



## Triathlon England Disciplinary Rules

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## TRIATHLON ENGLAND DISCIPLINARY RULES

### 1 INTRODUCTION

1.1 These Disciplinary Rules provide uniform procedures for the resolution of disciplinary issues arising from within the sport disciplines governed by Triathlon England.

Anti-doping violations shall be dealt with under the UK Anti-Doping Rules.

1.2 These Disciplinary Rules apply to and bind:

- each Member of Triathlon England
- Each Respondent who participates in an Event.

Each of the above (a 'Person') will be deemed to have accepted these Disciplinary Rules and agreed to be bound and abide by these Disciplinary Rules and all decisions made under them.

1.3 A non-exhaustive list of events of misconduct with the corresponding recommended (but not required) sanction is provided in Appendix 3.

### 2 INTERPRETATIONS

2.1 In these Disciplinary Rules, the following terms shall have the following meanings:

**Appeal Committee** means a tribunal appointed to perform that role by the Head of the Disciplinary Panel;

**Appeal Fee** means the sum of £200 that must be sent to Triathlon England by a Person who files a Notice of Appeal in accordance with clause 6.4(c) of these Disciplinary Rules;

**Appellant** means the relevant Respondent appealing a decision of a Disciplinary Committee in accordance with clause 6 of these Disciplinary Rules;

**Board** means the Triathlon England Management Board (also referred to as 'TEMB');

**Technical Rules and Competition Rules** mean the Technical and Competition rules of Triathlon England and British Triathlon, as amended from time to time;

**Case File** is defined in Clause 6.6 of these Disciplinary Rules;

**Code of Conduct** means the Code of Conduct of Triathlon England, as amended from time to time;

**Code of Practice for Sport Coaches** is Sports coach UK's Code of Practice for Sports Coaches, as amended from time to time;

**Commission** means a commission of Triathlon England appointed by the Board;

**Disciplinary Committee** means a tribunal appointed to perform that role by the Head of the Disciplinary Panel;

**Disciplinary Complaint** means a complaint brought by the Disciplinary Officer for an act (or alleged act) of Misconduct, in accordance with Clause 4 of these Disciplinary Rules;

**Disciplinary Officer** means the TE Director appointed to act on behalf of TEMB in matters arising under these Disciplinary Rules (or his/her designee);

**Disciplinary Panel** means a number of people with the appropriate skills and experience appointed by TEMB to act as its standing disciplinary panel.

**Equality Policy** means the equality policy issued by Triathlon England, as amended from time to time;

**Event** means a single race, match or competition (or a series of races, matches or competitions) organised, licensed, convened, authorised or recognised by Triathlon England or any of its Members, affiliate organisations or Licensees, wherever held;

**Head of the Disciplinary Panel** means the person appointed by TEMB to act in that role (or his/her designee);

**Respondent** is defined in Clause 4.2 of these Disciplinary Rules;

**Licence** means a licence issued by Triathlon England (of whatever nature, grade or duration);

**Licensee** means any person (whether a Triathlete, coach, agent, Race Official or other) who holds a Licence issued by Triathlon England;

**Member** means member and affiliated clubs of Triathlon England;

**Notice of Appeal** is defined in Clause 6.4(a) of these Disciplinary Rules;

**Safeguarding and Protection Children Policy** means the Policy and Procedures for the Protection of Children and Vulnerable Adults issued by Triathlon England, as amended from time to time;

**Race Official** means an official or other Respondent appointed to officiate at an Event;

**Specified Sanction** means a sanction specified by the Disciplinary Officer and set out in writing in accordance with clause 4.3 of these Disciplinary Rules;

ITU stands for the International Triathlon Union.

### **3 DISCIPLINARY POWERS**

#### **Misconduct**

3.1 For the purposes of these Disciplinary Rules, 'Misconduct' means any conduct that is a breach of the Code of Conduct, Code of Practice, or any other unsporting conduct that has the potential to bring the sport of Triathlon and its related multi-sport disciplines, other Persons, Race Officials or Triathlon England into disrepute.

3.2 While it is not possible to set out a definitive list of types of conduct that may constitute Misconduct, each of the following types of behaviour, without limitation, is an example of Misconduct under these rules (see also the non-exhaustive list in Appendix 3):

- A breach, or multiple breaches of the Triathlon England and British Triathlon Technical Rules which the Disciplinary Officer, in his absolute discretion and for whatever reason, considers sufficiently serious to constitute an act of Misconduct;
- A breach, or multiple breaches of Competition Rules which the Disciplinary Officer, in his absolute discretion and for whatever reason considers sufficiently serious, to constitute an act of Misconduct;
- Serious or repeated disobedience of the reasonable directions of a Race Official;
- Dangerous conduct, whilst racing or competing;
- Verbal or physical abuse of any kind;
- Fixing or contriving in any way or otherwise improperly influencing the result, progress or conduct of any event;

- Placing, accepting or laying a bet in relation to the result, progress or conduct of any event;
- Breaching the terms of any suspension imposed by a Disciplinary or Appeal Committee;
- Carrying out any acts and/or making any statements that are discriminatory by reason of sex, sexual orientation, marital status, race, nationality, ethnic origin, colour, religion, belief or disability and/or acting in contravention of the Equality Policy;
- In respect of any Person in a position of trust or authority (including any coach, doctor, physiotherapist or otherwise) over another Person:
  - abusing that trust or authority in any way; or failing to observe confidentiality and/or acting in a way that gives rise to a conflict of interests;
  - failing to act with respect by, for example, engaging in bullying or conduct that may induce feelings of fear and harassment;
  - Acting in contravention of the Protection of Children and Vulnerable Adults Policy.

