

# Paddle UK Marathon Disciplinary Regulations

## DISCIPLINARY REGULATIONS

### 1. INTRODUCTION

- 1.1. Disputes, complaints and unacceptable behaviour can occur within any sport. It is important that transparent procedures are in place to ensure that where such issues do arise, action is fair and carried out quickly and in a consistent manner. These Disciplinary Regulations provide a framework to enable disciplinary matters to be managed and resolved fairly within Paddle UK Marathon (“the Sport”)
- 1.2. These Regulations are issued by the Committee which is empowered by Paddle UK<sup>1</sup> to promote, develop and administer the Sport in the United Kingdom and has the power to issue rules for the safe conduct of the Sport in the UK.
- 1.3. In these Regulations the following terms shall have the following meanings:

“**the Committee**”: the Committee of the Marathon Racing Committee which has delegated powers to promote, develop and administer the Sport;

“**Complaint**”: a complaint of Misconduct that falls within the scope of these Regulations;

“**Complainant**”: the individual or body, which may include the Committee, who raises a Complaint;

“**Disciplinary Panel**”: the Disciplinary Panel appointed to hear a Complaint under these Regulations;

“**Misconduct**”: as defined in Regulation 3;

“**National Association**”: each of the home nation canoe associations in Scotland (Paddle Scotland), Wales (Canoe Wales) and Northern Ireland (Paddle Northern Ireland). Paddle UK is also the ‘National Association’ for England, who, collectively with the National Associations for Scotland, Wales and Northern Ireland shall be referred to as the “**National Associations**”;

“**Notice of Charge**”: the official confirmation that disciplinary action will be taken against the Respondent issued pursuant to Regulation 5.1.2. **Charge** will be interpreted accordingly;

“**Participant**” as defined in Regulation 2.1;

“**Regulations**” these Disciplinary Regulations (as updated from time to time).

“**Respondent**” the individual or individuals who are the subject of a Complaint under these Regulations; and

“**Sport**” means the sport of Canoe Marathon

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<sup>1</sup> Paddle UK is a trading name of British Canoeing which is a Company registered at Companies House with the registered number 01525484.

## 2. SCOPE

- 2.1. These Regulations are binding on all individuals who take part in the Sport, whether on the water or off, including competitors, volunteers, spectators, officials, coaches and members of the Committee. In these Regulations all such individuals are referred to as **Participants**.
- 2.2. These Regulations do not apply to:
  - 2.2.1. any grievance or disciplinary matter relating to any person who is employed by Paddle UK where the Misconduct has arisen in the course of that person's employment;
  - 2.2.2. any grievance or disciplinary matters involving elite athletes who are members of a World Class Programme, which shall be dealt with under the procedures outlined in the Paddle UK Athlete Complaints Policy for grievances and the Paddle UK Athlete Disciplinary Policy for disciplinary matters;
  - 2.2.3. anti-doping and/or safeguarding matters which shall be dealt with under the Paddle UK Anti-Doping Rules and/or the Paddle UK Safeguarding Procedure (as applicable); or
  - 2.2.4. selection disputes and appeals which shall be addressed in accordance with the relevant selection policy adopted by the Committee from time to time.
- 2.3. "On the water" and/or "sport specific" disputes which arise at a regatta, tournament or event shall, wherever possible, be directed at first instance to the relevant tournament official for immediate resolution in accordance with the tournament, regatta or event rules. If, following a full investigation, such officials consider the matter is serious they may raise it as a Complaint in accordance with these Regulations.
- 2.4. Disciplinary matters or disputes, including appeals arising from them, shall be dealt with at their most local level, so that for example club disciplinary matters or disputes shall be dealt with at a club level. There is no right of appeal from club disciplinary proceedings under these Regulations.
- 2.5. The National Associations in Scotland, Wales and Northern Ireland shall have primary jurisdiction for matters relating to their own members and their own regattas, events or tournaments and shall be responsible for resolving such disputes or disciplinary matters involving their members or arising from their own regattas, events or tournaments.

## 3. MISCONDUCT

- 3.1. These Regulations apply to any form of Misconduct by a Participant whilst taking part in any activity, whether competing, coaching, volunteering or officiating (and shall apply to any Participant even if they have subsequently stopped taking part in the Sport). The Disciplinary Panel has the power under these Regulations to decide whether Misconduct has taken place.
- 3.2. Misconduct is defined as (but is not limited to):
  - 3.2.1. any breach of the rules, policies, regulations or codes of conduct governing the Sport as may be published by the Committee or Paddle UK from time to time.

