Swim Ireland Complaints and Disciplinary Policy

for Clubs, Members & Affiliates

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1 Introduction

1.1 Swim Ireland is the National Governing Body on the island of Ireland for Swimming, Para-Swimming, Open Water Swimming, Artistic Swimming, Diving and Water-Polo, recognised as such by Sport Ireland, Olympic Federation of Ireland, Paralympics Ireland, Sport Northern Ireland, World Aquatics (World Governing Body for the Aquatics) and European Aquatics (European Governing Body for the Aquatics). Swim Ireland is a non-profit organisation, working closely with volunteers to achieve our mission to foster and develop our sport both competitively and otherwise and to promote the development of physical and social qualities that come from swimming and associated sports.

1.2 Swim Ireland has rules and procedures for dealing with complaints and disciplinary matters within our organisation. These are in place to help ensure all participants within our sport can participate for fun, safely and in the spirit of fair play. The Complaints and Disciplinary Policy has been developed in consultation with our members, and the following document outlines the process in a clear and transparent manner. It endeavours to ensure our members have an easy-to-follow guide in how to raise and deal with complaints and disciplinary matters as they arise within our sport.

1.3 This Policy deals with any breaches of:

(a) The Rules themselves
(b) The Memorandum and Articles of Association of Swim Ireland
(c) The Swim Ireland Rule Book
(d) Swim Ireland Codes of Conduct
(e) Swim Ireland Safeguarding Policies (latest update), as amended from time to time.
(f) Other Swim Ireland regulations in existence including national team, national programme and national centre codes of conduct and regulations.

1.4 By following this Policy, the appropriate Complaints and Disciplinary Body shall determine the Offences committed and the Sanctions to be imposed, if any, at Club, Regional or National level.

1.5 All Swim Ireland Clubs and Regions must incorporate the Swim Ireland Complaints and Disciplinary Policy into their Constitution and Rule Book. Clubs and Regions are responsible for making the Swim Ireland Complaints and Disciplinary Policy documents accessible to as many people as possible.

1.6 All aquatic sports under the auspices of Swim Ireland are bound by this Policy, save and except where Complaints relate to breaches of Competition Rules, whereby the mechanisms set out by those Competition Rules shall apply.

1.7 **Right to Act**

Swim Ireland members have the right to file a complaint if they believe that the standards of care, treatment, or practice do not meet acceptable expectations within the scope of clause.

1.3. Likewise, it is the right of Swim Ireland Clubs, Regional and/or National Bodies to take Disciplinary Action against a member and/or others outlined in clause 3.6 for misconduct or breaches set out in Section 4that has been committed.

1.8 **Clear Rules**

The Complainant and Respondent and the Complaints and Disciplinary Committees should have ease of access to clear and simplified rules and to fair procedures in dealing with any Complaint or Disciplinary Action.

The Policy offers a detailed, step-by-step guide for starting, investigating, deciding, and appealing a Complaint or Disciplinary Action. These resources are designed to assist Complainants, Respondents, and the Complaints and Disciplinary Committee alike.

1.9 **Consistency**

This Policy aims to ensure that all Complaints are managed consistently and to a high standard. This Policy deals with Complaints from Swim Ireland members or from an appropriate person acting on behalf of a Swim Ireland member, and Disciplinary Action against Swim Ireland members and others outlined clause 3.6.

1.10 **Responsiveness**

Responding effectively and in a timely manner to Complaints is a key element of quality service. Co-operation with any investigation into the Complaint is essential and the use of a standardised approach is of benefit to Complainants and to all involved.

1.11 **Communication**

Email will be the main method used for all communications between parties. An email is assumed to be received within 24 hours after it is sent, unless proven otherwise.

1.12 **Athlete Support and Welfare**

A complaints or disciplinary process can be demanding and stressful for anyone involved, and more so for young people. Athletes under the age of eighteen should seek support from their parents/carers and/or the Children's Officer. Anyone can avail of external support using the Here to Listen section on the Swim Ireland website for numbers of agencies for support.

Performance Athletes may access independent athlete support services including the Athlete Support Manager or other confidential advisory services during a complaints or disciplinary process.

1.13 **Omissions & Technical Breaches**

If there is an omission in this Policy, then the Complaints and Disciplinary Bodies (Club, Regional and/or National) shall decide in accordance with the Swim Ireland (or Regional or Club) custom or, in the absence of custom, in accordance with the spirit of this Policy.

The primary function of the Complaints and Disciplinary Committee (at the relevant level) is to hear and decide Complaints and Disciplinary Action. They attempt to do so in a fair and swift manner. As far as there may be minor technical breaches of this Policy such breaches do not constitute cause for dismissal on appeal of a decision.

1.14 **Amendments**

Swim Ireland may review and amend this Policy from time to time, particularly where required by legislative updates or legal developments. Swim Ireland will also review, and may amend, the monetary value of the Complaint and Appeal fees and/or the penalties payable by Clubs or Regions under this Policy on an annual basis. Swim Ireland will undertake a formal review of the Policy as appropriate. The latest version of these rules are the relevant rules for Clubs and Regions to follow.

1.15 **Exemption from Liability**

Individuals serving on Complaints and Disciplinary Bodies cannot be held personally responsible for actions, decisions, or failures to act that occur as part of any disciplinary process.

1.16 **Costs/ Expenses**

Any costs or expenses incurred by a member (or any of their witnesses, if relevant) in relation to any matter under this Policy will be the sole responsibility of that member. The Complaints and Disciplinary Bodies shall have no authority to make any award for costs.

There is a cost for each Club, Region, and Swim Ireland in administering the Complaints and Disciplinary process. Accordingly, members when making a Complaint or submitting an Appeal will be subject to an administration fee as set out in this document. For the avoidance of doubt, no such fee shall be payable in respect of any Complaint and/or Disciplinary Action brought by any appointed Official, or Officer of Swim Ireland acting in their capacity as an Official or as an Officer of a regional or national committee or actions brought by Swim Ireland staff members. The Club, Region and Swim Ireland shall have the discretion regarding the application of a fee, especially if the Complainant is under 18 years of age or is a vulnerable person.

1.17 **Local Level**

Complaints and Disciplinary Actions relating to incidents at Club, Regional or National level and should be dealt with by the Complaints and Disciplinary Bodies at that level, save in respect of First Instance Matters which shall be referred immediately to the Swim Ireland Complaints and Disciplinary Officer (Swim Ireland CDO) Matter pertaining to Performance Athletes will be referred to the Swim Ireland CDO in the first instance.

If the issue cannot be satisfactorily resolved at the local level, it may be appealed to SICDC via SICDO, who will decide whether there are valid grounds for such an appeal. If either party is still not satisfied with the outcome, there is the right to challenge the decisions of SICDC on certain grounds before Sport Dispute Solutions Ireland arbitration (SDSI).

1.18 **Mediation**

Swim Ireland supports Mediation as a form of dispute resolution. Mediation is a flexible process conducted confidentially in which a neutral person actively assists parties in working towards a negotiated agreement of a dispute or difference, with the parties in ultimate control of the decision to settle and the terms of resolution.

The SICDO may, prior to a formal Hearing, offer the parties to a Complaint or Appeal an opportunity to mediate.

If Mediation is unsuccessful, the original matter may then proceed through the appropriate Complaints and Disciplinary Body. Mediation is a separate process from a complaint or disciplinary action; therefore, the details and notes from any mediation process do not form part of the complaint or disciplinary process.

Participation in Mediation does not prejudice either party's right to a formal Hearing before the Complaints and Disciplinary Bodies.

1.19 **Appeal**

Subject to the functions and the investigative and decision-making powers of the SICDO, set out at clause 5.29 and the requirements set out at clause 7.3, if either party is dissatisfied with the decision of the Complaints and Disciplinary Committee, or a decision of the SICDC where a matter was heard and determined for the first time under clauses 5.37 and 5.38, then they may lodge an appeal of any aspect, or all, of that decision to the Swim Ireland Complaints and Disciplinary Committee (SICDC) via the SICDO if the original decision was made at Club or Regional level.