### Reporting Misconduct

3.3 Any Person may report any matter that may constitute Misconduct to the Disciplinary Officer. Such reports should be made as soon as reasonably practicable after the issue being reported or has arisen and in particular, a Race Official who has witnessed or received evidence of serious Misconduct should report that conduct immediately.

All such reports shall be submitted by email to the Disciplinary Officer at (info@britishtriathlon.org), marked “discipline”.

The reporting of a matter as set out in Clause 3.3 should not discourage teams, clubs, Persons and/or other Respondents (whether they be relatives or friends of Persons, spectators or otherwise) from reporting matters that may constitute misconduct to the relevant club welfare officer, where appropriate, in addition to reporting such matters to the Disciplinary Officer.

3.4 These Disciplinary Rules are not intended to replace the powers given to Race Officials to penalise breaches of the Technical Regulations committed by Persons at Events. For the avoidance of doubt, a Person may be sanctioned under these Disciplinary Rules for Misconduct that relates to conduct at an Event even if a Race Official has already penalised one or more Persons for that conduct in accordance with the Technical Regulations.

### Investigations

3.5 The Disciplinary Officer shall be entitled to undertake any investigations they consider necessary, and every Person will be obliged to cooperate with those investigations. A failure to cooperate with any investigation may itself constitute Misconduct and will entitle adverse inferences to be drawn from that failure.

## 4 THE DISCIPLINARY COMPLAINT

4.1 When the Disciplinary Officer decides to bring a Disciplinary Complaint, this should be done as soon as reasonably practicable.

4.2 The Disciplinary Officer shall provide a written copy of the Disciplinary Complaint to the Head of the Disciplinary Panel and the Person subject to the Disciplinary Complaint (the ‘Respondent’). A pro forma Disciplinary Complaint is provided in Appendix 1 and should ordinarily contain:

- the name of the Respondent;

- details of the alleged Act of Misconduct;
- information regarding any Specified Sanction proposed; and
- Any further information that the Disciplinary Officer considers appropriate so that the Respondent is fully informed of the case.

#### Specified Sanction

4.3 The Disciplinary Officer may offer a Specified Sanction to the Respondent, giving them an opportunity to:

- admit the Disciplinary Complaint;
- forego their right to a hearing before the Disciplinary Committee and the right to an appeal; and
- Fully accept the terms of a Specified Sanction.

4.4 If the Respondent fails fully to accept the terms of a Specified Sanction within fourteen days of receipt (or no Specified Sanction is offered), the Disciplinary Complaint will proceed to a hearing in accordance with Clause 5 below.

4.5 If the Respondent fully accepts the terms of a Specified Sanction within fourteen days of receipt, no hearing will be held.

### 5 The Disciplinary Panel

The TEMB shall appoint a Disciplinary Panel which will ordinarily include a total of 5 people:

- The Head of the Disciplinary Panel;
- 2 members from the region the complaint is in; (North East, Yorkshire & Humberside, North West, East Midlands, West Midlands, Eastern, Central, South East, South, and South West);
- At least two additional members.

#### 5a DISCIPLINARY COMMITTEE PROCEDURES

##### Pre-hearing

5.1 The following are procedural guidelines for the conduct of proceedings before Disciplinary Committees. The Disciplinary Committee may depart from these guidelines as it sees fit and any such departure will not invalidate any finding or decision of the Disciplinary Committee.

5.2 On receipt of a Disciplinary Complaint, the Head of the Disciplinary Panel shall appoint three members of the Disciplinary Panel to act as the Disciplinary Committee and hear the matter and will designate one of those members to act as chair of that Disciplinary Committee.

5.3 Disciplinary Committees will be entitled to seek specialist advice (including legal advice, medical advice, and advice on Triathlon matters) as they deem appropriate.

5.4 The Head of the Disciplinary Panel shall send a written notice to the Respondent and the Disciplinary Officer, and a copy to the members of the Disciplinary Committee:

- Setting out the identity of the members of the Disciplinary Committee;
- Setting out the date, time and place at which the Disciplinary Complaint will be heard; and
- Informing the Respondent that they are required to attend the hearing in person, and that they are entitled to be represented at the hearing by a legal advisor and/or other representative.

Explanatory note: The Disciplinary Committee hearing should ordinarily be held (but not necessarily) within twenty eight days of the date of the written notice.