- 3.2.2. any conduct which is incorrect, inappropriate, unlawful, unsporting or that is otherwise unacceptable or detrimental to the general interests of the Sport more generally or which brings the Sport into disrepute including (by way of example):
- (a) cheating and / or an act of dishonesty; or
  - (b) failure to co-operate with the operation of these Regulations either in so far as it relates to him or her or any other person; or
  - (c) any behaviour, conduct, statement or practice that is discriminatory, abusive, threatening, intimidating, harassing or deliberately provocative or intended to offend, insult, humiliate, ridicule or cause harm or fear.
- 3.3. Any person suspended or banned by the International Federation for the Sport and/or one of the National Associations within the United Kingdom that have jurisdiction over the Sport in their respective home nation may be suspended or banned concurrently by the Committee, who shall not be required to grant the Participant the opportunity to offer an explanation at a further disciplinary hearing in accordance with these Regulations.
- 3.4. Any Participant may raise a Complaint that falls within the scope of these Regulations.
- 4. RAISING A COMPLAINT**
- 4.1. Notice of all Complaints shall be sent to the Secretary of the Committee. The notice of Complaint shall be made in writing as soon as is reasonably practicable following the Misconduct in question. It shall set out the nature of the Complaint in sufficient detail to enable the Complaint to be investigated. The Secretary shall acknowledge receipt of the Complaint in writing within a reasonable period of receipt of it.
- 4.2. On receipt of the Complaint the Secretary shall write to the Respondent(s) to inform them of the Complaint and to invite them to comment on the allegations in writing within fourteen days. The Secretary may also choose to meet with the Respondent(s) to obtain their comments.
- 4.3. The Secretary shall be entitled to take such advice or conduct any initial investigation as they consider is prudent in the circumstances to enable them to review the Complaint.
- 4.4. Upon completion of its initial investigations the Secretary may:
- 4.4.1. decide that no further action is required, including because the Complaint is frivolous or vexatious;
  - 4.4.2. refer the Complaint to:
    - (a) Paddle UK or a National Association because the Complaint falls within their jurisdiction as set out in Regulation 2;
    - (b) an external body that is more appropriate in practice or law to handle it, including the police for criminal matters, in which case the handling of the Complaint under these Regulations shall be paused pending the outcome reached by the external body; or

- (c) dismiss the Complaint on the grounds that there is not enough evidence to warrant further action being taken or that it does not fall within the scope of these Regulations.
- 4.4.3. deal with the Complaint informally by way of advice or information because it is not serious enough to warrant full disciplinary proceedings; or
- 4.4.4. issue a Notice of Charge.
- 4.5. The Committee shall be entitled to raise its own Complaints and, if it does so, shall follow the steps outlined in this Regulation 4 to establish if there is a case of Misconduct to answer.
- 4.6. As soon as is practicable, the Secretary shall inform the Complainant and the Respondent of the course of action taken.
- 4.7. In the event that a Complaint is withdrawn by a Complainant, the Committee retains the right, at its absolute discretion, to take any action deemed appropriate against the Respondent under these Regulations.

## **5. DEALING WITH THE COMPLAINT**

- 5.1. The Respondent has 14 days from receipt of the Notice of Charge to submit a written reply to the Notice of Charge either:
  - 5.1.1. accepting the Charge acknowledging that a Disciplinary Panel shall have the powers to impose sanctions as set out in these Regulations; or
  - 5.1.2. (if applicable) consenting to the matter being dealt with summarily as described in Regulation 5.2; or
  - 5.1.3. denying the Charge in which case the matter will be dealt with by a Disciplinary Panel.
- 5.2. Where a Complaint is considered minor due to the likely sanction being no more than a warning, a short suspension (no more than 28 days) or a suspended penalty, the Respondent may elect to have the Charge resolved without the need for a Disciplinary Panel. In such a case the matter shall be referred to the Chair of the Committee (acting independently) who may deal with the Complaint summarily without the need for a full hearing. The conditions for taking such an approach shall be that:
  - 5.2.1. the Respondent must have admitted the Charge and consented to the matter being dealt with summarily under this Regulation 5;
  - 5.2.2. the Chair shall seek and give due consideration to any arguments provided in mitigation by the Respondent when considering the sanction; and
  - 5.2.3. there is no right of appeal by the Respondent other than against the sanction imposed if the Respondent considers it to be disproportionate to the facts of the Complaint.
- 5.3. If the Respondent accepts the Charge but it cannot be dealt with summarily pursuant to Regulation 5.2, a Disciplinary Panel shall be appointed in accordance with the procedures

set out in Regulation 7 to determine the appropriate sanctions. The Respondent is permitted to make written representations in relation to mitigation within 7 days from accepting the Charge.