1.20 **Sport Dispute Solution Ireland (SDSI)**

Sport Dispute Solution Ireland (SDSI) is an independent arbitral body that was set up by the Federation of Irish Sports (FIS) in 2005. National Governing Bodies (NGBs) participating in SDSI arbitration require their members to resolve disputes with internal decisions through SDSI arbitration, preventing such challenges from being taken to Court. SDSI arbitration is available subject to the procedures set out in this Policy.

2 Definitions

Terms defined in the Swim Ireland Memorandum and Articles of Association shall have the same meaning in this Policy unless the context indicates otherwise or as otherwise defined below.

Affiliate Member means an affiliate member as defined in the Swim Ireland Memorandum and Articles of Association.

Associate Member means an associate member as defined in the Swim Ireland Memorandum and Articles of Association.

Board means the members of the Board for the time being of Swim Ireland.

Bullying or bullying behaviour can be described as the intentional use of power or aggression by one or more persons to harm, hurt or adversely affect the rights and needs of another individual or group.

Child means any person under the age of 18 years.

Children's Officer means the Children's Officer appointed by Club, Region or by Swim Ireland.

Club means any Club as defined in the Swim Ireland Memorandum and Articles of Association.

Code of Conduct means the relevant code of conduct and/or set of rules outlining the rules and responsibilities of, or proper practices applicable to Events or members.

Committee means the group of members appointed at Club, Regional or National level according to the Swim Ireland constitution and/or Club constitutions.

Complaint means an expression of discontent by one Unit concerning the behaviour of any other Unit, which must be submitted in writing (which may include email) accompanied by all relevant documentation in support of the Complaint and the appropriate fee.

Complaints and Disciplinary Bodies means the Complaints and Disciplinary Officer (CDO), Club or Regional Complaints and Disciplinary Committee (CCDC or RCDC), Swim Ireland Complaints and Disciplinary Officer (SICDO), Swim Ireland Complaints and Disciplinary Committee (SICDC), Performance Complaints and Disciplinary Committee (PCDC) and/or Sport Dispute Solutions Ireland (SDSI).

Complaints and Disciplinary Committee (CDC) means the Complaints and Disciplinary Committee of the Club, Region, or Swim Ireland, and the Performance Complaints and Disciplinary Committee.

Complaints and Disciplinary Officer (CDO) means the person appointed to receive Complaints, seek informal resolutions where possible, conduct investigations and prosecute Disciplinary Action at Club, Regional or Swim Ireland level.

Complainant means the person making the Complaint.

Competition Rules mean the rules governing any competition as recognised and published from time to time by the Board of Swim Ireland or any Unit duly authorised by Swim Ireland for such purpose.

Credential means any qualification or certification awarded to a Swim Ireland member's profile. This includes but is not limited to Qualifications, Vetting, Safeguarding, CPD, and Register of Aquatic Professionals.

Disciplinary Action means an action brought by any Club, Region, or Swim Ireland against any Unit.

Disciplinary Report means a report from Swim Ireland staff, and/or Person in Charge or any clarification or addition thereto that may ground Disciplinary Action.

Discrimination means where one person is treated less favourably than another person in a comparable situation, because they differ under any of the grounds set out under the law of the Republic of Ireland or Northern Ireland, as applicable.

Doping Control Official/Officer means the official in charge or other persons involved in administering anti-doping rules, including the Irish Anti-Doping Rules and/or the World Anti-Doping Code.

Event means any Club, Region, or Swim Ireland National Event or International Event, including, but not limited to, training sessions, meetings, competitions, whether it requires an overnight stay, or not.

Fine means a sanction imposed on a Unit following the decision of a CDC payable to the appropriate Club, Region, or Swim Ireland within 14 days of the decision.

First Instance Matter means a matter that is within the first instance jurisdiction of Swim Ireland because it falls within one of the following categories:

a) A serious claim or allegation which, if substantiated, has the possibility of bringing Swim Ireland into disrepute.
b) A majority of a Club or Regional Committee is involved in the decision to bring a Complaint or Disciplinary Action against a Unit
c) A Complaint is brought by a member against a Club or Regional Committee as a whole.
d) A Complaint relating to a National or International Event or occurring at a National Centre.
e) A Complaint or Disciplinary Action brought against a Performance Athlete.
f) A Complaint or Disciplinary Action concerning a Club's refusal to renew membership of an existing member.

A "First Instance Matter" includes any matter referred to and accepted by SICDO because it falls within one of the above categories.

Funding Agreement means any funding agreement between Swim Ireland and a Performance Athlete in place at the time of an alleged offence including but not limited to a carded athlete agreement or a performance bursary agreement.

Hearing means a hearing of a Complaints and Disciplinary Committee.

Immediate Sanction means a sanction that can be imposed on a Unit without recourse to hearing.

Independent Member means persons external to Swim Ireland with specific skill sets as required by Swim Ireland from time to time.

Leisure Member means a leisure member of Swim Ireland as defined in the Swim Ireland Memorandum and Articles of Association.

Member means member of Swim Ireland as defined in the Swim Ireland Memorandum and Articles of Association.

National Centre means one of three National Centres, at the National Aquatic Centre in Dublin, at the University of Limerick and at Bangor Aurora Leisure Centre.

National Performance Director means the Swim Ireland person responsible for overall management of the Performance Programme.

National Programme means the Swim Ireland National Programme, or its successor, which aims to achieve Swim Ireland's performance objectives.

National Team means any athlete selected for a Swim Ireland team at international level.

Non-Immediate Sanction means a sanction set out at clauses 12.2 and12.10.

Offence means those offences listed in Section 4, clauses 4.1 – 4.33.

Office means the Office of Swim Ireland currently located at Irish Sport HQ, National Sports Campus, Blanchardstown, Dublin 15.

Officer means a person who holds the position of Chairperson, Treasurer or Secretary on a Club, Regional or National Committee.

Official means any person who officiates at or assists in or time-keeps at a competition.

Parent are the legally appointed person responsible for a child under the age of eighteen.

Participant means any member or person who participates in activities organised or sanctioned by Swim Ireland, its Regions, or Clubs, in any capacity.

Performance Athlete means a member of the National Team, the National Programme, or a National Centre.

Performance Complaints and Disciplinary Committee (PCDC) mean a Complaints and Disciplinary Committee constituted to hear Complaints and Disciplinary Action in respect of Performance Athletes.

Person in Charge means the individual responsible for overseeing an Event or activity, which includes the coach, team manager, Committee, referee, competition manager, lead referee, tournament director, or the National Performance Director.

Prima Facie means there is sufficient evidence, on initial review, to reasonably support the allegations and justify progression to the next stage of the process under this Policy.

Privileges mean normal social entitlements of participants at an Event.

Region means any Region as defined in the Swim Ireland Memorandum and Articles of Association.

Regional Athlete means a member who is selected to be part of the Regional Programme and subject to the Regional Programme athlete agreements.

Register of Aquatic Professionals (RAP) Credential means an active Swim Ireland credential granted to a member to undertake a role that has specific requirements according to Swim Ireland qualification procedures, such roles include coaches and teachers.

Respondent means the person responding to or the subject of a Complaint.

Rules means this Swim Ireland Complaints and Disciplinary Policy.

SICDC means the Swim Ireland Complaints and Disciplinary Committee.

Swim Ireland means the Irish Amateur Swimming Association Company Limited by Guarantee trading as Swim Ireland.

Suspension means a suspension for a period from activities and roles as specified in Section 12.

Time Out means a temporary suspension from participation or attendance at an Event.

Unit means any individual member, team, association, Club, Region or committee or subcommittee or other grouping within or affiliated to Swim Ireland, or parent/ carer of member (regardless of age of member).

Written Warning means a recorded written reprimand that is valid for a period of twelve (12) months.