5.5 At the time of (or after) sending the written notice referred to in Clause 5.4 above, the Chair of the Disciplinary Committee may send to the parties written directions governing the timetable and conduct of the proceedings.

5.6 Where they are satisfied that the circumstances warrant it, the Head of the Disciplinary Panel may impose an interim suspension on a Respondent pending the hearing of the Disciplinary Committee.

#### Hearing

5.7 All hearings before Disciplinary Committees will be held in private, unless otherwise ordered by the Disciplinary Committee.

5.8 At the beginning of the hearing, the Chair of the Disciplinary Committee will introduce themselves and the other members of the committee, state the purpose of the hearing, and outline the procedure to be followed.

5.9 The absence of the Respondent at any hearing before the Disciplinary Committee will not, in itself, prevent the Disciplinary Committee from proceeding to a decision in the matter, provided that the Disciplinary Committee is satisfied that the Respondent received sufficient notice of the hearing. The Disciplinary Committee will have discretion in such circumstances, where good cause is shown (a) to consider written submissions by or on behalf of such absentee and/or (b) to adjourn the proceedings to a date when the absentee is able to attend.

5.10 The Disciplinary Officer will ordinarily ensure that the relevant evidence is put before the Disciplinary Committee, and they may also make submissions. The Disciplinary Committee may ask questions of any witness; the Respondent may cross examine witnesses only through the Chair of the Disciplinary Committee.

5.11 Once the Disciplinary Officer has put the relevant evidence before the Disciplinary Committee (and made submissions, if appropriate), the Respondent will then be invited to present evidence in defence. The Disciplinary Committee may ask questions of any witness; the Disciplinary Officer may cross-examine witnesses only through the Chair of the Disciplinary Committee.

5.12 The Disciplinary Committee will not be bound to apply formal rules of evidence, but instead will have the discretion to receive and consider such evidence as it thinks fit and to attach such weight to that evidence as it sees fit.

5.13 Witnesses (other than the Respondent) will not ordinarily be admitted to the hearing room before giving evidence.

5.14 In any case in which a witness refuses or fails to attend before the Disciplinary Committee, the Disciplinary Committee may, at its discretion, allow or refuse to allow the evidence of that witness to be given in any other form.

5.15 The Disciplinary Committee will be entitled, when circumstances warrant and it thinks fit, to adjourn or postpone proceedings.

5.16 The Respondent may admit to the Disciplinary Complaint at any time, in which case the Disciplinary Committee should review the relevant evidence that remains unheard and then proceed to hear submissions as to the sanction (if any) to be imposed.

5.17 Once the Disciplinary Committee is satisfied that it has heard all the relevant evidence on the issue of 'liability' or 'guilt', the Respondent and the Disciplinary Officer will be given

the opportunity to make concluding submissions. The Disciplinary Committee will then retire to deliberate in private on the question of 'liability' or 'guilt'. It is for the Disciplinary Officer to prove that the alleged misconduct has taken place.

5.18 The Disciplinary Committee will consider whether it has been proven to their satisfaction that the Respondent committed the alleged act of Misconduct. If the Disciplinary Committee is so satisfied, the Disciplinary Complaint will be upheld.

5.19 A Disciplinary Committee's simple majority vote will be taken as its decision. No member of a Disciplinary Committee may abstain from any decision.

#### Sanction

5.20 The Disciplinary Committee will orally announce its decision to the parties. If the Disciplinary Complaint has been upheld, the parties will be invited to make submissions regarding what sanction, if any, should be imposed and what costs awarded, if any, should be made.

5.21 The Disciplinary Committee will deliberate again in private to determine what, if any, sanctions and costs awards should be made.

5.22 Subject to Clause 5.23, below, if a Disciplinary Complaint is upheld, the Disciplinary Committee will be entitled to impose any one or more of the following sanctions as it deems appropriate, having regard to all of the circumstances of the case (all of which may be suspended):

- Words of advice and/or other appropriate management action;
- A caution, reprimand and/or warning as to future conduct;
- A fine;
- In the case of Misconduct at or in relation to an Event, disqualification from the Event (in which case all benefits obtained in connection with the Event will be forfeited);
- Withdrawal of the Respondent's Membership for a specified period;
- A suspension from competing and/or participating in future Events in accordance with Clause 11.1, below.

5.23 In exercising its sanctioning authority against the Respondent, the Disciplinary Committee will (where applicable) have access to the recommended sanctions set out in Appendix 3.

5.24 In order to determine the appropriate sanction that is to be imposed in each case, the Disciplinary Committee should first determine the seriousness of the conduct, and then consider what factors:

- Aggravate the conduct, namely:
  - The Respondent's lack of remorse;
  - The Respondent having previously been found guilty of similar conduct whether under these Disciplinary Rules or the disciplinary regulations of any other governing body;
  - The need for a deterrent; and/or
  - Any other aggravating factors that the Disciplinary Committee considers relevant and appropriate.
- Mitigate the conduct, namely:
  - Any admission of guilt (the mitigating value of which may depend upon its timing);
  - A previously good disciplinary record;
  - Young age and/or lack of experience;

- Good conduct before and at the hearing;
- Demonstrable remorse for actions and any victim; and/or
- Any other mitigating factors that the Disciplinary Committee considers relevant and appropriate.