- 5.4. If the Respondent does not accept the Charge, a Disciplinary Panel shall be appointed in accordance with Regulation 7. This appointment should be made within 14 days from the date of the Respondent's reply to the Notice of Charge given in accordance with Regulation 5.1.3.

## **6. INTERIM SUSPENSION**

- 6.1. In the event that the Complaint is deemed to be sufficiently serious by the Chair and the Secretary of the Committee (acting in consultation), they may impose an interim suspension upon the Respondent.
- 6.2. An interim suspension shall be deemed a neutral act without prejudice to the disciplinary procedure and aims to protect all parties from further potential risk and allegations.
- 6.3. Further to Regulation 6.2 an interim suspension shall not be deemed to be a disciplinary sanction until such time as the matter is determined by the Disciplinary Panel, when it may be taken into account in respect of the imposition of any further sanctions.
- 6.4. Interim suspension orders will be made where it is considered by the Chair and Secretary that such action is reasonable and appropriate, which may include the following reasons:
  - 6.4.1. for the protection of the Respondent or other Participants;
  - 6.4.2. in cases involving allegations of gross misconduct or criminal activity;
  - 6.4.3. where there is a risk to the reputation of the Sport if it fails to suspend; or
  - 6.4.4. where a failure to suspend may impede internal investigations or prejudice investigation by external organisations.
- 6.5. Suspensions may be imposed for a defined or indefinite period. The nature of the suspension will be communicated to the Respondent in writing. All suspensions will be reviewed on a periodic basis by the Secretary who shall have the power to lift or vary the duration of the interim suspension should that be appropriate in the circumstances.
- 6.6. The Secretary may communicate the fact of the interim suspension to any relevant third parties on a strictly need to know basis.
- 6.7. An interim suspension imposed on a Respondent will apply such conditions that are deemed appropriate, including stating a person will not paddle, coach, spectate or participate in any activities and/or some or all activities as indicated in the notice of suspension anywhere in the UK during the period of suspension.
- 6.8. Any suspension under this Regulation will automatically cease if any of the following occurs (whichever is soonest):
  - 6.8.1. the matter has been determined by the Disciplinary Panel under these Regulations; or
  - 6.8.2. the Complaint is withdrawn and no further action is taken; or

6.8.3. the matter is resolved informally between all concerned.

## **7. DISCIPLINARY PANEL**

7.1. A Disciplinary Panel shall be formed when:

7.1.1. the Respondent denies the Charge;

7.1.2. the Complaint cannot be dealt with summarily; or

7.1.3. there is a need to consider sanctions.

7.2. In such cases, the Secretary will form a Disciplinary Panel of three members drawn from the Committee with one person appointed to act as chair. When appropriate the Secretary may appoint an individual from outside the Committee as a member of the Disciplinary Panel provided that member is independent and has relevant expertise and experience. No Committee member may be asked to join a Disciplinary Panel if they have a direct interest or involvement in the matter giving rise to the Complaint (including complaints raised in accordance with Regulation 4.5) or are related to any of the persons involved with the Complaint. Knowing the person(s) involved in the Complaint or having some knowledge of the circumstances of the Complaint shall not, in and of itself, preclude a Committee member from sitting on a disciplinary panel. Where there are insufficient non conflicted members of the Committee to form the Disciplinary Panel, the Committee shall contact Paddle UK, who reserve the right to form the Disciplinary Panel by appointing an independent person or Panel to hear the matter.

7.3. The Disciplinary Panel shall have jurisdiction to conduct disciplinary hearings and impose sanctions in accordance with these Regulations.

7.4. The Disciplinary Panel may consider the matter based on any evidence gathered by the Secretary, the formal statements submitted (whether verbally or in writing) by the Complainant and the Respondent and any other evidence it has gathered, without the need to call a formal hearing. The Disciplinary Panel shall also have the right to speak with any others involved who may have witnessed the Misconduct and to make such further enquiries as it thinks fit.

7.5. If it so decides, the Disciplinary Panel shall have the power to call a formal hearing to hear the Complaint, in which case it shall give both the Complainant and the Respondent sufficient advance notice of the hearing date. Wherever possible the hearing shall be held within 14 days of the hearing being proposed. The Respondent shall be entitled, if required, to be assisted or represented by a person of their choice at a hearing.