3 Jurisdiction, Scope, and Offences

Jurisdiction

3.1 Any of the following will be dealt with under this Policy unless otherwise indicated:

(a) Offences.
(b) Breaches of this Policy.
(c) Breaches of the Swim Ireland Memorandum and Articles of Association.
(d) Breaches of Swim Ireland Rule Book and associated documentation.
(e) Breaches of Swim Ireland Codes of Conduct.
(f) Breaches of Swim Ireland Safeguarding Policies and Procedures, as amended from time to time.
(g) Breaches of other Swim Ireland regulations or Codes of Conduct in existence.
(h) Breaches of Regional Programme policies, codes of conduct, and related Regional Programme athlete agreements
(i) Breaches of Funding Agreements, National Team, National Programme, or National Centre policies, codes of conduct and related athlete agreements by a Performance Athlete

3.2 If a Complaint or Disciplinary Action is based on an alleged violation of the aforementioned rules, the specific breach should be clearly identified, and whenever possible, the relevant clause or subsection should be cited directly on the Complaint Form or Notice of Disciplinary Action.

3.3 In doing so the Complaints and Disciplinary Bodies shall determine the offences committed and the sanctions to be imposed, if any, at Club, Regional or National level.

3.4 This Policy regulates the organisation and function of the bodies responsible for taking decisions and the procedures to be followed by these bodies.

3.5 In the absence of a specific provision in this Policy, the Complaints and Disciplinary Bodies shall decide according to the general principles appearing in this Policy or, failing that, according to the general principles of Irish law.

3.6 The Rules apply in respect of Complaints or Disciplinary matters against natural and legal persons as specified below:

(a) Member of Swim Ireland.
(b) Teacher/Coach/Official.
(c) Participant in an Event.
(d) Affiliate member.
(e) Associate member.
(f) Unit (an umbrella term to cover those listed above).

Criminal Charges

3.7 Swim Ireland has the right through this process and the Safeguarding Policies (as amended from time to time) to suspend a Unit where that Unit is subject to a criminal investigation where that investigation has the potential to bring the Club/Region or Swim Ireland into disrepute. After statutory authorities address the issue, the Club, Region, or Swim Ireland may choose to take additional steps following this Policy, such as referring the matter to the appropriate CDO or another Officer, like the National Children's Officer, if necessary.

3.8 If a Unit faces criminal action related to a complaint submitted to the Club or Region, the Unit may be suspended. This Suspension will remain in place until the matter is resolved and reviewed by the relevant authorities. Once the statutory authorities have dealt with the matter, even if the Unit concerned is not eventually convicted of a charge, the Club/Region/Swim Ireland shall nevertheless have the right and power to review all circumstances in accordance with this Policy and decide to continue the Suspension or expel the Unit, if it deems it so necessary in the interests of the Club/Region or Swim Ireland as a whole.

Suspension pending Hearing

3.9 The Complaints and Disciplinary Committee has the authority to suspend a Respondent immediately if the seriousness of the Complaint justifies such action, and this suspension will last until the Complaint is fully resolved. This provision is suitable when a Unit commits a serious offence and is not expected to be disciplined before its next event or activity, or if the Unit's ongoing actions could negatively affect others.

Poor Practice

3.10 Allegations of violating the current Swim Ireland Rules or Safeguarding Policies and

Procedures, which may change over time, can be regarded as poor practice. The relevant rules and procedures should be used to address these matters. If help is needed to decide whether an issue involves poor practice or constitutes an allegation, concern, or disclosure of abuse, advice should be sought from the Swim Ireland Head of Safeguarding or Head of Clubs. For the avoidance of doubt matters of poor practice are dealt with pursuant to this Policy. If, at any point before, during or after proceedings, there is a concern that an issue may meet the threshold for abuse, the process should be paused until guidance is received from the Head of Safeguarding or another appropriately qualified individual.

Non-Renewal of Club Membership

3.11 For the purposes of this Policy, a decision by a Club to refuse the renewal of membership to an existing Club member shall be treated as a Complaint or Disciplinary Action and may be referred to by the relevant Complaints and Disciplinary Committee in accordance with this Policy. In line with the mandatory provisions of the Swim Ireland Club Constitution, the Swim Ireland Complaints and Disciplinary Committee (SICDC), shall have the authority to review and, where appropriate, overturn a refusal of renewal and direct that the member be reinstated by the Club.

3.12 **Excluded Complaints**

No matter what other sections of these rule's state, the topics below are excluded from the scope of this Policy.

(a) Employment and quasi employment contractual disputes, which shall include a Swim Ireland tutor.

(b) Breaches of any technical provisions of any Competition Rules (other than in respect of eligibility). Any breaches will be addressed according to the relevant rules for Swimming, Open Water Swimming, Water Polo, and Diving competitions. For the avoidance of doubt, this clause shall not cause matters outside any technical breaches of any Competition Rules (as may be determined by any Complaints and Disciplinary Body at its discretion) to be excluded from the provisions of this Policy.

(c) Complaints relating to board members of Swim Ireland (which shall be referred to the Chairperson of the Board).

(d) Allegations of abuse. This Policy cannot deal with allegations, concerns, or disclosures of abuse involving children, i.e., physical, sexual, emotional abuse, neglect, or exploitation or abuse of vulnerable adults. For guidance on managing these issues, the Head of Safeguarding should be consulted, and the case will be referred to the Statutory Authorities according to the procedure outlined in the Swim Ireland Safeguarding Policy, as updated periodically.

(e) Criminal matters. Such matters shall be referred to by the statutory authorities.

(f) Anti-doping matters, where such allegations shall be dealt with in accordance with the Irish Anti-Doping Rules save where the Irish Anti-Doping Rules specifically provide for certain matters or allegations to be dealt by Swim Ireland with pursuant to this Policy.

(g) Matters relating to an Affiliate Member may be outside the auspices of Swim Ireland. The relevant Affiliate Member organisation or body will manage these matters. However, nothing in this clause shall prevent Swim Ireland from bringing any action under this Policy against any Affiliate Members pending the outcome of an investigation conducted by the Affiliate Member's body or organisation. Appeals regarding complaints managed under these rules against an Affiliate Member may be submitted to SICDC.

(h) Complaints or disciplinary issues relating to Associate Members working in a private capacity do not come within the authority of Swim Ireland or this Policy, except for exceptional circumstances where there is no other independent third party to which to refer the Complaint, in which case Swim Ireland may accept authority through the SICDO. However, nothing in this clause shall prevent Swim Ireland from bringing any action under this Policy against any Associate Member in respect of any certification, Credential or license granted by Swim Ireland to such Associate Member.

(i) Matters pertaining to Leisure Members, if this is the only membership category held.

4 Offences

4.1 Breach of any rules, statutes, codes, regulations more specifically provided for at clause 3.1.

4.2 Offensive behaviour to other Participants and/or Doping Control Official

4.3 Unsporting behaviour.

4.4 Violation of instructions and directives from Swim Ireland officials.

4.5 Damaging the dignity of a person or a group of persons, in any way whatsoever, because of their gender, civil status, family status, sexual orientation, age, disability, race, religion and/or membership of the traveller community.

4.6 Violation of contractual obligations towards Swim Ireland.

4.7 Cheating.

4.8 Inciting hatred or violence.

4.9 Fighting.

4.10 Aggressive or threatening behaviour.

4.11 Bullying, including an act or acts which may be reported as being 'one off' which if repeated would meet the definition of bullying. This includes patterns of behaviour including where this behaviour occurred outside the time limit of submitting a complaint.

