

Disciplinary Policy



Where there is a formal allegation that a member, volunteer, official, employee or contractor of Pentathlon Ireland has breached a Code of Conduct or acted contrary to a Pentathlon Ireland Policy or has brought Pentathlon Ireland into disrepute, the following shall apply:

1. Exclusions

- a. Employment and quasi employment contractual disputes.
- b. Allegations of child abuse. Such Complaints shall be referred to the statutory authorities by the Children's Officer.
- c. Criminal matters. Such complaints shall be referred to the statutory authorities.
- d. Anti-doping matters. Such Complaints shall be dealt with in accordance with the Irish Anti-Doping Rules and World Anti-Doping Agency.
- e. Complaints relating to competition rules or athlete selection decisions are to be dealt with by the process identified in the rules and regulations applying to those sectors.

2. Offences

- a. Breach of any of the rules, policies or regulations adopted by Pentathlon Ireland.
- b. Aggressive, offensive, intimidating, threatening behaviour, fighting.
- c. Cheating or unsportsmanlike behaviour
- d. Violation of instructions and directives from Officials
- e. Discrimination or damaging the dignity of a person or a group of persons, in any way whatsoever, in particular due to their colour, race, handicap, sex, sexual orientation, family status, age, religion, ethnic origin or membership of the Traveller community.
- f. Inciting hatred or violence.
- g. Bullying (including online).
- h. Forgery, falsification or corruption.
- i. Acts or omissions bringing the sport of Pentathlon into disrepute.
- j. Alcohol or substance abuse by Members at an event.
- k. Criminal investigation for indictable offences.
- l. Criminal conviction likely to bring Pentathlon Ireland into disrepute.
- m. Mischievous or vexatious complaints .

3. Sanctions

- a. Interlocutory Sanctions: These are temporary, not final or definitive sanctions, imposed at any stage in the disciplinary process
 - i. On confirmation that a Respondent is under criminal investigation for an indictable criminal offence, which, if proven, is likely to bring Pentathlon Ireland into disrepute, then the Disciplinary Committee (DC) or Appeals Committee (AC) shall be empowered to suspend a Member from membership and/or from participation at any level pending the outcome of a criminal investigation but without necessarily convening an oral hearing on the matter.
 - ii. The DC/AC shall be empowered to impose a suspension on a Respondent pending the determination of a Complaint where in the opinion of the Committee the gravity of the Complaint received shall warrant an immediate suspension.
 - iii. Any Interlocutory sanctions imposed must be notified immediately to the Chief Executive and Chair of Pentathlon Ireland.
- b. Sanctions
 - i. The DC/AC have sole jurisdiction to impose sanctions.
 - ii. A sanction may only be imposed by a DC/AC after a documents-only decision and/or an oral hearing.
 - iii. The following sanctions may be imposed by a DC/AC:
 1. Reprimand
 2. Written warning

3. Fine
 4. Suspension from participation at an Event or in a team for a specified duration or number of events
 5. Suspension of membership for a specified time
 6. Overall suspension/ expulsion from Pentathlon Ireland may be recommended to Pentathlon Ireland
 7. Suspension/expulsion from office of a person elected to any committee excluding the Board of Pentathlon Ireland
 8. Restriction from participating or officiating in any role at an event(s). Any such suspension/ expulsion shall only take effect if ratified by the Board of Pentathlon Ireland.
- iv. Mitigating and Aggravating factors
1. A DC/AC shall take into account mitigating and aggravating factors once a decision on culpability is reached but prior to the imposition of a sanction.
 2. The following shall be taken into account:
 - a. Age
 - b. Intellectual Capacity (vulnerable adult/child)
 - c. Cooperation
 - d. Prior warnings and repeat offences
 - e. Apology made and remorse shown
 - f. Gravity of offence
 - g. Effect on other party
 - h. Effect of sanction of Respondent
 - i. Any other factor deemed relevant

