

Hearing Procedures Guide - Complainant & Respondent

Club Support Guide

The purpose of this guide is to help you understand the procedures that will be followed at your hearing. If there is anything that is not clear to you contact your Complaints and Disciplinary Committee (the Committee) for guidance.

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

Parties are strongly advised to 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.

The hearing will be conducted by 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. During the proceedings you must follow directions as the chairperson asks you.

Hearings will not be very formal. You may, if you like, 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.

At a hearing you will be entitled and will be given the chance to:

- speak
- to have someone speak on your behalf (if in compliance with the Rules)
- give evidence and have witnesses give evidence on your 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.

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



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.

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.

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.

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.

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. Parties should take care in submitting their evidence in respect of sensitive information and ensure any such information is sufficiently obscured.

The Committee will only consider documentary evidence submitted on the day in certain circumstances and only if necessary in the interests of justice.