4.12 Ineligibility.

4.13 Racism.

4.14 Intimidation or threats.

4.15 Coercion.

4.16 Discrimination.

4.17 Foul language.

4.18 Disparaging comments.

4.19 Forgery or falsification.

4.20 Corruption.

4.21 Acts or omissions bringing Swim Ireland, any department or official thereof and/or aquatic sport into disrepute.

4.22 Curfew violation.

4.23 Alcohol or substance use during an event or while performing any role under the auspices of Swim Ireland.

4.24 Visitation violations.

4.25 Criminal investigation for indictable offences.

4.26 Criminal conviction which is likely to bring Swim Ireland into disrepute.

4.27 Mischievous or vexatious Complaints.

4.28 Mischievous or vexatious communications including where a pattern of mischievous or vexatious communications have occurred outside the time limit for submitting a complaint.

4.29 Breach of a Code of Conduct.

4.30 Breaching confidentiality of the Complaints and Disciplinary process.

4.31 Failing or refusing to comply with an Anti-Doping investigation, without acceptable justification.

4.32 Competition manipulation.

4.33 Sustained disruptive behaviour that undermines day-to-day operations at Club, Regional and/or National level, including where this behaviour occurred outside the time limit of submitting a complaint.

5 Complaints and Disciplinary Bodies Club, Regional, and National Levels

5.1 The following bodies shall be empowered to impose sanctions:

(a) Person in Charge (Immediate Sanctions only).
(b) Complaints and Disciplinary Committees.

Person in Charge

5.2 Immediate Sanctions may only be imposed by the Person(s) in Charge at an Event.

5.3 The Person in Charge need not give a warning as per clause 12.4 herein.

5.4 The imposition of an Immediate Sanction need not be imposed in the order set out as per clause 12.2.

5.5 Person in Charge shall, where a Respondent is under 18 years of age, notify the parents or adult in charge of the Respondent of the Immediate Sanction. The Person in Charge shall also notify the Children's Officer of the Immediate Sanction imposed.

5.6 Where the Person in Charge deems it necessary that further sanction should be considered, they shall prepare a report for the Complaints and Disciplinary Officer within three days of the incident (without commenting on what that further sanction should be).

5.7 The Person in Charge is responsible for preparing a Disciplinary Report, which must include the following:

(a) Details of the nature of misconduct.
(b) The rule breached.
(c) Immediate Sanction imposed.
(d) Time, date, and venue of the Event.

5.8 A Responsible Person shall send the Disciplinary Report to the CDO.

The Children's Officer

5.9 The Children's Officer may be one of the following:

(a) Swim Ireland National Children's Officer (NCO)
(b) Regional Children's Officer (RCO)
(c) Club Children's Officer (CCO)

5.10 The role of the Children's Officer is to safeguard the rights of children and young people in respect of the initiation, investigation, resolution, Hearing, Appeal, and implementation of any sanction in respect of a Complaint or Disciplinary Action.

5.11 A Children's Officer may not sit on any complaints or disciplinary panel or impose any sanction in any circumstances.

5.12 The Children's Officer (at Club, Regional and National level as relevant) will:

(a) Be a notice party to any Hearing involving a child in a Complaint or Disciplinary Action.
(b) Receive all documentation relating to the complaint or disciplinary matter involving a child.
(c) Where required, assist any child member in respect of understanding and the interpretation of rules and procedures and processes involved in a Complaint or Disciplinary Action.

(d) Not function as an advisor to any child member in respect of proving or disproving any facts relating to a Complaint or Disciplinary Action.
(e) Where necessary, consult with the Parent of a child member of any Complaint or Disciplinary Action involving that child member.
(f) Attend Mediation when requested to do so by the child member.
(g) Be present at any Hearing before the Complaints and Disciplinary Committee where any party involved in a hearing is a child.
(h) Not make any decision on the issue of culpability concerning the complaint or disciplinary.
(i) Be invited by CDC to make a submission on matters pertaining to the welfare of any participant in the context of the hearing or any aspects of the case involving safeguarding concerns.

5.13 Prior to any Hearing in respect of a Complaint or Disciplinary Action involving a child, the Complaints and Disciplinary Committee shall correspond with and, if the Children's Officer deems it necessary, meet with the Children's Officer to receive guidelines for the Complaints and Disciplinary Committee.

5.14 Prior to any Hearing, the Children's Officer may give guidance to the Complaints and Disciplinary Committee on the following exhaustive list:

(a) Rules, regulations, and guidelines relevant to the welfare of the child.
(b) How parties should deliver evidence.
(c) How to conduct the Hearing in the most child-friendly manner.

5.15 The Children's Officer should advise parties at the start of the hearing on the role of the Children's Officer and the conduct expected during the hearing where a child is involved.

5.16 The Children's Officer can step in during a hearing if they believe it is needed to protect a child's welfare or if evidence suggests there may be an allegation, concern, or disclosure of abuse.

5.17 The Children's Officer shall have the right to serve notice on the relevant CDO in respect of any concerns of non-compliance by SICDC or a CDC in respect of best practice for child welfare at a Hearing.

5.18 When a Children's Officer is needed to serve as a witness in a Complaint, Appeal, or Disciplinary Action, and their participation would otherwise be required in their role as Children's Officer, an alternative qualified individual must be designated to fill the position of Children's Officer while the matter is ongoing.

5.19 The National Children's Officer:

(a) Prior to any hearing the NCO should make the CDC aware of issues of child welfare and/or practices pertaining to the case in hand that may not be evident in the documentation of the case; and
(b) During any hearing, the NCO may alert the Chair of the CDC to issues of child welfare and/or practices involving children that have a material impact on the case in hand.

5.20 Before making any decisions, the CDC will request input from the NCO on issues related to children's welfare or practices that may have come up during a hearing.

Club or Regional Complaints and Disciplinary Officer (CCDO or RCDO)

5.21 No person appointed as a Club CDO or Regional CDO shall stand for more than six years.

5.22 The Club CDO and Regional CDO shall have the following functions:

(a) Receive Complaints and Disciplinary Reports, responding in a timely manner.
(b) Receive notice of an Immediate Sanction or an appeal of an Immediate Sanction.
(c) Where appropriate, endeavour to resolve matters informally through mediation with club members.
(d) Where an informal resolution is not possible or unsuccessful, refer the matter for hearing.
(e) Convene a CDC where required. CDO may not sit on CDC where a matter pertains to their own club.
(f) Correspond with the Club of Regional CDC, providing necessary information prior to a Hearing.
(g) Prepare documents for a meeting or Hearing.
(h) Dismiss a Complaint if the Complainant does not participate in the process after being notified that a lack of engagement will lead to dismissal.
(i) Where required, be a member of a CDC as convened by other Club/ Regional CDO's.
(j) Work with the Children's Officer (Club/Regional) where any complaint or disciplinary matter involves children.
(k) Refer any safeguarding concerns to CCO/ RCO.
(l) Provide updates to the Club/ Regional Management Committee on matters referred to the Complaints and Disciplinary Committee, maintaining confidentiality throughout.
(m) Share relevant Swim Ireland updates with Club/ Regional Management Committee.
(n) Highlight potential causes of conflict within the Club/ Region to the Club/ Regional Management Committee.
(o) Seek support and clarification from the Swim Ireland Club Support Officer or other Swim Ireland staff as appropriate.
(p) Maintain a written record of the CDC appointments.
(q) To receive and maintain a record of decisions reached by the Club/ Regional CDC.
(r) To inform the Club/Regional Committee of any decision reached by the Club/ Regional CDC within 7 days.
(s) Notify Swim Ireland of any imposed sanctions within seven days, ensuring they are properly enforced. Notification of sanctions should be emailed to clubs@swimireland.ie.

Club or Regional Complaints and Disciplinary Committee (CCDC or RCDC)

5.23 The Complaints and Disciplinary Committee shall consist of a minimum of three persons with a mix of genders who shall be over 18 years of age. Such persons shall be appointed from the panel of Club and Regional CDOs.

5.24 Every person appointed to sit on a CDC must be appointed in accordance with the procedures set out here and/or in the Swim Ireland Memorandum and Articles of Association.

