



**Jersey Cycling Association**

## Rules and Regulations

### **DISCIPLINARY PROCEDURES**

Version 5.0

<b>Document control</b>		
<b>Version</b>	<b>Prepared by</b>	<b>Approval</b>
Version 1.0 First Draft	Peter Hubert 27/12/17	
Version 2.0 Second Draft	Peter Hubert 26/01/18	
Version 3.0 Third Draft	Peter Hubert 06/02/18	
Version 4.0 Fourth Draft	Peter Hubert 20/02/18	
Version 5.0 Final	Peter Hubert 14/03/18	16/4/18

# Jersey Cycling Association Disciplinary Rules

## 1 Introduction

- 1.1 The purpose of these Disciplinary Rules is to provide uniform procedures for the resolution of disciplinary issues arising from within the sport of cycling across all regions and all disciplines with the following exceptions.
- (a) Anti-doping violations shall be dealt with under the UK Anti-Doping Rules (as amended from time to time).
  - (b) Disciplinary issues arising from employees of the Jersey Cycling Association acting in their capacity as employees shall be dealt with under the terms and conditions of their contract of employment.
- 1.2 These Disciplinary Rules apply to and bind:
- (a) each Member of the Jersey Cycling Association;
  - (b) each Licensee of the Jersey Cycling Association; and
  - (c) each individual who participates in an Event, and each of the above (a 'Person') will be deemed to have accepted these Disciplinary Rules and agreed to be bound and abide by these Disciplinary Rules and all decisions made under them.
- 1.3 These Disciplinary Rules are intended to address acts of Misconduct committed by Clubs, Teams, Persons and other entities affiliated to the Jersey Cycling Association. Accordingly, these Disciplinary Rules also apply to, and bind all such entities who will be deemed to have accepted these Disciplinary Rules and agreed to be bound and abide by these Disciplinary Rules and all decisions made under them.
- 1.4 References to the masculine (he/his/him etc) include the feminine (she/her etc).
- 1.5 References to the singular include the plural and vice versa.

## 2 Interpretation

- 2.1 In these Disciplinary Rules, the following terms shall have the following meanings:
- Appeal Committee** means a tribunal appointed to perform that role by the Head of the Disciplinary Panel;
- Appeal Fee** means the sum as determined by the Committee from time to time that must be sent to the Jersey Cycling Association by a Person when he files a Notice of Appeal in accordance with clause 6.4(c) of these Disciplinary Rules;
- Appellant** means the relevant Individual appealing a decision of a Disciplinary Committee in accordance with clause 6 of these Disciplinary Rules;
- Case File** has the meaning given to that term in clause 6.6 of these Disciplinary Rules;
- Club** means an entity constituted as a club;
- Code of Conduct** means the Code of Conduct of the Jersey Cycling Association, as amended from time to time;
- Code of Practice for Sport Coaches** means Sportscoach UK's Code of Practice for Sports Coaches, as amended from time to time;
- Committee** means the full Committee of Jersey Cycling Association;
- Cycling Time Trials** means Cycling Time Trials, the national governing

body for cycling road time trials in the UK;

**Disciplinary Committee** means a tribunal appointed to perform that role by the Head of the Disciplinary Panel;

**Disciplinary Complaint** means a complaint brought by the Disciplinary Officer for an act (or alleged act) of Misconduct, in accordance with clause 3.6 of these Disciplinary Rules;

**Disciplinary Officer** means the individual approved by the Committee to act on behalf of the Jersey Cycling Association in matters arising under these Disciplinary Rules (or his designee);

**Disciplinary Panel** means a number of individuals with the appropriate skills and experience that sit on its standing disciplinary panel. The Disciplinary Panel will ordinarily include:

- (a) all Officers and Delegates who ordinarily constitute the Committee of the Jersey Cycling Association; and
- (b) all Officers and members of the Management Committees of the Clubs, Teams and other entities in membership of the Jersey Cycling Association; and
- (c) any other individuals that the Head of the Disciplinary Panel appoints in his absolute discretion. In exceptional circumstances, this may include individuals who are not covered by (a) and (b) above.

