



SECTION 300 CODE OF DISCIPLINE

301. JURISDICTION AND APPLICATION

301.1 These Rules apply to:

All Participants who are members of the ISAI or of a provincial branch, club, member, affiliate organisation, team, association, league or licensee of the ISAI; and

301.2 All Participants who take part in an event, competition, match, league, series or tournament authorised or recognised by ISAI or by a provincial branch, club, member, affiliate organisation, team, association, league or licensee of the ISAI.

301.3 Each Participant, by such membership or participation shall be deemed to have agreed:

- (i) To be bound by and to comply strictly with these Rules;
- (ii) To submit to the Authority of the ISAI, the Hearing Board, Just Sport Ireland and the Court of Arbitration for Sport, as applicable, to apply, police and enforce these Rules;
- (iii) To provide requested assistance to the ISAI, the Hearing Board, Just Sport Ireland and the Court of Arbitration for Sport, as applicable, in the application, policing and enforcement of these Rules including without limitation co-operating fully with any investigation or proceedings being conducted pursuant to these Rules in relation to any apparent breach of these Rules;
- (iv) To submit to the exclusive jurisdiction of the Hearing Board, Just Sport Ireland and the Court of Arbitration for Sport, as applicable, to hear and determine alleged breaches of these Rules and related issues and appeals arising under these Rules;
and
- (v) Further to Rule 309.4 not to bring any proceedings in any court or other form that are inconsistent with the foregoing submission to the jurisdiction of the Hearing Board, Just Sport Ireland and the Court of Arbitration for Sport.

301.4 All anti-doping matters, employment issues and conduct to which the Code of Ethics and Good Practice for Children's Sport are specifically excluded from the disciplinary process provided for in these Rules.

301.5 Each of the acts or omissions described in the ISAI's Rules and Regulations shall constitute a breach of these Rules – see **Appendix 1 for list of Potential Offences**.

The following Non Immediate Sanctions may be directed or imposed by the Hearing Board:

- (a) Apology
- (b) Reprimand
- (c) Written warning
- (d) Fine
- (e) Suspension from participation in an Event or in a team for a specified duration or number of Events
- (f) Suspension from Membership/ Affiliation
- (g) Expulsion from Membership/ Affiliation
- (h) Suspension/expulsion from office of a person elected on the ISAI Board of Management
- (i) Cancellation of results of a competition
- (j) Obligation to restore the financial benefits and prizes received



- (k) Restriction from attending Events
- (l) Other sanction

301.6 Every event is under the control of the presiding officer who shall have primary reporting authority to the Disciplinary Officer in respect of apparent disciplinary breaches under the ISAI's Rules and Regulations.

301.7 The presiding officer should submit a report to the Disciplinary Officer in respect of apparent disciplinary breaches under the ISAI's Rules and Regulations within two (2) weeks of the event, competition, match, league, series or tournament authorised or recognised by ISAI, but the failure by the presiding officer to so submit his or her report within the aforementioned timeframe shall not in any way invalidate any of the contents or aspects of the report and any disciplinary proceedings arising therefrom.

301.8 Prior to imposing an Immediate Sanction the presiding officer may where appropriate issue the following warnings to a Participant at an Event: -

- (a) First verbal warning
- (b) Second verbal warning
- (c) Written Warning

301.8 The following Immediate Sanctions may where appropriate be imposed by the presiding officer on a Participant at an Event: -

- (a) Suspension from the Event
- (b) Expulsion from the Event

301.9 Interlocutory Sanctions:

On confirmation that a Participant is under criminal investigation for an indictable criminal offence, which if proven, is likely to bring the Club, Region or the ISAI into disrepute, then the Hearing Board shall be empowered to suspend a Participant from membership and/or from future participation in a Club, Region or national Event and/or from attending a Club, Region or national building pending the outcome of a criminal investigation but without necessarily convening an oral hearing on the matter.

A Hearing Board shall be empowered to impose a suspension on a Participant pending the determination of a Complaint where in the opinion of the Hearing Board the gravity of the Complaint received shall warrant immediate suspension.

301.10 Non Immediate Sanctions:

The Hearing Board has sole jurisdiction to impose a Non Immediate Sanction save where a fast track committee is convened under Clause 305.11 of the Rules.