5.25 The formation of a CDC should include:

(a) A quorum of three members shall be sufficient to convene a meeting/Hearing of the CDC.
(b) The CDC may assign any task to a single member of the Committee, except for making decisions regarding culpability.
(c) On appointment, the CDC shall appoint a Chairperson to chair any meetings or Hearings.

(d) The Club or Regional CDO will notify the relevant CDC of the time, date, and venue of the Hearing within 14 days of receiving the Complaint.
(e) All members of a Club/ Regional CDC must be free from actual or perceived conflict of interest.
(f) The CDC (or any panel of the CDC nominated to hear a particular matter) shall act on a simple majority vote (50% +1) in arriving at its decision/s.

5.26 The CDC shall have authority to impose any sanctions as set out in Section 12 of this Policy.

5.27 The Club or Regional CDC shall have the following functions:

(a) To investigate a Complaint, Disciplinary Report, or an Appeal of an Immediate Sanction as relevant. Where any Complaint, Disciplinary Report or an Appeal of an Immediate Sanction refers to a concern of suspected child abuse the Swim Ireland Head of Safeguarding shall be immediately notified.
(b) To consider a formal resolution to a Complaint, Disciplinary Report, or an Appeal of an Immediate Sanction by informing the respondent with the following information and documentation:
  (i) Copy of the written Complaint/Disciplinary Report.
  (ii) The relevant rule allegedly breached.
  (iii) Copy of supporting documents relied on by either party.
  (iv) The parties to the Complaint.
  (v) The procedures involved.
  (vi) The possible sanctions.
  (vii) The rights of the parties at the Hearing.
  (viii) Any other procedural requirements.
(c) To hold a Hearing in respect of a Complaint, Disciplinary Report, or an Appeal of an Immediate Sanction.
(d) To inform the Club or Regional CDO as relevant, of the outcome of a Hearing within 7 days

Swim Ireland Complaints and Disciplinary Officer (SICDO)

5.28 Swim Ireland shall appoint a National Complaints and Disciplinary Officer.

5.29 The SICDO shall have the following functions:

(a) To be the recipient of any written Complaint, Appeal and Disciplinary Report (email to: complaints@swimireland.ie).
(b) To investigate a Complaint, Appeal or Disciplinary Report. Where any Complaint, Appeal or Disciplinary Report refers to suspected child abuse the SICDO shall immediately notify the Head of Safeguarding.
(c) To investigate an incident that the SICDO becomes aware of, even if it is not included in a Complaint, Appeal, or Disciplinary Report.
(d) To seek an informal resolution of a Complaint or an Appeal where the SICDO considers it appropriate.
(e) The SICDO must assess if a prima facie case exists against a Respondent upon receiving a Complaint, Appeal, or learning of an incident not included in these reports.
(f) To refer the Complaint, Appeal or Disciplinary Report (whichever the case may be) to SICDC or PCDC (as applicable) via the SICDC Administrator, where in the opinion of the SICDO a prima facie case to answer has been established.

(g) SICDO may dismiss a Complaint or an Appeal if, after investigating, it determines that there is no prima facie case to answer.

(h) To reject a Complaint or an Appeal when it is determined to be invalid.

(i) A Complaint may be dismissed if the Complainant, after being notified that non-engagement will lead to dismissal, fails to participate in the process.

(j) To verify whether the Complaint or Appeal was submitted to the appropriate jurisdiction and within the required time limits.

(k) To guide and recommend to the SICDC Administrator regarding situations where a fee should be refunded.

(l) To refer the parties to a Complaint/Disciplinary Matter/ Appeal to Mediation, where appropriate.

(m) To correspond with and notify the parties, via the SICDC Administrator of all necessary documentation pertaining to the complaint or disciplinary matter prior to a meeting/Hearing before the Complaints and Disciplinary Committee.

(n) To prepare documents for SICDC and the PCDC.

(o) To present the case with respect to a disciplinary matter before SICDC or PCDC including the calling of witnesses etc.

(p) To maintain a record of decisions of the Complaints and Disciplinary Committee.

(q) To consult with the CEO of Swim Ireland or their delegate and to furnish any records to Swim Ireland on request.

(r) To provide updates on Complaints and Disciplinary matters to the Swim Ireland Board, while maintaining confidentiality of the process.

(s) Where the SICDO has any actual, perceived, or potential conflict of interest, they shall stand aside from investigating the Complaint/Disciplinary matter and the CEO of Swim Ireland shall appoint another SICDO in respect of that matter. If the SICDO does not withdraw, the CEO of Swim Ireland has the authority to remove the SICDO from the investigation and choose a replacement.

(t) During an investigation of any Complaint/Disciplinary Report, SICDO may consider any evidence they deem relevant and shall have the right to make enquiries of any individuals and seek any information or documents in relation to the matter. To ensure clarity, the SICDO may consult with the judge, official, or Person in Charge when needed to address any questions about a Disciplinary Report, including matters related to handwriting.

(u) Prior to referring the matter to the SICDC, SICDO shall notify the Respondent and any other relevant party with the following information and documentation:

- (i) Copy of the written Complaint/Disciplinary Report.
- (ii) The relevant rule allegedly breached.
- (iii) Copy of supporting documents relied on by either party.
- (iv) The parties to the Complaint.
- (v) The procedures involved.
- (vi) The possible sanctions.
- (vii) The rights of the parties at the Hearing.
- (viii) Any other procedural requirements.

Swim Ireland Complaints and Disciplinary Committee Administrator

5.30 The role of the Administrator to the Swim Ireland Complaints and Disciplinary Committee is to communicate with the parties involved on behalf of SICDC, consulting with the SICDO as appropriate and providing various documentation including decisions in a timely manner.

5.31 The SICDC panel will be made up of at least nine members, with a maximum of eleven. Eight of these individuals will be selected by the Regional Management Committees, with two representatives from each region.

5.32 The Board shall appoint a chairperson to the Committee, who for the avoidance of doubt does not have to be a member of the Company. The Board may appoint up to two additional independent members to the Committee.

5.33 For the purposes of hearing a matter, SICDC shall consist of a minimum of three persons with a mix of genders who shall be over 18 years of age. These individuals will be selected from the appropriate panel, following the rules or constitution of Swim Ireland.

5.34 Every person appointed to sit on a Complaints and Disciplinary Committee must be appointed in accordance with the procedures set out here and/or in the Swim Ireland Memorandum and Articles of Association.

5.35 A written record of the appointed Complaints and Disciplinary Committee must be kept.

5.36 SICDC shall function as an appellate body to decisions of the Club or Regional Complaints and Disciplinary Committee decisions.

5.37 SICDC shall act in the first instance for First Instance Matters.

5.38 SICDC can also consider Complaints and Disciplinary Actions for the first time, treating them as if they were originally heard at the Club or Regional level. This occurs when any party applies to Swim Ireland and the SICDO consents to conduct such a hearing. Consent will be granted only when the situation is urgent enough to justify it.

5.39 A quorum of three members shall be sufficient to convene a meeting or hearing of SICDC.

5.40 SICDC has the authority to assign any responsibilities to an individual member of the Complaints and Disciplinary Committee, except those involving decisions about culpability.

5.41 Subject to the remainder of this clause, the Board-appointed Chairperson of SICDC shall, on receipt of a Complaint, Appeal or Disciplinary Action, appoint three persons from SICDC to deal with such Complaint, Appeal or Disciplinary Action, having due regard for any potential conflict of interest and gender balance. At their discretion, the Chairperson may appoint additional individuals from SICDC if they determine that the seriousness of a Complaint, Appeal, or Disciplinary Action justifies it. Every such panel will be considered as representing SICDC in its entirety.

5.42 On appointment, SICDC shall appoint a Chairperson to chair any meetings or Hearings. If the Board-appointed Chairperson of SICDC is present, they shall be the Chairperson for the purpose of the Hearing, unless the Board-appointed Chairperson of SICDC determines otherwise.

5.43 The Swim Ireland Complaints and Disciplinary Administrator to SICDC will notify all parties of the time, date, and venue of the Hearing.