7.6. The Disciplinary Panel shall ensure the case is handled justly and without undue delay. Where a hearing is called, this must be conducted fairly, by an objective panel, with the Respondent given a full opportunity to answer the allegations and produce any written or (if applicable) oral evidence or witnesses in support.

## **8. REACHING AN OUTCOME**

- 8.1. The Disciplinary Panel may uphold the Complaint, dismiss it or partially uphold the Complaint. The Disciplinary Panel shall provide written reasons for the decision to the Complainant, the Respondent and the Committee.
- 8.2. If the Disciplinary Panel is satisfied that an offence of Misconduct has been committed, then it may impose one or more of the following actions:
  - 8.2.1. a warning or reprimand in respect of the Misconduct committed;
  - 8.2.2. suspension from any activity within the Sport, including tournaments, teams, meetings or other events whether as a competitor, official, spectator or volunteer for a specified or indefinite period;
  - 8.2.3. suspension for a specified period or removal from any office held within the Sport (temporary or permanent);
  - 8.2.4. exclusion from holding office within the Sport (including the Committee) for a specified or indefinite period of time;
  - 8.2.5. a recommendation that the Respondent should not hold a position of authority within a Club or the Sport.
  - 8.2.6. withdrawal of some or all of any financial support or benefits;
  - 8.2.7. a fine not exceeding £1,000;
  - 8.2.8. a requirement to undertake training or be subject to a period of monitoring or (for individuals) mentoring. For Clubs or Regions this may include recommendations for reform or adopting new policies or processes; and
  - 8.2.9. a combination of any of the above or any other disciplinary action as considered appropriate and in accordance with the rules adopted by the Committee.
- 8.3. The decision taken by the Disciplinary Panel in relation to the sanction to be imposed must be reasonable and proportionate in all circumstances.
- 8.4. Any deviation from these Regulations by a Disciplinary Panel shall not invalidate any finding, procedure or decision unless that deviation raises material doubt as to the reliability of the finding, procedure or decision.
- 8.5. The Disciplinary Panel may order that any part of a sanction be suspended for a specified period (not exceeding twelve months). If the person benefiting from a suspended sanction commits another breach of the rules and regulations of the Sport or is the subject of a further Complaint during the period of such suspended sanction which is subsequently upheld, then the suspension of the sanction is automatically revoked and that sanction is added to the sanction pronounced for the new breach.
- 8.6. Any suspension imposed by a Disciplinary Panel may be backdated to take into account any period of suspension already served under any interim suspension that may have been imposed in accordance with Regulation 6.

- 8.7. All fines and financial sanctions should be paid within 28 days from the notice of the fine or the financial sanction being applied or this failure to pay will be classed as a disciplinary matter and action will be taken by the Committee in accordance with these Regulations. Interest shall be paid, at a rate to be determined by the Disciplinary Panel, such rate not to exceed the rate applicable to judgment debts in England, from the end of the 28 day period until the actual date of payment.
- 8.8. Further to Regulation 8.7, if the Respondent provides evidence of a genuine inability to pay any fine or financial sanction, an alternative sanction may be imposed instead at the absolute discretion of the Disciplinary Panel.

## **9. APPEALS**

- 9.1. Any Appeal following a decision of a Disciplinary Panel under these Regulations shall be submitted to Paddle UK on the grounds set out in [Paddle UK's Disciplinary and Appeals Regulations](#). The Appeal shall be managed by Paddle UK in accordance with those Disciplinary and Appeals Regulations.
- 9.2. Appeals can only be brought by the following:
- 9.2.1. the Complainant (or the person that initially raised the matter that was subject to the Decision); or
  - 9.2.2. the Respondent (or the person sanctioned by the Disciplinary Panel).
- 9.3. In accordance with Regulation 5.2.3 a Respondent whose case was dealt with summarily may only appeal the sanction on the grounds the sanction was imposed on the basis of an error of fact or could not have been reasonably imposed by reasonable decision maker when faced with the evidence before it.