5.25 Sanctions will be effective immediately, subject to the Disciplinary Committee's discretion to start the sanction on another date, backdated to take account of any interim suspension imposed under Clause 5.6 or otherwise.

5.26 The Disciplinary Committee will advise the parties of its decision as soon as reasonably practicable and the decision will take effect at that point. The Disciplinary Committee will confirm its decision in a written judgment to be sent to the parties that sets out the reasons for its findings. A pro forma judgment is attached in Appendix 2.

5.27 If no appeal is filed in accordance with Clause 6 below, the decision of the Disciplinary Committee will be final.

#### Costs

5.28 Ordinarily, the Disciplinary Committee will not order one party to pay another's costs. However, the Disciplinary Committee will have the discretion to order the Respondent to pay some or all of the costs of the hearing where the Disciplinary Complaint is upheld (including any travel or accommodation costs incurred by members of the Disciplinary Committee and/or any costs incurred as a result of the Disciplinary Committee obtaining specialist advice in accordance with Clause 5.3, above).

## 6 APPEALS

### Pre-appeal hearing

6.1 The Respondent may appeal against the final, substantive decisions of a Disciplinary Committee solely by an appeal to an Appeal Committee in accordance with Clause 6.

There will be no separate right of appeal from any decisions, directions, orders or determinations made in respect of preliminary or other matters.

6.2 Where a Respondent neither attends the hearing of the Disciplinary Committee in person, nor provides written submissions to the Disciplinary Committee in accordance with Clause 5.11, above, they may not appeal the decision of the Disciplinary Committee unless granted leave to do so by the Board. When considering an application for leave to appeal in such circumstances, the Board will consider all of the circumstances of the case, including the Respondent's explanation as to why they did not attend the hearing and did not provide written submissions.

6.3 There will be no right of appeal if the Respondent admits a Disciplinary Complaint and accepts the imposition of a Specified Sanction under clause 4.3, above.

6.4 For an appeal to be valid, the Respondent making the appeal (the 'Appellant') must comply with the following conditions:

- The Appellant must file a notice of appeal (the 'Notice of Appeal'), complying with these clauses, with the Head of the Disciplinary Panel within fourteen days of receiving the written judgment in respect of the decision appealed against.
- The Notice of Appeal must be signed by or on behalf of the Appellant and must specify:
  - The date of the decision appealed against;
  - The date and time that the Appellant received the written judgment;
  - The specific aspect of the decision being challenged on appeal (for example, whether the appeal relates to the finding of 'liability'/'guilt', or to the severity of the sanction, or both); and
  - The specific



grounds of such challenge; and □ The Appellant must send an Appeal Fee to Triathlon England so that it arrives before the deadline set out above. Triathlon England has the right to waive the Appeal Fee (or reduce the amount of the Appeal Fee).

6.5 If the conditions set out in Clause 6.4 are not complied with, the appeal is invalid and will be dismissed by the Head of the Disciplinary Panel unless the Appellant demonstrates sufficient reason to persuade the Head of the Disciplinary Panel to exercise his discretion to allow the appeal to proceed. If the appeal is dismissed in accordance with this clause, the decision being challenged will be deemed to be final and binding.

6.6 Following the filing of a Notice of Appeal, the Disciplinary Officer will, as soon as reasonably practicable, provide the Head of the Disciplinary Panel and the Respondent with a copy of all evidence that was put before the Disciplinary Committee, as well as the written judgment it issued in accordance with Clause 5.26, above (the 'Case File').

6.7 If an appeal is validly made or is otherwise allowed to proceed pursuant to Clause 6.5 above:

- Any fine, compensation or costs award made by the Disciplinary Committee will be postponed pending the outcome of the appeal hearing; and □ Any other sanction imposed by the Disciplinary Committee, including disqualification, and the withdrawal of Membership or suspension, will remain in place and have effect pending the outcome of the appeal hearing unless the Head of the Disciplinary Panel exceptionally determines that the sanction be lifted pending the outcome of the appeal.

6.8 The following provisions of this Clause 6 set out procedural guidelines for the conduct of appeals before Appeal Committees. In each case, the Appeal Committee may depart from these guidelines as it sees fit in the circumstances of the case.

6.9 On receipt of a valid Notice of Appeal or where the appeal is otherwise allowed to proceed pursuant to Clause 6.5 above, the Head of the Disciplinary Panel will appoint three members of the Disciplinary Panel to sit as an Appeal Committee to hear the appeal and will designate one of those members to act as chair of that Appeal Committee and will send copies of the Notice of Appeal and the Case File to these members and to all of the parties involved in the proceedings before the Disciplinary Committee.

6.10 No member of the Disciplinary Panel who sat on the Disciplinary Committee that issued the decision on appeal may sit on the Appeal Committee.