Non Immediate Sanctions may only be imposed by the Hearing Board following a decision on foot of a hearing.

302. DISCIPLINARY OFFICER

302.1 The Board shall appoint a Disciplinary Officer to exercise all powers necessary for, and incidental to, the exercise of the functions of the Disciplinary Officer provided for in these Rules.

302.2 The Disciplinary Officer selected by the Board shall have the following functions:



- (i) to investigate an apparent breach of the ISAI's Rules and Regulations howsoever arising, including from an official's report, an allegation or otherwise;
- (ii) to determine whether a breach of a Rule or Regulation should be alleged against a particular Participant;
- (iii) to notify the Participant and the Chair of the Disciplinary Panel after the investigation provided for in
 - a. and the determination provided for in
 - b. above where the Disciplinary Officer determines that a breach of the ISAI's Rules and Regulations shall be alleged against the Participant;and
- (iv) to present the case before the Hearing Board regarding such breach of the ISAI's Rules and Regulations.

302.3 Where the Disciplinary Officer has any actual, perceived or potential conflict of interest, he or she shall stand aside from investigating the apparent breach and the President shall appoint another Disciplinary Officer in respect of that particular matter who shall also have no actual, perceived or potential conflict of interest to investigate that particular matter, determine whether a breach should be alleged against the Participant concerned and if so, present the case against the Participant before the Hearing Board.

302.4 Where the President is of the opinion that the Disciplinary Officer has an actual, perceived or potential conflict of interest and the Disciplinary Officer has not stood aside from investigation of the apparent breach, the President shall be entitled to remove the Disciplinary Officer from the investigation and appoint another Disciplinary Officer to investigate that particular matter, determine whether a breach should be alleged against the Participant concerned and if so, present the case against the Participant before the Hearing Board.

303. DISCIPLINARY PANEL AND HEARING BOARD

303.1 A Disciplinary Panel shall be established by the Board, consisting of five (5) persons who need not be members of the ISAI and from which the Hearing Board shall be selected. Each member of the Disciplinary Panel shall serve on an as required basis.

303.2 The Board shall appoint a Chair of the Disciplinary Panel. The Chair of the Disciplinary Panel shall have the following functions:

- (i) to select a Hearing Board to hear each case referred to the Disciplinary Panel, selecting a one-person Hearing Board if he or she thinks it is appropriate in the circumstances, otherwise selecting a three-person Hearing Board with one person designated as chair of the Hearing Board.

303.3 The Hearing Board has the power to hear and determine all cases relating alleged breaches of the ISAI's Rules and Regulations including conduct alleged to be detrimental to the interests of the sport or which allegedly brings the sport into disrepute whether on or off ice, or any other matter referred to it from time to time by the Disciplinary Officer. In particular, the Hearing Board has the power to determine any sanction to be imposed pursuant to these Rules and the power to award costs.

303.4 A Hearing Board shall have all powers necessary for and incidental to the exercise of its functions.



303.5 Each member appointed to a Hearing Board shall ensure that he or she remains impartial and independent and has had no prior involvement with the dispute at hand save for the Chair or a member of the Disciplinary Panel who may have heard an appeal on a decision to impose a provisional suspension.

303.6 A challenge may be made to the presence of a particular member of the Hearing Board only if there is a legitimate doubt as to his or her impartiality. Such a challenge must be made within seven (7) days of notification of the identity of the members of the Hearing Board, unless circumstances arise at a later time which create a legitimate doubt as to his or her impartiality.

303.7 Each member of a Hearing Board, upon appointment to the Hearing Board, shall disclose to the Chair of the Disciplinary Panel any circumstances likely to affect his or her independence or impartiality with respect to any of the parties to the case. If at any stage during the disciplinary process, the Chair of the Disciplinary Panel is of the opinion that a Hearing Board member has an actual, perceived or potential conflict of interest and the member has not stood down from the Hearing Board, the Chair of the Disciplinary Panel shall be entitled to remove that person from the Hearing Board and appoint another member of the Disciplinary Panel to the Hearing Board in his or her place.

