

# Hearing Procedures Guide - CDC

Club Support Guide



## Introduction

The purpose of this guide is to help you to understand the procedures that you will follow at your hearing.

If there is anything that is not clear to you, contact your club support officer who will provide guidance as required.

This guide does not supersede or replace any provisions in the Swim Ireland Complaints and Disciplinary Rules and Procedures document (“the Rules”).

CDC members should familiarise themselves with the Rules in advance of any hearing and to bring a copy of the Rules, or relevant provisions therein, with them to hearings if they wish to refer to or rely on them at the hearing.

## Before the Hearing

- Ensure you arrive with adequate time before the hearing to set up the room and check that there are appropriate spaces for both parties on arrival.
- The Chair of the CDC should meet with both parties before the hearing starts, to explain the procedures that will be followed and running order of the hearing.
- When an under 18 is involved the CCO must be present and should also meet with both parties prior to the hearing to discuss their role and how the hearing will be conducted for the under 18’s.
- When an under 18 is involved it is appropriate to call on them as witnesses, so they do not need to be present for the whole hearing. An appropriate representative will present the case for the U18.
- Parties should make sure that they give all evidence (documentation, correspondence, statements, etc.) to the Committee at least 5 days before the hearing or at the earliest possible date after that. All submissions of evidence relevant to the complaint/appeal will be copied over to the other party.
- The CDC should review all paperwork and discuss how the hearing will be conducted to ensure all members are clear on procedures.

## During the Hearing

- The hearing will be conducted by you the Complaints and Disciplinary Committee (the Committee). There will generally be three people on the Committee one of whom shall be in charge and will chair the proceedings. All three people are members of the Committee.
- Hearings will not be very formal. Complainants and Respondents may be accompanied at the Oral Hearing if one is convened, by either a Member of Swim Ireland or a close family Member or someone in loco parentis such as an unrelated guardian or custodian. Legal representatives shall not be permitted.
- At the start the chairperson will explain how the hearing will run and will at any time answer any questions you may have on the procedures. The Chairperson should ensure a safe environment is provided for all parties and that both parties adhere to the procedures and behaviours that should be displayed within a hearing.

At the hearing you should ensure all parties are given the chance to:

- speak
- to have someone speak on their behalf (if in compliance with the Rules)
- give evidence and have witnesses give evidence on their behalf
- cross-examine/question witnesses (normally through the Chairperson) about what they have said at the hearing
- cross-examine/question any witness (normally through the Chairperson) about any Report/ Document they have produced in connection to this case.

## During the Hearing (continued)

- At the hearing, usually the party who made the complaint (the Complainant) will be asked to speak first.
- The other party (the Respondent) may cross-examine/question all those giving evidence on behalf of the Complainant, including the Complainant him/herself (through the Chairperson).
- When the Complainant has finished his/her evidence, the Respondent will then be asked to present his/her evidence or case and the Complainant may cross-examine/question all those giving evidence on behalf of the Respondent, including the Respondent him/herself (through the Chairperson).

It is in breach of the Rules for any party or witness to:

- refuse to answer any question put to them by the Committee.
- knowingly provide materially false or misleading statements or information to the Committee

It is important the CDC (Chairperson) ensure that only documents presented and only matters that relate to the case are discussed. Any matters not relating to the matter at hand should be disregarded.

The Committee will only consider documentary evidence submitted on the day in certain circumstances and only if necessary in the interests of justice. If this is the case an adjournment should take place to provide suitable time for both parties to consider any new evidence.

In the case of a Complaint, in the event of the non-attendance, without reasonable cause (considered by the Committee to be justifiable reason for non-attendance) of a Complainant at a Hearing, the Complaint against the Respondent shall be taken no further. In the event of non-attendance, without reasonable cause, of a Respondent at a Hearing, the Committee will be entitled to base its decision on the information and evidence it has received.

On finishing the hearing, the Committee will not give an immediate decision but will notify the parties of its decision in accordance with the specified time limit for doing so.

## After the Hearing

- The CDC will consider all evidence and must make a majority or unanimous decision.
- Notify complainant and respondent in writing within 7 days (CDC may extend in exceptional circumstances).
- Use Swim Ireland decision template and notify parties of right to appeal.
- Follow up with club committee of decision and sanctions imposed.
- The hearing shall remain confidential and not disclosed to any third parties. Anyone who does not adhere to this confidentiality will be deemed to have breached the Rules.
- All decisions of the CDC will be submitted to Swim Ireland in accordance with the Rules.
- The decision of the Committee may be challenged to Swim Ireland in accordance with Part B, Section 9 of the Procedures.