6.11 No person on the Appeal Committee may have a close interest in the appeal under consideration.

6.12 If one or more members of an Appeal Committee are unable or unwilling, for whatever reason, to hear the matter referred, the Head of the Disciplinary Panel may, at their absolute discretion:

- Appoint another member of the Disciplinary Panel as a replacement; or □ Appoint a new Appeal Committee.

6.13 Appeal Committees will be entitled to seek specialist advice (including advice on legal, medical, and Triathlon matters) as they deem appropriate.

6.14 Following the appointment of an Appeal Committee in accordance with Clause 6.9, the Head of the Disciplinary Panel will send written notice to the parties involved in the proceedings before the Disciplinary Committee informing them:

- Of the identity of the appointed members of the Appeal Committee;

- Of the date, time and place the Appeal Committee will hear the appeal; and
- That they are required to attend the hearing in person and are entitled to be represented at the hearing by a legal adviser and/or other representative.

Explanatory note: The Appeal Committee hearing should ordinarily be held (but does not need to be so held) within 28 days of receipt of the notice of appeal.

6.15 At the time of (or after) sending the written notice referred to in Clause 6.14, the Chair of the Appeal Committee may send the parties written directions governing the conduct of the proceedings.

6.16 Whether or not directions have been made, the Chair of the Appeal Committee may require any party, before the hearing, to identify its position and arguments in the appeal and/or to respond to the other party's position and arguments. In addition, where practicable, written submissions and evidence will be provided to the Appeal Committee and exchanged by the parties before the hearing.

6.17 If the Appellant appeals against the sanction alone, they may request that the Appeal Committee review the sanction without the need for a personal hearing. If the Chair of the Appeal Committee agrees that a personal hearing is not necessary, then the Appellant and any other party to proceedings below shall be entitled to make representations in writing to the Appeal Committee.

#### Appeal hearing

6.18 All hearings before Appeal Committees will be held in private, unless otherwise ordered by the Appeal Committee.

6.19 The Appeal Committee will be entitled to conduct and regulate the appeal proceedings as it sees fit in the circumstances of the case, and will determine the basis on which the appeal will proceed.

6.20 At the hearing, the Appellant may not, without the express consent of the Appeal Committee, advance any ground of challenge that was not specified in the Notice of Appeal.

6.21 The Appeal Committee may consider evidence not offered in the Disciplinary Committee proceedings, provided that the party offering the evidence shows that it was not available on reasonable enquiry at the time of those proceedings.

6.22 The Appeal Committee will be entitled, where the circumstances warrant to:

□ adjourn or postpone proceedings as it thinks fit; and/or □ Issue directions before the hearing as to who should attend the hearing on behalf of the parties.

6.23 Except where otherwise directed by the Appeal Committee, all parties who attended the proceedings before the Disciplinary Committee should attend the hearing before the Appeal Committee. The absence of a party at any hearing before an Appeal Committee will not prevent the Appeal Committee from proceeding to a decision. The Appeal Committee will have discretion whether to receive written submissions by or on behalf of such an absentee.

6.24 The parties will have the right to make submissions to the Appeal Committee as to the procedures that it should follow in hearing the appeal. Subject to that, and to the Appeal Committee's ability to determine its own procedures, the following guidelines will apply:

- The Chair of the Appeal Committee will introduce themselves and the other members of the Appeal Committee to the parties and will ordinarily then read out the Notice of Appeal, or a summary of it, before explaining the procedure to be followed;

- The Appellant will be invited to make submissions and (where appropriate) call witnesses, who may be subject to cross-examination through the Chair of the Appeal Committee;
- The other party or parties to the appeal will be invited to make submissions and (where appropriate) call witnesses, who may be subject to cross-examination through the Chair of the Appeal Committee;
- The parties will each be entitled to make concluding submissions; and
- The Appeal Committee will retire to deliberate in private.

6.25 In any case in which a witness refuses or fails to attend before the Appeal Committee, the Appeal Committee may, at its discretion, allow or refuse to allow the evidence of that witness to be given in any other form.

6.26 A decision of an Appeal Committee will be made by a simple majority of the members of the Committee. No member of an Appeal Committee may abstain from any decision.

6.27 The Appeal Committee may:

- Affirm the decision appealed against;
- Set aside the decision appealed against and quash any sanction imposed;
- Set aside only part of the decision appealed against;
- Substitute for the findings of the Disciplinary Committee below its own decision on 'liability' or 'guilt' (e.g., finding a party culpable of a lesser or greater offence) and/or substitute for the sanction imposed its own sanction; and/or
- Take any other steps that it considers necessary to deal justly with the appeal.

Explanatory note: The Appeal Committee may impose a greater sanction than that which was imposed by the Disciplinary Committee.

6.28 The Appeal Committee will advise the parties of its decision as soon as reasonably practicable and the decision will take effect at that point. The Appeal Committee will confirm its decision to the parties in a written judgment that sets out the reason for the decision.