304. ALLEGED BREACH, INVESTIGATION AND NOTIFICATION

304.1 When a matter arises that may constitute a breach of the ISAI's Rules and Regulations, the Disciplinary Officer shall decide whether or not to allege a breach of these Rules and Regulations against a Participant. In making this determination the Disciplinary Officer may consider any evidence he or she deems relevant and shall have the right to make enquiries of any individuals and seek any information or documents in relation to the matter. For the avoidance of doubt, where necessary, the Disciplinary Officer shall be entitled to consult with the official to clarify any issues arising in relation to his or her report, including his or her handwriting.

304.2 The Disciplinary Officer is not required to notify a Participant of the investigation while it is ongoing. However, the Disciplinary Officer shall have discretion to do so where he or she is of the view that the failure to notify the Participant would result in a delay that would deprive the Participant of an opportunity to collect evidence on his or her behalf.

304.3 Where the Disciplinary Officer determines that a breach should not be alleged against a Participant, the matter shall be at an end.

304.4 When the Disciplinary Officer determines that a breach of the ISAI's Rules and Regulations shall be alleged against a Participant, the Disciplinary Officer shall refer the matter to the Chair of the Disciplinary Panel. In addition, the Disciplinary Officer shall notify the Participant who is alleged to have committed the breach of the following:

- (i) the ISAI Rule(s) and/or Regulation(s) alleged to have been breached;
- (ii) the date, time and location of the alleged breach;
- (iii) of the names of witnesses that the Disciplinary Officer proposes to call to give evidence;
- (iv) that the Participant should attend the hearing and that his or her non-attendance or the non-attendance of his or her representative at the disciplinary hearing, after proper notice of the hearing has been provided, shall not prevent the Hearing Board from proceeding with the hearing in his or her absence;



- (v) that he or she has the right to be represented at the hearing by legal counsel or another person [at his or her own cost];
- (vi) that the Participant has the right to call witnesses;
- (vii) that the Disciplinary Officer or his or her representative and the Hearing Board each retains the right to question the witnesses of the Participant.

304.5 Upon referral by the Disciplinary Officer of an alleged breach of the ISAI's Rules and Regulations to the Chair of the Disciplinary Panel as provided for in Rule 304.4, the Chair of the Disciplinary Panel shall appoint a Hearing Board to hear the matter. The Chair of the Hearing Board so appointed shall notify the Participant and the Disciplinary Officer:

- (i) of the date, time and location of the hearing;
- (ii) the names of the members of the Hearing Board;
- (iii) that the Disciplinary Officer and the Participant shall notify the Hearing Board of the names of the witnesses each wishes to call at the hearing by a set deadline;
- (iv) that the Disciplinary Officer and the Participant shall each provide a short summary of the evidence to be tendered by each such witness at the hearing by the set deadline; and
- (v) whether or not the Disciplinary Officer and the Participant are required to prepare and submit submissions as to the alleged breach and sanctions, if appropriate, by the set deadline.

305. HEARING

305.1 Any Participant under the age of 18 shall be accompanied by their guardian or parent at a hearing.

The Hearing Board shall ensure a Children's Officer is present at a hearing where the matter concerns an under 18 year old Participant. The Children's Officer shall be invited to make submissions on behalf of the child at the hearing.

305.2 The Hearing Board shall, subject to these Rules, have the power to regulate the procedure for the determination of the matter.

305.3 Disciplinary hearings of the Hearing Board shall be confidential and held in private, unless the Hearing Board decides otherwise. The Hearing Board shall have discretion to conduct the hearing in any way it sees fit.

305.4 The Hearing Board may conduct a hearing in person or by video or teleconference, or by written submission or by any combination of these means.

305.5 Each party shall have the right to be represented at a hearing if he or she so chooses.

305.6 The Hearing Board may postpone or adjourn a disciplinary hearing at its discretion after taking into account any prejudice that might be suffered by the Participant or the Disciplinary Officer.

305.7 The Hearing Board may require witnesses to be excluded from the hearing until it is their turn to give evidence and to exit after they have given their evidence and been cross-examined.

305.8 The non-attendance of the Participant or his or her representative or the Disciplinary Officer or his or her representative at the disciplinary hearing, after proper notice of the



hearing has been provided, shall not prevent the Hearing Board from proceeding with the hearing in his or her absence.

305.9 All hearings shall be recorded and the Chair of the Disciplinary Panel shall retain the records. Records shall be furnished to the Participant or Disciplinary Officer upon request subject to an undertaking that it will remain confidential.