5.44 No person appointed to SICDC shall stand for more than six years, save for the Chairperson of SICDC. The Board of Swim Ireland is responsible for appointing the Chairperson of the SICDC and may also decide to lengthen the maximum term of office.

5.45 All members of SICDC must be free from actual or perceived conflict of interest.

5.46 SICDC (or any panel of the Complaints and Disciplinary Committee nominated to hear a particular matter) shall act on a simple majority vote (50% + 1) in arriving at its decision/s.

5.47 SICDC shall have authority to impose any sanctions as set out in Section 12 of this Policy.

Performance Complaints and Disciplinary Committee (PCDC)

5.48 The provisions set out at clauses 5.31 –5.47 shall apply to the PCDC, save where modified hereafter.

5.49 The PCDC shall consist of a minimum of three members, two of which must be from the SICDC panel, when hearing/deciding on a matter. The CEO shall select a third member who is independent of Swim Ireland and has experience or expertise in performance sport.

5.50 The PCDC must exclude persons with actual, perceived, or potential conflicts of interest.

5.51 The PCDC may invite any person who is involved with the performance management structure relevant to the athlete concerned, such as their coach or the Swim Ireland National Performance Director (NPD), to give evidence at a PCDC hearing.

5.52 For the avoidance of doubt, all Hearings conducted by the PCDC shall be conducted in accordance with the procedures set out in Section 10, which shall apply in addition to the general Hearing procedures contained in Section 9.

5.53 The PCDC shall act on a simple majority vote (50% + 1) in arriving at its decision/s.

5.54 The PCDC shall have authority to impose any sanctions as set out in Section 12 of this Policy or prescribed by a Funding Agreement.

Sport Dispute Solutions Ireland (SDSI)

5.55 Decisions made by the Swim Ireland Complaints and Disciplinary Committee—except those under clause 5.38—can be appealed through SDSI Arbitration.

5.56 An appeal to SDSI shall be upheld only where:
(a) the CDC's decision was irrational; or
(b) the appellant's right to a fair hearing was otherwise compromised to such extent that a clear injustice occurred.

5.57 SDSI must receive the Notice to Arbitrate no later than 14 days after you get the written decision. A copy of the Notice to Arbitrate should also be sent to Swim Ireland's CDO at complaints@swimireland.ie

5.58 The decision of the SDSI Arbitrator shall be final and binding.

5.59 SDSI Arbitration will follow the SDSI Arbitration Rules and Procedures as well as the Arbitration Act 2010, including any updates or modifications to this legislation.

5.60 No Member or Unit of Swim Ireland may issue Court proceedings relating to such dispute in any Court in any jurisdiction.

5.61 SDSI Arbitration cannot be pursued until every option for resolution outlined in this Policy has been fully utilised.

5.62 The National Children's Officer may be present at Arbitration if any party or witness is under 18 years old.

Confidentiality

5.63 Members of the Complaints and Disciplinary Bodies must maintain confidentiality regarding all information revealed during complaints or disciplinary proceedings. They are prohibited from sharing details with third parties unless it is necessary for fulfilling their disciplinary duties. Certain offences and sanctions may need to be disclosed to individuals at the Club, Region, or National level, but only when necessary for disciplinary purposes.

6 Disciplinary Action Procedure

6.1 Disciplinary Action can be initiated:

(a) By a Person in Charge who imposes any Immediate Sanction against a Unit.
(b) By CDO/ SICDO on receipt of a written report from a Person in Charge.
(c) By CDO on receipt of a written report from a CCO/ RCO.
(d) By SICDO on receipt of a written report from Head of Safeguarding or other member of the Swim Ireland Management Team.
(e) By CDO/ SICDO on receipt of a written report from the Club or Regional Management Committee on becoming aware of any breach of rules or regulations or any allegation of misconduct.

6.2 The following bodies and/or people shall be responsible for imposing disciplinary sanctions:

(a) Person in Charge (Immediate Sanctions only)
(b) Club/ Regional Complaints and Disciplinary Committee (Club CDC/ Regional CDC)
(c) Swim Ireland Complaints and Disciplinary Committee (SICDC)
(d) Performance Complaints and Disciplinary Committee (PCDC)

6.3 Where facts are established by virtue of a Disciplinary Report the burden of proof is then on the Respondent to establish the contrary on the balance of probabilities.

7 Complaints Procedure

7.1 A Unit can start the Complaints procedure by submitting a written Complaint against a Unit.

7.2 The Complaint must be sent via email to the Club, Regional, or Swim Ireland CDO, as appropriate.

7.3 The requirements for a valid Complaint are set out below:

(a) The Complaint must be in writing on the Complaint Form Template
(b) The Complaint must be delivered to the CDO of the relevant Club or Region/ SICDO within 14 days of the date of the alleged incident.
(c) An administration fee of €100, or another amount set by Swim Ireland, must be paid (unless otherwise specified in this Policy). This fee does not cover any additional charges required if you appeal a decision.
(d) The CDO/SICDO must receive the Complaint and supporting documents. CDO/ SICDO will consider any complaints submitted beyond the 14-day deadline only in exceptional circumstances.

7.4 A party, such as a Club or Regional Committee, can start the Complaints procedure by

submitting a written Complaint about a Unit.

7.5 In the case of a Complaint, the Complainant shall have the burden of proving the alleged Offence(s) or rule breach (es). The standard of proof shall be whether the CDO/Complainant has established the Offence(s) or rule breach(es) on the balance of probabilities.

8 Informal Resolution

Information Resolution - Club and Regional level

8.1 Before taking further action on any issue deemed appropriate by the Club or Regional CDO, all parties should first be given the chance to pursue an informal resolution.

8.2 The Club or Regional CDO will contact the parties to such matter outlining the reference to an informal process and indicate an officer of the club or region appropriate to carry this out.

8.3 The informal resolution process should begin within 14 days after receiving the complaint.

8.4 The formal resolution timeline is paused until the informal process concludes.

Information Resolution - National level

8.5 SICDO may consider an informal resolution at national level.

8.6 The SICDO will consult with relevant department heads to assess informal resolution options and communicate with all parties involved.

Mediation (National level only)

8.7 When SICDO deems a case appropriate for mediation, all parties should be offered an opportunity to engage in the mediation process.

8.8 SICDO will contact the parties outlining the reference to Mediation and the contact details for the Mediator.

8.9 The deadline for formally initiating or managing a matter is paused until the Mediation process concludes.

8.10 SICDO will appoint a mediator and inform the parties involved.

8.11 The Mediator will contact the parties directly and will arrange meetings with each of the parties and will conduct the Mediation in any manner the Mediator deems appropriate.

8.12 The Mediator will endeavour to convene the Mediation within 7 days of appointment by SICDO.

8.13 The Mediator shall notify the SICDO within a practicable timeframe, and no later than seven days after the Mediation of the outcome, i.e., whether the process resulted in settlement or not. The Mediator shall keep the terms of any such settlement strictly confidential save where required for proper administration and records.

8.14 Where the Mediation results in settlement between the respective parties, upon becoming aware that one or either party has acted in breach of the settlement agreement, unless otherwise specified as a term of any formal written agreement, the Mediator and/or either party may refer to the matter to the SICDO for formal resolution.

8.15 If the Mediation does not result in settlement of the matter, SICDO may refer the matter to the SICDC for formal resolution.

8.16 Swim Ireland may agree to discharge the specific expenses of the Mediator as advised to the parties.

9 Complaints and Disciplinary Hearings

9.1 A Hearing shall take place within 28 days of receipt of a Complaint or Disciplinary Report.

9.2 The CDO/ SICDC Administrator shall write to the relevant parties advising them of:

(a) Composition of the Complaints & Disciplinary Committee (CDC).
(b) Declaration that the Committee Members have no conflict of interest in the matter.
(c) The parties to the Complaint/Disciplinary Action.
(d) The Complaint/ Disciplinary Report, with the offence alleged and relevant rule.
(e) The rights of the parties.
(f) Procedures and deadlines involved.
(g) Potential sanctions (as indicated in this Policy).
(h) Confirmation of documents to hand.
(i) Time, date, and venue for Hearing.