6.29 The decision of the Appeal Committee will be final and binding.

Appeal costs

6.30 Ordinarily, the Disciplinary Committee will not order one party to pay another party's costs. However, the Appeal Committee will have the discretion to order the Appellant to pay some or all of the costs of holding the hearing (including any travel or accommodation costs incurred by members of the Appeal Committee and/or any costs incurred as a result of the Appeal Committee obtaining specialist advice in accordance with Clause 6.13).

## 7 NOTICES

7.1 All communications required to be made under these Disciplinary Rules must be in English and must be sent by email, facsimile or first class registered post, in accordance with Clauses 7.2 and 7.3.

7.2 All communications required to be made to the Head of the Disciplinary Panel or the Disciplinary Officer shall be deemed served if received by email to [markbarfield@triathlonengland.org](mailto:markbarfield@triathlonengland.org)

7.3 All communications required to be made to a Person shall be deemed served when transmitted to that Person by fax or by email. If neither the fax number nor email address of the Person is known, notice to that Person shall be by first class registered post to the

Person's last known address. In that case, the communication will be deemed served after three working days from the date of posting.

## **8 PUBLICITY**

8.1 When a Disciplinary or Appeal Committee imposes a suspension on a Respondent, Triathlon England will notify the British Triathlon Federation and the ETU/ITU of details of that suspension as soon as reasonably practicable after such a suspension is imposed.

8.2 Triathlon England will, at the absolute discretion of the Disciplinary Officer, publish the decisions of all Disciplinary or Appeal Committees and/or details of any sanctions imposed, unless there are exceptional circumstances whereby it is considered inappropriate to publish.

8.3 Subject to Clause 8.1, until a decision and/or details of any sanctions imposed are published, all parties and participants in the proceedings must treat such proceedings as confidential.

## **9 MULTIPLE INCIDENTS**

9.1 Two or more parties may be dealt with at the same hearing where the proceedings arise out of the same incident or set of facts, or where there is a clear link between separate incidents. In such a situation, the Disciplinary or Appeal Committee will modify the procedures adopted at the hearing as appropriate.

## **10 TERMS OF SUSPENSION**

10.1 Where a suspension is imposed on the Respondent, the Disciplinary or Appeal Committee will specify the precise terms and duration of the suspension.

10.2 Where a Respondent subject to a suspension imposed by a Disciplinary or Appeal Committee, breaches the terms of such suspension, this may constitute a separate act of Misconduct.

10.3 Triathlon England will, wherever possible, recognise and enforce suspensions imposed by other competent sporting disciplinary bodies. Such sporting disciplinary bodies will include, for example:

- triathlonscotland;
- Welsh Triathlon;
- British Triathlon; and
- Any national Triathlon federation affiliated to the ETU/ITU.

10.4 If a Disciplinary Complaint against a team, club or other entity affiliated to Triathlon England is upheld, the Disciplinary or Appeal Committee will be permitted to impose any sanction (or any combination of sanctions) that it deems appropriate and fit.

## **11 FINANCIAL LIABILITIES TO TRIATHLON ENGLAND**

11.1 A Person who fails to pay a fine and/or discharge a costs or compensation award imposed by a Disciplinary or Appeal Committee within twenty eight days of the final decision may be suspended from future Events by the Disciplinary Officer until such sums are paid in full without the need for any further hearing.

11.2 All financial liabilities payable under these Disciplinary Rules shall be sent to Triathlon England Headquarters.

## **12 MISCELLANEOUS**

12.1 Any deviation from any of these Disciplinary Rules and/or any irregularity, omission, technicality or other defect in the procedures will not invalidate any finding, procedure or decision unless it is shown to render the proceedings unreliable.

12.3 The Disciplinary Rules may be amended by the Board from time to time, with such amendments coming into effect on the date specified by Triathlon England.

12.4 It is acknowledged that, by virtue of their participation in events organised, licensed, convened, authorised or recognised by the ITU, certain Persons may also be subject to separate disciplinary rules of the ITU. In cases where there have been offences under these Disciplinary Rules and under the disciplinary rules of the ITU, Triathlon England will nevertheless be fully entitled to proceed under these rules.

## Appendix 1

### Pro forma Disciplinary Complaint

Name of Respondent:

Club:

Event:

Venue:

Date of incident:

Details of incident and why the conduct constitutes Misconduct:

Terms of Specified Sanction (if applicable):

Further information:

Name of Disciplinary Officer:

Date:

Signature of Disciplinary Officer:

Notes to Disciplinary Officer:

*Reference to the specific provision of Clause 3.2 should be made (where appropriate)*

*Any documentary evidence (witness evidence, race report etc.) should be attached to the Disciplinary Complaint*

## Appendix 2

### Pro forma Judgment

Name of Respondent:

Club:

Event:

Venue:

Date of incident:

Disciplinary Committee: (Names of members making up the Disciplinary Committee, i.e. Chair, followed by members)

In attendance: (List of those who attend the hearing, i.e. Disciplinary Officer, witnesses, etc.)

To consider:

The Disciplinary Committee has considered:

Example:

- 1 Report and oral evidence from the race official.
- 2 Oral evidence and written statement from the Respondent (name).
- 3 Written witness statements from (names).