305.10 Disciplinary hearings held under these Rules shall be completed within twenty-one (21) days of the referral of the matter by the Disciplinary Officer to the Chair of the Disciplinary Panel.

305.11 In circumstances where an expedited process is necessary the Chair of the Disciplinary Panel, may designate himself or herself or another member of the Disciplinary Panel to serve as the Hearing Board in the event that it is not possible to constitute a Hearing Board in an expedited manner. In such cases, the Chair shall have all the powers of a Hearing Board as if a Hearing Board had been duly convened.

306. EVIDENCE AND PROOF

306.1 Any report, certificate, notice, form, or other such document from an official shall be, until the contrary is established to the satisfaction of the Hearing Board, sufficient evidence of:

- (i) the qualifications and authority of any official who has reporting authority; and
- (ii) the authority of the official who signed the report, certificate, notice, form or other such document; and
- (iii) the facts stated in the report, certificate, notice, form or other such document.

306.2 The Hearing Board shall have the discretion to accept testimony by telephone, written statement or submission, whether by fax, email or other means. The Hearing Board shall have the power to decide on the admissibility, relevance and weight of any evidence including the testimony of any fact or expert witness and shall not be bound by any laws or rules regarding the conduct of Court proceedings in relation to such matters. Facts may be established by any reliable means, including admissions. However, facts established by a decision of a Court which is not the subject of a pending appeal shall be irrebuttable evidence of those facts against the Participant to whom the decision pertained, unless the Participant establishes that the decision violated principles of natural justice.

306.3 The Disciplinary Officer shall present the case against the Participant and have the burden of proving the alleged rule breach[es]. The standard of proof shall be whether the Disciplinary Officer has established the rule breach[es] on the balance of probabilities. Where facts are established by virtue of any report, certificate, notice, form or other such document from an official as provided for in Rule 306.1, the burden of proof is then on the Participant to establish the contrary on the balance of probabilities.

306.4 The Hearing Board may draw an inference that is adverse to a Participant alleged to have committed a breach of the ISAI's Rules and Regulations based upon the Participant's failure to appear at the hearing after being given reasonable notice of the hearing, or on the Participant's refusal to answer questions put to him or her by the Disciplinary Officer or by his or her representative or by the Hearing Board.

307. DECISIONS



307.1 After all parties have presented their case, the Hearing Board shall adjourn to determine whether the alleged breach has occurred. Upon reaching a decision as to whether the alleged breach occurred, the Hearing Board shall notify the Disciplinary Officer and the Participant of its decision or reserve its decision as it sees fit. No minority or dissenting decisions shall be produced. In the event of a majority decision, this shall be the decision of the Hearing Board. At that time of notification of its decision, if the Hearing Board determines that the alleged breach did occur, the Hearing Board shall hear evidence and/or submissions from the Participant and Disciplinary Officer as to sanction.

307.2 The Hearing Board may take into account previous findings against a Participant for purposes of determining a sanction. However, the Hearing Board may not take any previous offences into account when determining whether the ISAI's Rule(s) and/or Regulation(s) alleged to have been breached was in fact breached.

307.3 The Chair of the Hearing Board shall provide a written decision in respect of the matter within fourteen (14) days of the end of the hearing. Such written decision shall set out the decision of the Hearing Board and the sanction applicable in the event that there has been a determination that a breach of the ISAI's Rule(s) or Regulation(s) has been found, any order as to costs and the reasons for the finding and sanction, if any.

307.4 The Chair of the Hearing Board shall send copies of the Hearing Board's decision to the Participant and Disciplinary Officer and any other persons with the right to appeal the decision. After the decision has been so sent, the ISAI may comment on the matter publicly and if it so chooses, publish the decision.

308. APPEALS

308.1 Decisions issued by a Hearing Board may be appealed exclusively by referral to Just Sport Ireland, within fourteen (14) days from receipt of such decision, for binding arbitration in accordance with the Just Sport Ireland Arbitration Rules. The decision of the Hearing Board shall remain in effect pending the decision of Just Sport Ireland and the appeal shall not stay the commencement of any sanction imposed by the Hearing Body on the Participant. The arbitral award issued by Just Sport Ireland may be appealed exclusively by referral to the Court of Arbitration for Sport (CAS) within twenty-one (21) days from receipt of such arbitral award, for final and binding arbitration in accordance with the CAS Code of Sports-Related Arbitration

Given that the ISAI utilises Just Sport Ireland as its appeal process, it is governed by the Just Sport Ireland Arbitration Rules.