9.3 The CDC shall have discretion to amend deadlines in exceptional circumstances.

9.4 In exceptional and urgent circumstances, where it is not possible to convene a Hearing before SICDC or PCDC, in the normal course prior to an Event, then either party may apply to Swim Ireland CDO who shall arrange an expedited Hearing and who shall have discretion to decide on the appropriate members and quorum for the expedited ad hoc SICDC/PCDC.

9.5 At its discretion, CDC can invite individuals—such as witnesses, officials, or experts—to offer evidence or support to the Committee in any capacity.

9.6 The CDC shall decide either to convene an oral Hearing or to decide the matter on a "documents only" basis. The Committee will consider factors such as the seriousness of the complaint or disciplinary action and the capacity of all parties involved.

9.7 The CDC shall conduct the Hearing of any matter in the following manner where it deems it appropriate:

(a) The CDC shall have the power to convene any meetings in person or via an online meeting forum.

(b) The CDC shall have the discretion to accept testimony by telephone, written statement or submission, email, or other means.

(c) The CDC 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.

9.8 At a Hearing, the parties have the right to:

(a) Be accompanied 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 are not allowed.

(b) Call witnesses. These witnesses are permitted to attend the Hearing solely to provide their testimony, after which the CDC may question them.

(c) Make submissions in writing or otherwise.

9.9 Where a party exercises any or all these rights then the party shall notify the CDC of the names of any persons accompanying and the names of any witnesses, in accordance with the directions and deadlines given. The Committee shall have due regard to clauses 9.27 – 9.30 where the witness is under 18 years of age.

9.10 In the case of a Complaint, in the event of the non-attendance, without reasonable cause (considered by the CDC to be a 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.

9.11 The CDC may adjourn or rearrange the Hearing at its discretion. If a Hearing is adjourned or rescheduled, it will be held at the earliest practical time. Any Suspension of the member that has been imposed will continue until the new Hearing occurs.

9.12 In the case of Disciplinary Action, the CDO shall present the case against the Respondent, and they shall be entitled to introduce such evidence and witnesses at their discretion. In the case of a Complaint, the Complainant shall present the case against a Respondent.

9.13 Where facts have been established in a Court Hearing and that Court has imposed sanction on a Respondent, this shall be irrefutable evidence of those facts against a Respondent in a Complaint or Disciplinary Hearing.

9.14 Disciplinary Report shall be, until the contrary is established to satisfaction of the CDC, sufficient evidence of:

(a) The authority of the person submitting the report.

(b) The signature of the person submitting the report.

(c) The facts stated in the report.

9.15 On deciding culpability but prior to the imposition of a sanction, the CDC shall adjourn to establish and consider any aggravating or mitigating factors as set out in clause 12.16 and 12.17.

9.16 Where a Complaint or Disciplinary Action concerns a Club's refusal to renew the membership of an existing member, the SICDC shall have the express authority to:

(a) confirm the decision of the Club; or

(b) direct that the individual be reinstated as a member of the Club, with such reinstatement taking effect from the date specified in the written decision.

(c) A decision of the SICDC to reinstate a member shall be binding on the Club pursuant to the Swim Ireland Club Constitution adopted by all affiliated Clubs.

9.17 The CDC's decision will be communicated in writing to the appropriate parties within seven days following the Hearing, unless the CDC considers that more time is required. The CDC shall retain the decision on a register and shall notify the Swim Ireland within seven days by email to clubs@swimireland.ie.

9.18 The written decision shall be in a format as set out in the appendices. The decision shall include reference to the parties' right to appeal the decision to Swim Ireland within 14 days of the date of receipt of the written decision.

9.19 Where the written decision is notified by way of post, the receipt of the document is deemed, unless the contrary is proved, to have been at the time at which the letter would be delivered in the ordinary course of post.

9.20 The original sanction imposed by the Club/ Regional CDC shall remain in force, pending the Appeal.

9.21 Appeals to SICDC shall be a fresh hearing of all the facts of the dispute (i.e., a hearing de novo) however, the parties may, by mutual consent, agree to limit the hearing to specific matters or issues arising from the original decision, or to include matters that have arisen since the hearing. New or further matters may not be considered in any appeal – the appeal is based on the original complaint.

9.22 Where the Appeal is one from a decision made by SICDC under clause 5.38, no member of SICDC who participated in the initial hearing may be involved in the Appeal.

9.23 Everyone taking part in a Complaints and Disciplinary process must keep all details confidential during the process and after it ends.

Involvement of Young People (under 18 years of age)

9.24 Any member under 18 years of age shall be accompanied by an adult of their choosing who has permission to function as their parent or carer at any Hearing. The parent/carer must notify the CDC prior to the Hearing who will be accompanying their child.

9.25 Any member under 18 years of age who is a Complainant, or a Respondent, save for exceptional circumstances, is obliged to attend a Hearing.

9.26 Any member under 18 years of age who is present at a Hearing as a Complainant, Respondent or Witness may be asked to give evidence.

9.27 A Children's Officer shall be present at the Hearing where the Complainant, Respondent, or witness is under 18 years of age, including where a parent/ carer is appearing on behalf of the child. The Children's Officer shall attend to ensure that the rights of the child are protected at the Hearing. The Children's Officer shall not be able or invited to make any decision on the issue of culpability concerning the complaint or disciplinary.

10 Hearings of the PCDC

10.1 Where a Complaint or Disciplinary Action arises in respect of a Performance Athlete, the matter shall be referred to the PCDC for hearing in the first instance.

10.2 The PCDC shall follow the general Hearing procedures set out in Section 9, save where modified by this Section 10.

10.3 The PCDC shall have full jurisdiction to:

(a) determine whether a breach of this Policy or, where relevant, a Funding Agreement has occurred; and
(b) impose any sanction available under Section 12 of this Policy, or where relevant, the Funding Agreement.

10.4 Where the Performance Athlete is party to a Funding Agreement, the PCDC may, in addition to the sanctions available under Section 12 of this Policy, impose further sanctions available under a Funding Agreement.

10.5 The imposition of a sanction on a Performance Athlete under this Policy shall not preclude Swim Ireland from taking action, other than imposing sanctions, under a Funding Agreement (such as suspending funding for a period of time).

10.6 The PCDC may, as a matter of course and at its discretion, seek evidence (written or oral) from the National Performance Director (NPD) or their nominated delegate.

10.7 Such evidence may include, but is not limited to:

(a) the operational expectations and standards applicable to Performance Athletes.
(b) the factual context relating to the Athlete's alleged breach, including compliance with training, competition, communication, or performance related obligations.
(c) interpretation of relevant performance policies, codes, or procedures; or
(d) any performance related concerns arising under a Funding Agreement.

10.8 Nothing in this Section shall limit the PCDC's authority to determine whether to conduct an oral hearing or to proceed on a documents-only basis in accordance with clause 9.6.

Complaint taken by or against a Club or Regional Committee

10.9 If a club member files a Complaint against a Club or Regional Committee, or if the situation is reversed, the Club or Region CDO should not decide the case. Instead, the Complaint should be forwarded to SICDO to be considered as a First Instance matter.

Notifying Swim Ireland of Sanctions

10.10 If a member is sanctioned, suspended, steps down from their role, or is expelled from a Club or Region at any point, Swim Ireland must be informed within seven days. Notification should be received in writing from the Club or Regional CDO stating the sanction imposed, the outcome and their authority in the process. This must be sent to clubs@swimireland.ie.

10.11 Notifications of sanctions at national level are recorded by the SICDC Administrator.

11 Appeals to SICDC

11.1 Decisions made by the Club/Regional CDC, or by the SICDC under clauses 5.37 and 5.38, may be appealed to SICDC, subject to the roles and powers of the SICDO outlined in clause 5.29.