4. The Procedures

i. Introduction

The Procedures set out below are intended to provide a step by step guideline as to how a Disciplinary Matter or Appeal shall be commenced, progressed, decided on and appealed. The primary function of the DC/AC is to receive evidence in respect of a Disciplinary Matter or Appeal, to investigate further if required, to decide on culpability and to impose a sanction where warranted. A decision of a Discipline Committee (DC) may be appealed to a Pentathlon Ireland Appeal Committee (AC). An AC decision may be challenged to Sport Dispute Solutions Ireland without recourse to the Courts of Ireland but only after all internal avenues of appeal have been exhausted.

ii. Procedures at each stage

1. Stage 1: Initial Allegation - (Target Time: 14 Days from Receipt)
 - a. The allegation is lodged by the person making the allegation (the Plaintiff) with the CEO or Chair of Pentathlon Ireland detailing the incident, the policy or regulation that is alleged to have been breached and any other relevant factors. The allegation shall be submitted within 14 days of the incident, but the CD/AC may waive this period in exceptional circumstances.
 - b. The allegation shall be acknowledged by email within 7 days of receipt.
 - c. The person receiving the allegation or a person nominated by them carries out an initial assessment to confirm the validity of the allegation.
 - d. Where an allegation is deemed invalid the plaintiff shall be advised of same by e-mail.
 - e. Where an allegation is deemed to be valid, the complaint progresses to Stage 2.
 - f. At all times the CEO or Chair of Pentathlon Ireland shall keep details of the allegation as confidential as possible.

- g. Delays outside of target time shall be notified to the plaintiff.
2. Stage 2 – Disciplinary Committee (Target Time: 28 Days to issue of decision)
- a. The Chair or CEO will constitute a 3 person Disciplinary Committee (DC) to investigate, receive/hear submissions and adjudicate on the allegation.
 - b. The Chair or CEO will appoint a Chair of the DC.
 - c. No member of the DC shall have any conflict of interest.
 - d. The DC shall examine the written allegation and write to the person/committee (Respondent) who is the subject of the allegation including the initial allegation, any correspondence with the plaintiff, this Disciplinary Procedure and details of the composition of the DC.
 - e. The DC shall request a response by email within 5 days of sending the documents detailed in 2.d above.
 - f. Following receipt of the response, the DC shall determine whether the allegation shall be heard orally or by correspondence.
 - g. If oral hearings are planned, the time, date and venue shall be set by the DC, subject to reasonable notice and taking into account any restrictions on a party's ability to attend.
 - h. The nature of the oral hearings including witnesses, shall be determined by the DC in accordance with the nature of the allegation.
 - i. The DC shall issue their findings by e-mail to both parties. Findings shall be concise, factual, clear and written using objective unemotional language.
 - j. Sanctions may be imposed, if warranted, subject to the provisions in these procedures.
 - k. On deciding culpability, but prior to the imposition of a sanction, the DC shall take into account any aggravating/mitigating factors.
 - l. Decisions will be written without identifying the parties by name. A record of the decision shall be maintained securely on the Pentathlon Ireland server for a period of 2 years after which it shall be destroyed, save any further developments.
 - m. The decision of a DC may be appealed within 14 calendar days of delivery to a Pentathlon Ireland DA Committee via the Chief Executive Officer or Chair.
3. Stage 3 – Internal Appeal (Target time: 28 Days from receipt of Appeal to issue of decision)
- a. The Chair or CEO of Pentathlon Ireland will establish an Appeal Committee of 3 persons, none of whom will have served on the Disciplinary Committee.
 - b. In the case of an appeal the AC may investigate further if they so require.
 - c. They may consider and issue a decision on examination of the records from Stage 2.
 - d. The AC may use a documents-only and/or oral hearings as appropriate to the situation.
 - e. The AC shall issue their findings by e-mail to both parties.
 - f. Sanctions may be imposed, if warranted, subject to the provisions in these procedures.
 - g. On deciding culpability, but prior to the imposition of a sanction, the AC shall take into account any aggravating/mitigating factors.

- h. Decisions will be written without identifying the parties by name. A record of the decision shall be maintained securely on the Pentathlon Ireland server for a period of 2 years after which it shall be destroyed, save any further developments.
- i. The decision of an AC may be challenged within 14 calendar days of delivery to Sport Dispute Solutions Ireland