. If the Appeals Committee, following consultations with the Individual and An Coiste Faire, deem it appropriate, hearings may be heard remotely. The ultimate discretion in this regard shall rest with the Appeals Committee. In any case where a remote hearing is directed, the arrangements for same shall be made by the Disciplinary Coordinator at the direction of the Appeals Committee and will be communicated to all parties four weeks in advance of the hearing.

6.9. It shall be the responsibility of the Individual and An Coiste Faire to ensure that they have sufficient equipment and means of participating fully in the appeal.

6.10. For the avoidance of doubt, the Appeals Committee shall have all the same powers and discretions as the original Discipline Committee as provided for in these procedures.

6.11. Both Parties shall have the right to lodge written submissions with the Disciplinary Coordinator not less than seven days before the date chosen for the hearing of the appeal. In the appellant's case, the grounds of appeal may serve as the submissions but nothing in these rules shall prevent them from lodging further written submissions if they wish to.

6.12. Upon hearing an appeal, the Appeals Committee may affirm, vary or reverse any decision, or any part thereof, of the Discipline Committee and may, if it deems it appropriate to do so, direct a rehearing of the complaint by a different discipline Committee.

6.13. There shall be no appeal from any decision of the Appeal Committee.