## **10. DISCIPLINARY MATTERS INVOLVING YOUNG PERSONS OR ADULTS AT RISK OF HARM**

- 10.1. Where a disciplinary matter or appeal involves a Young Person or an Adult at Risk of Harm but does not otherwise fall within the scope of the Paddle UK Safeguarding Procedure, the Secretary and the Disciplinary Panel must be mindful of the needs of the person in question and take these into account when deciding upon the format of proceedings or indeed whether any action is taken against such a person.
- 10.2. Where a disciplinary matter or appeal involves a Young Person or Adult at Risk of Harm, the Secretary will ordinarily ensure that the Disciplinary Panel will include at least one member who is suitably trained at dealing with matters involving a Young Person or an Adult at Risk of Harm.
- 10.3. Any interviews of a Young Person or Adult at Risk of Harm shall only be conducted by suitably trained and experienced persons nominated by the Committee and the Young Person or Adult at Risk of Harm shall be afforded the opportunity to be accompanied by any parent or legal guardian. Written permission should be obtained from any parent or legal guardian of a Young Person or Adult at Risk of Harm where such person is asked to provide evidence and / or attend a hearing.

- 10.4. The refusal of the parent, legal guardian, Young Person or Adult at Risk of Harm to co-operate shall not preclude the Committee from taking disciplinary action against the Young Person or Adult at Risk of Harm in accordance with the Regulations.

## **11. DISCLOSURE AND CONFIDENTIALITY OF WITNESSES**

- 11.1. In the course of disciplinary matters and Complaints considered under these Regulations it will normally be necessary to identify the Complainant(s) and any other applicable witnesses to provide the Respondent with a clear understanding of the allegations against them and ensure procedural fairness.
- 11.2. Notwithstanding Regulation 11.1, in some limited circumstances, it may be deemed necessary and reasonable to keep the details of a Complainant(s) or witness confidential. Such circumstances may include if the identity of the Complainant or witness is not material to the case, there is a reasonable belief that disclosure would put the complainant or witness at risk, and/or where anonymity is required in accordance with Data Protection Legislation.
- 11.3. Where the Chair of the Disciplinary Panel decides there are legitimate and reasonable reasons to preserve the anonymity of a Complainant(s) or witnesses in accordance with Regulation 11.2, then any evidence or documentation provided to the Respondent will be sufficiently redacted to preserve this anonymity. The Respondent must still be provided with sufficient information to allow them to respond to the allegations against them.
- 11.4. A Complainant or witness should be aware that even in circumstances where it is deemed reasonable and necessary to preserve the anonymity of a Complainant(s) or witness in accordance with Regulation 11.2, the Committee cannot completely guarantee anonymity. Even where the Committee has taken all reasonable steps in accordance with Regulation 11.3, the Respondent may be able to ascertain who has submitted a Complaint or provided evidence. In addition, if the matter is sufficiently serious as to subsequently result in civil or criminal proceedings then the Committee may also be required by law to disclose or provide certain confidential information.

## **12. CONFIDENTIALITY AND PUBLICATION**

- 12.1. The Committee reserves the right to publish details of any disciplinary action taken, including publication of any decision made by the Disciplinary Panel where a Complaint is upheld. Any such publication will only be made following the expiry of the period in which an appeal may be brought by the Respondent.
- 12.2. The Disciplinary Panel in giving a decision may provide that part of the decision will be redacted or that details of or the decision itself may not be published.
- 12.3. The Committee may at any time during the disciplinary or dispute resolution process notify any other relevant person(s) or body of any details relating to the Complaint in so far as such person(s) or body may need to know for the proper exercise of its functions. This may include Paddle UK.
- 12.4. Where it appears that public knowledge of a Complaint exists, prior to its determination, the Committee reserves the right to confirm the details of such Complaint subject to the consent of the Complainant and the Respondent.

### **13. RECORD KEEPING AND DATA PROTECTION**

- 13.1. All personal data held in connection with a Complaint will be processed in accordance with the retained EU law version of the General Data Protection Regulation ((EU) 2016/679) (UK GDPR), the Data Protection Act 2018 or any applicable data protection legislation in effect at the time of the dispute or disciplinary matter or coming into effect during the course of the dispute or disciplinary matter.
- 13.2. The Committee may notify relevant third parties of the outcome of any disciplinary matter.
- 13.3. The Committee will determine from time to time in accordance with applicable law how long any offences should be retained on record, including the sanctions imposed and any related documents.
- 13.4. An authorised officer of Paddle UK may at any time ask the Committee to share its disciplinary records with Paddle UK in furtherance of its role as National Governing Body of the sport.

### **14. GOVERNING LAW**

These Regulations shall be governed by and interpreted in accordance with English law.

### **15. AMENDMENTS**

These Regulations may be updated at any time by the Committee.