309. MISCELLANEOUS

309.1 All communications shall either be hand delivered or sent by post, e-mail or facsimile transmission to the Disciplinary Officer c/o current address of the ISAI; to the Participant at the last address known by the Disciplinary Officer for the Participant; and to the Chair of the Disciplinary Panel c/o the current address of the ISAI or to such address as any party may notify to the other parties. Any such communications shall be deemed to be delivered:

- a) If hand-delivered, at the time of delivery;
- b) If posted at the expiration of 48 hours after the envelope containing same shall have been put in the post; and



c) If sent by e-mail or facsimile transmission at the expiration of 12 hours after receipt of same has been acknowledged to the sender thereof.

309.2 Any deviation from these Rules or the procedures referred to in these Rules shall not invalidate any finding, procedure, decision or result under these Rules unless the person relying on such deviation establishes that it casts material doubt on the validity of such finding, procedure, decision or result and the other parties to the proceedings cannot rebut that doubt or otherwise establish the validity of such finding, procedure, decision or result.

309.3 These Rules and all matters arising out of or in connection therewith shall be governed by the laws of Ireland. The Courts of Ireland shall have exclusive jurisdiction in relation to these Rules and any decision made hereunder.

309.4 To the greatest extent allowable under applicable law, any challenge to these Rules or any challenge to a decision made pursuant to these Rules shall be made exclusively in accordance with the provisions of these Rules and shall not be made by recourse to any Court or other forum.

309.5 Unless otherwise specified, time periods in these Rules are total consecutive days irrespective of weekends or holidays. When a deadline falls on a weekend or a statutory holiday, the next working day shall be the deadline for the purpose of these Rules.

309.6 All acts done in good faith by any Person in the implementation of these Rules, notwithstanding that it be afterwards discovered that there was some defect in the appointment or authority of such Person so acting, shall be as valid as if every such Person had been duly appointed or authorised.

309.7 None of the ISAI's members, directors, officers, employees, agents, representatives and other Persons involved in the administration of these Rules shall be liable to any Person in any way, in relation to acts done or omitted to be done in good faith in connection with these Rules.

309.8 If any clause or provision of these Rules is held invalid, unenforceable or illegal for any reason, these Rules shall remain otherwise in full force apart from such clause or provision which shall be deemed deleted insofar as it is invalid, unenforceable or illegal.

309.9 Where a matter arises that is not otherwise provided for in these Rules, the Person or body called upon to resolve the matter shall have discretion to do so in such manner as he or she or it sees fit, provided that such resolution does not materially undermine the reliability of proceedings under these Rules or otherwise cause material injustice to the Participant to whom these Rules are being applied.



APPENDIX 1

List of Potential Offences:

- (a) Aggressive or threatening behaviour
- (b) Offensive behaviour to other ice skaters, judges or ISAI officials
- (c) Unsportsmanlike behaviour
- (d) Violation of instructions and directives from ISAI officials
- (e) Damaging the dignity of a person or a group of persons, in any way whatsoever, in particular due to his colour, race, handicap, sex, sexual orientation, religion or ethnic origin;
- (f) Violation of contractual obligations towards the ISAI.
- (g) Cheating
- (h) Fighting
- (i) Inciting hatred or violence
- (j) Bullying
- (k) Ineligibility – including but not limited to age and club affiliation
- (l) Intimidation or threats
- (m) Coercion
- (n) Discrimination
- (o) Foul language
- (p) Disparaging comments
- (q) Forgery or falsification
- (r) Corruption
- (s) Acts or omissions bringing the sport of ice skating into disrepute
- (t) Alcohol or substance abuse by minor Members at an Event
- (u) Criminal investigation for indictable offences
- (v) Criminal conviction likely to bring the ISAI into disrepute.
- (w) Mischievous or vexatious Complaints
- (x) Participation at an Event without the permission of the ISAI
- (y) Purporting to represent the ISAI without the permission of the ISAI
- (z) Taking part in a competition or display organised by a club or committee not affiliated to the ISAI with the exception of those sanctioned events listed in the Rules and Regulation.
- (aa) Other