11.2 The appellant shall deliver a completed Notice of Appeal to SICDO within 14 days of receipt of the Complaints and Disciplinary Committee's written decision together with an appeal fee of €100.

11.3 A full copy of the documentation supplied to the Club or Regional CDC to include: the original complaint, the outcome reached by the CDC, original documentation submitted at the time of original hearing.

11.4 The Swim Ireland CDO has the right to allow or disallow further submissions in seeking to determine if the Appeal is valid.

11.5 After an Appeal is accepted and forwarded for Hearing, no additional submissions are allowed; however, parties may provide more information during the Hearing itself. The procedures as set out in Section 9, shall apply to appeal Hearings.

12 Sanctions

In accordance with the Swim Ireland Memorandum and Articles of Association all members of Swim Ireland and parents of members are bound by the Swim Ireland Complaints and Disciplinary Policy. The relevant CDC shall impose a sanction if the outcome of a complaints or disciplinary process finds there has been a breach of the Codes of Conduct or Rules of Swim Ireland in line with offences contained in Section 4, clauses 4.1 to 4.33 of this Swim Ireland Complaints and Disciplinary Policy.

Types of sanction

12.1 There are two types of sanctions available to members who have the authority to impose sanctions; these members include a Person in Charge or the relevant CDC.

(a) Immediate Sanctions –may only be imposed by a Person in Charge.
(b) Non-immediate sanction – these may only be imposed by a CDC.

Immediate Sanctions imposed by a Person in Charge

12.2 The following Immediate sanctions may be issued to a Unit at an Event or activity by a Person in Charge; these can only be imposed for that Event or activity.

(a) Verbal warning
(b) Time Out for a brief period without leaving the event or activity; useful for immediately correcting behaviour.
(c) Revoking Privileges previously granted to the Unit during an event or activity.
(d) Suspension from the event or activity for a period specified by the Person in Charge.
(e) Expulsion from the event or activity, with no option to return.

12.3 Units cannot be permanently excluded through immediate suspensions or expulsions.

12.4 There is no requirement to impose sanctions in the listed order, the Person in Charge should consider the gravity of the offence, mitigating and aggravating factors when imposing an

immediate sanction.

Notification of an Immediate sanction

12.5 The Person in Charge must document any sanctions that are imposed immediately.

12.6 If a Unit under eighteen receives an Immediate Sanction, both their Parent or carer and the Club or Regional CCO must be notified.

12.7 Any Immediate Sanctions must be reported to the Club or Regional CDO by email within seven days.

12.8 Where the Person in Charge deems it necessary that further sanction should be considered, they shall prepare a report for the Complaints and Disciplinary Officer within three days of the incident (without commenting on what that further sanction should be).

Interlocutory Sanctions

12.9 On confirmation that a Respondent is under criminal investigation for a criminal offence, which if proven, is likely to bring the Club, Region or Swim Ireland into disrepute, then the Chair of the Board of Swim Ireland shall be empowered to suspend a Respondent from membership and/or from future participation in a Club, Region or National Events and/or from attending a Club, Region or National building pending the outcome of a criminal investigation prior to any hearing on the matter before a Complaints and Disciplinary Committee.

12.10 The CEO or such person designated by the CEO of Swim Ireland shall, having consulted with the Chairperson of the Swim Ireland Board or such person designated by the Chairperson, be empowered to impose a Suspension on a Respondent pending the determination of a Complaints and Disciplinary Committee, internal safeguarding or statutory authority investigation where the gravity of the matter received shall warrant immediate suspension.

Non-Immediate Sanctions imposed by the Complaints and Disciplinary Committee

12.11 The Complaints and Disciplinary Committee (Club, Regional or National/Performance) has sole jurisdiction to impose Non-Immediate Sanctions, save where a fast-track Committee is convened.

12.12 Non-Immediate Sanctions may only be imposed by a Complaints and Disciplinary Committee following a decision either on foot of consideration of all the documents relating to the Complaint, Disciplinary matter or on foot of a Hearing.

12.13 Any suspension or removal from membership or affiliation from a Club must be notified to Swim Ireland for consideration in accordance with Articles 36-38 of the Swim Ireland Memorandum and Articles of Association as amended in 2025 (or the relevant appropriate article as amended).

12.14 Where a Performance Athlete receives a sanction under this Policy that includes a suspension and/or an ineligibility for selection, this may not be challenged by using the mechanism for appealing selections. Selection appeals shall be governed by the relevant Selection Policy.

12.15 On deciding culpability, the Complaints and Disciplinary Committee will determine if an offence is a low, medium, or high category offence. If a Complaints and Disciplinary Committee determine that any provision of the Policy has been breached during the period in which any sanction is operative, the breach of that provision shall automatically attract a

High Offence level sanction, where expulsion from the organisation may be considered. The CDC will then consider the relevant sanction(s) considering aggravating and mitigating factors as specified in 12.16 and 12.17.

Mitigating and Aggravating Factors

12.16 A Complaints and Disciplinary Committee may consider mitigating and aggravating factors once a decision on culpability is reached but prior to the imposition of a sanction.

12.17 A Complaints and Disciplinary Committee shall consider the following factors:

(a) Age
(b) Co-operation
(c) Prior warnings
(d) Prior record
(e) Active sanctions
(f) Apology made
(g) Remorse
(h) Gravity of offence
(i) Effect on victim
(j) Effect of sanction on Respondent
(k) Effect of sanction on other individuals
(l) Subsequent breaches of the Policy occur during the period in which a sanction is active, this shall be regarded as an aggravating factor.
(m) Any other factor deemed relevant.

12.18 **Payment of Fines**

It is a condition of membership of Swim Ireland that all fines imposed by a CDC must be paid, with the process for payment outlined in the notification by the Club/Regional CDO or SICDC Administrator. Fines remaining outstanding for 14 days may result in Disciplinary Action being taken.

12.19 **Written Warning**

A Written Warning is issued by a Club, Regional or National/Performance Complaints and Disciplinary Committee to an offender and notified to the CDO as relevant and forwarded to the Swim Ireland Complaints and Disciplinary Officer. The Swim Ireland Complaints and Disciplinary Officer will maintain a copy of the warning on file for the period of the warning.

Suspension

12.20 The nature of the Suspension, the Unit shall be excluded from all the below:

(a) Suspension from membership of the organisation.
(b) Suspension of Register of Aquatic Professional Credential.
(c) Suspension from Events, courses, and activities.
(d) Suspension from activities specified by a CDC, where the individual meets the definition of a Performance Athlete according to these rules.

12.21 During the period of Suspension, the Unit shall be obliged to step aside from any role or position held in the organisation for the duration of the Suspension and shall be excluded from all the below:

(a) Seeking office for any elected position in the organisation at Club, Region, or national level.
(b) Being appointed to any role or duties within a Club, Region or at national level.
(c) Undertaking and completing a transfer of club(s).
(d) Attending club, regional national events, courses, and activities.

Notification of a non-immediate sanction

12.22 The CDC shall notify the Swim Ireland of any sanctions imposed within seven days of reaching a decision by email to clubs@swimireland.ie.

12.23 The CDC shall notify other relevant parties on a need-to-know basis of any sanctions imposed within seven days of reaching a decision. Such parties will be bound by confidentiality of the Complaints and Disciplinary Policy.

Non-Immediate Sanctions		
Low Offence	**Medium Offence**	**High Offence**
Written Warning for up to 12 months ***AND*** Fine of up to €250 ***AND/ OR*** Suspension for a period of between one week and three months	Written Warning for up to 12 months ***AND*** Fine of up to €500 ***AND/ OR*** Suspension for a period of between three and six Months	Written Warning for up to 12 months ***AND*** Fine of up to €1,000 ***AND/ OR*** Suspension for a period of between six and twelve months
The ultimate sanction shall be expulsion from the organisation.		

Main Contact

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