**Equality Policy** means the equality policy issued by British Cycling, as amended from time to time;

**Event** means a single race, match or competition (or a series of races, matches or competitions) organised, licensed, convened, authorized or recognised by the Jersey Cycling Association or any of its Members, affiliate organisations or Licensees, wherever held;

**Head of the Disciplinary Panel** means the individual approved by the Committee to act in that role and in matters arising under these Disciplinary Rules (or his designee);

**Individual** has the meaning given to that term in clause 4.2 of these Disciplinary Rules;

**Licence** means a licence issued by the Jersey Cycling Association (of whatever nature, grade or duration);

**Licensee** means any individual (whether he be a rider, coach, agent, Race Official or otherwise) who holds a Licence issued by the Jersey Cycling Association;

**Member** means a Club, Team or other entity granted Membership of the Jersey Cycling Association;

**Membership** means being a Member of the Jersey Cycling Association, granted in accordance with the Membership Policy;

**Notice of Appeal** has the meaning given to that term in clause 6.4(a) of these Disciplinary Rules;

**Person** has the meaning given to that term in clause 1.2 of these Disciplinary Rules;

**Policies** are the documents specifying the manner in the Jersey Cycling association conducts its activities;

**Protection of Children and Vulnerable Adults Policy** means the Policy and Procedures for the Protection of Children and Vulnerable Adults issued by British Cycling, as amended from time to time;

**Race Official** means a commissaire, referee or other individual appointed to officiate at an Event;

Senior Race Official means the most senior Race Official present at an Event (in most circumstances, this will be the chief commissaire) (or his designee);

**Specified** means a sanction specified by the Disciplinary Officer and set out in writing in accordance with Sanction clause 4.3 of these Disciplinary Rules;

**Team** means an entity constituted as a team, including those constituted to represent Jersey;

**Technical Regulations** means the following technical regulations of British Cycling:

- (a) Technical Regulations General & For Road, Track & Roller Racing;
- (b) Mountain Biking Specific Regulations;
- (c) BMX Specific Regulations;
- (d) Cycle Speedway Specific Regulations; and
- (e) Cyclo-Cross Specific Regulations, each as amended from time to time;

**UCI** means the Union Cycliste Internationale;

### **3 Disciplinary Powers**

Misconduct

- 3.1 For the purposes of these Disciplinary Rules, 'Misconduct' means any conduct that is unsporting and/or has the potential to bring the sport of cycling, other Persons, Race Officials, Clubs, Teams, the Jersey Cycling Association, British Cycling or the Island of Jersey into disrepute.
- 3.2 While it is not possible to set out a definitive list of types of conduct that may constitute Misconduct, each of the following types of behaviour, without limitation, is an example of Misconduct:
  - (a) a breach, or multiple breaches of the Technical Regulations which the Disciplinary Officer, in his absolute discretion and for whatever reason considers sufficiently serious to constitute an act of Misconduct;
  - (b) a breach, or multiple breaches of the Policies which the Disciplinary Officer, in his absolute discretion and for whatever reason considers sufficiently serious to constitute an act of Misconduct;
  - (c) a breach, or multiple breaches of the Code of Conduct which the Disciplinary Officer, in his absolute discretion and for whatever reason considers sufficiently serious to constitute an act of Misconduct;
  - (d) a breach, or multiple breaches of the Code of Practice for Sport Coaches which the Disciplinary Officer, in his absolute discretion and for whatever reason considers sufficiently serious to constitute an act of Misconduct;
  - (e) serious or repeated disobedience of the reasonable directions of a Race Official;
  - (f) dangerous riding or compromising the safety of another Person;
  - (g) verbal or physical abuse of any kind;
  - (h) fixing or contriving in any way or otherwise influencing improperly the result, progress or conduct of any Event in which the Person is participating in and/or can influence;
  - (i) placing, accepting or laying a bet in relation to the result, progress or conduct of any Event in which the Person is participating in and/or can influence;
  - (j) breaching the terms of any suspension imposed by a Disciplinary or Appeal Committee;

- (k) failure to provide reasonable assistance in connection with, or otherwise disrupting the course of, a Disciplinary Complaint;
- (l) carrying out any acts and/or making any statements that are discriminatory by reason of sex, sexual orientation, marital status, race, nationality, ethnic origin, colour, religion, belief or disability and/ or acting in contravention of the Equality Policy;
- (m) in respect of any Person in a position of trust or authority over another Person either directly (including any coach, doctor, physiotherapist or otherwise) or indirectly (including any organiser, club, regional or national official):
  - (i) abusing that trust or authority in any way;
  - (ii) failing to observe confidentiality of such Person;
  - (iii) failing to act with respect towards such other Person by, for example engaging in bullying or conduct that may induce feelings of fear and/or harassment;
  - (iv) acting in contravention of the Protection of Children and Vulnerable Adults Policy;
  - (v) failing to act in a professional manner and/or acting in a way that gives rise to a conflict of interests.