### DECISION

The Disciplinary Committee finds the Respondent guilty/not guilty. The reasons for their decision are...

The Disciplinary Committee took into account the following points...

## SANCTION

The Respondent is... (describe the precise terms of sanction i.e. fine, length of suspension.)

## COSTS

The Disciplinary Committee makes an award of costs against...

## RIGHT OF APPEAL

The right of, and procedure on, appeal is set out in Clause 6 of the Disciplinary Rules.

(Signature) Date:

Chair of the Disciplinary Committee



### Appendix 3

	Act of Misconduct	Recommended sanction based on scale of seriousness
1	Serious or multiple breaches of the Technical Regulations not dealt with in these recommended sanctions	Caution, reprimand, warning as to future conduct.  Suspension of Membership and/or from participation in Events for a specified period within the range of 3 to 12 months. Monetary fine payable within 28 days. Forfeiture of competition prizes.
2	Serious or multiple breaches of the race officials', parents' or coaches' Code of Conduct	Caution, reprimand, warning as to future conduct. Suspension of Membership and/or from participation in Events for a specified period within the range of 3 to 12 months.  Monetary fine payable within 28 days.
3	Serious or multiple breaches of the Technical or Competition rules	Caution, reprimand, warning as to future conduct. Suspension of Membership and/or from participation in Events for a specified period within the range of 3 to 12 months.  Monetary fine payable within 28 days.
4	Serious or multiple disobedience of the reasonable directions of a Race Official	Minimum sanction:  - £25 fine; and/or - 3-month suspension of Membership and/or from participation in Events.  Maximum sanction: - £250 fine; and/or - 1-year suspension of Membership and/or from participation in Events.
5	Dangerous conduct and/or compromising the safety of another Person	Minimum sanction:  - £25 fine; and/or - 3-month suspension of Membership and/or from participation in Events.  Maximum sanction: - £250 fine; and/or - 1-year suspension of Membership and/or from participation in Events.
6	Verbal abuse of Race Officials Minimum sanction:	Minimum sanction:  - £25 fine; and/or - 3-month suspension of Membership and/or from participation in Events.  Maximum sanction:

		<ul style="list-style-type: none"> <li>- £250 fine; and/or</li> <li>- 1-year suspension of Membership and/or from participation in Events.</li> </ul>
7	Physical abuse of Race Officials Minimum sanction:	<p>Officials Minimum sanction:</p> <ul style="list-style-type: none"> <li>- £250 fine; and/or</li> <li>- 6-month suspension of Membership and/or from participation in Events.</li> </ul> <p>Maximum sanction:</p> <ul style="list-style-type: none"> <li>- Unlimited fine; and/or</li> <li>- Lifetime suspension of Membership and/or from participation in Events.</li> </ul>
8	Serious use of offensive or foul language:	<p>Minimum sanction:</p> <ul style="list-style-type: none"> <li>- £25 fine; and/or</li> <li>- 1-month suspension of Membership and/or from participation in Events.</li> </ul> <p>Maximum sanction:</p> <ul style="list-style-type: none"> <li>- £250 fine and/or;</li> <li>- 1-year suspension of Membership and/or from participation in Events.</li> </ul>
9	Unsporting conduct:	<p>Minimum sanction:</p> <ul style="list-style-type: none"> <li>- £25 fine and/or:</li> <li>- 1-month suspension of Membership and/or from participation in Events.</li> </ul> <p>Maximum sanction:</p> <ul style="list-style-type: none"> <li>- £250 fine and/or;</li> <li>- 1-year suspension of Membership and/or from participation in Events.</li> </ul>
10	Physical abuse of another competitor	<p>Minimum sanction:</p> <ul style="list-style-type: none"> <li>- £50 fine and/or:</li> <li>- 3-month suspension of Membership and/or from participation in Events.</li> </ul> <p>Maximum sanction:</p> <ul style="list-style-type: none"> <li>- Unlimited fine and/or;</li> <li>- Lifetime suspension of Membership and/or from participation in Events.</li> </ul>
11	Failure to provide reasonable assistance in connection with a Disciplinary Complaint	Sanctions will vary and it is not appropriate to establish a scale. Sanctions shall be imposed at the absolute discretion of the Disciplinary Committee / Appeal Committee.
12	Breaching the terms of any	Minimum sanction:

	suspension imposed by Triathlon England	<ul style="list-style-type: none"> <li>- 3-month suspension in addition to original suspension (to be imposed consecutively).</li> </ul> <p>Maximum sanction:</p> <ul style="list-style-type: none"> <li>- One-year suspension in addition to original suspension (to be imposed consecutively).</li> </ul>
13	Acting in contravention of the Equality Policy	Sanctions will vary and it is not appropriate to establish a scale. Sanctions shall be imposed at the absolute discretion of the Disciplinary Committee / Appeal Committee.
14	Misconduct relating to the abuse of a position of trust or authority	Sanctions will vary and it is not appropriate to establish a scale. Sanctions shall be imposed at the absolute discretion of the Disciplinary Committee / Appeal Committee

**BRITISH TRIATHLON**  
**CODE OF CONDUCT FOR PARENTS**

Introduction

British Triathlon is committed to maintaining the highest possible standards of behaviour and conduct at all Triathlon, Duathlon and related multi-sport events.

The British Triathlon 'Code of Conduct for Parents' summarizes the essence of ethical conduct and practice within Triathlon. This applies not only to parents, but also to guardians, carers, families and spectators.

All individuals have a responsibility to act with integrity, in accordance with the standards set by British Triathlon. Any discriminatory, offensive or violent behaviour is unacceptable and complaints will be acted upon under the procedures of our Safeguarding and Protecting Children Policy.

Code of Conduct

- Respect the rights, dignity and worth of every person, within the context of the sport.
- Treat everyone equally and sensitively, without discrimination on the grounds of age, gender, ethnic origin, religion, sexual orientation or disability.
- Encourage children to learn the British Triathlon rules and compete within them.
- Publicly accept officials' judgements and abide by their instructions, providing they do not contradict the spirit of this code.
- Teach children to respect the event officials.
- Help children to recognise good performance, not just results to avoid undue disappointment.
- Never punish or belittle children for losing or making mistakes.
- Support children's involvement and help them to enjoy their sport.
- Remember that the aim of the Sport is for the children to have fun, improve and feel good.
- Set a good example by applauding all good performance, whether by your child or by another.
- Use correct and proper language at all times.
- Remember that young people learn best by example.
- Recognise the value and importance of volunteers, coaches, race officials and event organisers - it is their time and dedication that keeps the sport alive.
- Young people are involved in organised sport for enjoyment - not yours, so do not force a child to take part.

Signed \_\_\_\_\_

Date \_\_\_\_\_

## Appendix 4 B

### Junior athlete code of conduct

#### Introduction

British Triathlon is committed to maintaining the highest possible standards of behaviour and conduct at all Triathlon, Duathlon and related multi-sport events.

The British Triathlon 'Code of Conduct for Juniors' summarises the essence of ethical conduct and practice within Triathlon.

All individuals have a responsibility to act with integrity, in accordance with the standards set by British Triathlon; any discriminatory, offensive and violent behaviour is unacceptable and complaints will be acted upon under the procedures of our Safeguarding and Protecting Children Policy.

All members must:

- Play within the rules and respect race officials and their decisions.
- Respect opponents.
- Keep to agreed timings for training and competitions or inform their coach or team manager if they are going to be late.
- Wear suitable kit - for training and events, as agreed with the coach/team manager.
- Pay any fees for training or events promptly. Junior members are not allowed to:
  - Smoke
  - Consume alcohol or drugs of any kind.

Signed \_\_\_\_\_

Date \_\_\_\_\_

## BRITISH TRIATHLON

### CODE OF CONDUCT FOR CLUB OFFICIALS AND VOLUNTEERS

#### Officials and Volunteers

- Must treat everyone equally and sensitively regardless of their age, gender, ethnic origin, cultural background, sexual orientation, religion or political affiliation.
- Accept the special role that you have to play in the establishment of standards by setting a good example of behaviour and conduct at all times.
- Refrain from manipulating the rules in order to benefit yourself personally or your club and from attempting to influence the result of a competition by any actions that are not strictly within the rules of the sport.
- Encourage participants and instructors/coaches to abide by the rules and spirit of the sport.
- Refrain from using foul, sexist or racist language.
- Use your official position to take action against spectators who harass abuse or use foul, sexist or racist language towards participants, officials, instructors/coaches.
- Ensure that proper supervision is provided with suitably qualified instructors/coaches and officials who are capable of promoting good sporting behaviour and technical skills.
- Ensure all equipment and facilities meet safety standards.
- Respect the rights of other clubs.
- Show respect to officials, instructors/coaches, participants and others involved in the sport.
- Downplay the importance of winning; remember sport is enjoyed for its own sake.
- Have regard to the best interest of the sport, including where publicly expressing an opinion on the competition or any particular aspect of it, including others involved in the competition.
- Resist illegal or unsporting influences, including banned substances and techniques.
- Promote ethical principles.
- Accept the decisions of the officials without protest.
- Avoid using words or actions which may mislead an official.

All such individuals have a responsibility to act with integrity, in accordance with the standards set by British Triathlon. Any discriminatory, offensive and violent behaviour is unacceptable and complaints will be acted upon under the procedures of our Safeguarding and Protecting Children Policy.

Signed \_\_\_\_\_

Date \_\_\_\_\_

## **Appendix 4 D**

### **Coaches Code of ethics and conduct**

<http://www.triathlonengland.org/get-involved/coaching/code-of-ethics-and-conduct>

## **Appendix 5**

### **Technical and Competition Rules**

[http://www.triathlonengland.org/britain/documents/about/rulebook\\_2012.pdf](http://www.triathlonengland.org/britain/documents/about/rulebook_2012.pdf)

## **Appendix 6**

### **Parental Guidelines**