#### Reporting Misconduct

- 3.3 All Persons must report any matter that may constitute Misconduct to the Disciplinary Officer as soon as reasonably practicable and ordinarily within 72 hours of occurring.

*Explanatory note: Clause 3.3 imposes a general obligation on all those bound by these Disciplinary Rules to report acts of Misconduct to the Disciplinary Officer. Without prejudice to this general obligation, where a Race Official witnesses or receives evidence of conduct that may constitute Misconduct under these Disciplinary Rules at an Event he must report that conduct to the Senior Race Official immediately. The Senior Race Official must report all matters that may constitute Misconduct at an Event to the Disciplinary Officer within 72 hours of receiving notice of such conduct.*

The general obligation set out in clause 3.3 should not discourage teams, clubs, Persons and/or other individuals (whether they be relatives or friends of Persons, spectators or otherwise) from reporting matters that may constitute Misconduct to the relevant club welfare officer, where appropriate, in addition to reporting such matters to the Disciplinary Officer.

- 3.4 These Disciplinary Rules are not intended to replace the powers given to Race Officials to penalise breaches of the Technical Regulations committed by Persons at Events. For the avoidance of doubt, a Person may be sanctioned under these Disciplinary Rules for Misconduct that relates to conduct at an Event even if a Race Official has, or has not, already penalised one or more Persons for that conduct in accordance with the Technical Regulations.

#### Investigations

- 3.5 The Disciplinary Officer shall be entitled to undertake any investigations he considers necessary, and every Person will be obliged to cooperate with those investigations. A failure to cooperate with any investigation may itself constitute Misconduct and will entitle adverse inferences to be drawn from that failure.
- 3.6 The Disciplinary Officer shall report his findings in writing to the Head of the Disciplinary Panel and the Head of the Disciplinary Panel shall instruct the Disciplinary Officer to:

- (a) take no further action; or
- (b) take any further actions to attempt to resolve the matter without recourse to a Disciplinary Complaint - this may include further investigation, helping to resolve conflicts between any parties, or issuing formal warnings; or
- (c) bring a Disciplinary Complaint to be brought against one or more Persons.

#### **4 The Disciplinary Complaint**

- 4.1 Where the Disciplinary Officer decides to bring a Disciplinary Complaint, he should do so as soon as reasonably practicable and ordinarily within 7 days of receiving notice of the alleged act of Misconduct.
- 4.2 The Disciplinary Officer shall provide a written copy of the Disciplinary Complaint to the Head of the Disciplinary Panel and the Person subject to the Disciplinary Complaint (the 'Individual'). A proforma Disciplinary Complaint is provided at Appendix 1 and should ordinarily contain:
- (a) the name of the Individual;
  - (b) details of the alleged act of Misconduct;
  - (c) information regarding any Specified Sanction proposed; and
  - (d) any further information that the Head of the Disciplinary Panel considers appropriate.

#### **Specified Sanction**

- 4.3 The Head of the Disciplinary Panel may offer a Specified Sanction to the Individual, giving him an opportunity to:
- (a) admit the Disciplinary Complaint;
  - (b) forego his right to a hearing before the Disciplinary Committee and his right to an appeal; and
  - (c) fully accept the terms of a Specified Sanction.
- 4.4 If the Individual fails to fully accept the terms of a Specified Sanction within 14 days of receipt, or explicitly notifies the Head of the Disciplinary Panel that they reject the Specified Sanction, the Disciplinary Complaint will proceed to a hearing in accordance with clause 5 below.
- 4.5 If the Individual fully accepts the terms of a Specified Sanction within 14 days of receipt no hearing will be held.

#### **5 Disciplinary Committee Procedures**

##### **Pre-hearing Procedures**

- 5.1 The following provisions set out procedural guidelines for the conduct of proceedings before Disciplinary Committees. In each case, the Disciplinary Committee may depart from these guidelines as it sees fit in the circumstances of the case. Any such departure will not invalidate any finding or decision of the Disciplinary Committee unless it is shown to render that finding or decision unreliable.
- 5.2 When a Disciplinary Complaint is to proceed to a hearing, the Head of the Disciplinary Panel shall appoint three members of the Disciplinary Panel to hear the matter and will designate one of those members to act as chairman of that Disciplinary Committee.

*Explanatory note: The Head of the Disciplinary Panel retains absolute discretion as to the individual members of the Disciplinary Panel that he appoints to form the Disciplinary Committee. However, as a guide, and*

*where it is reasonably practicable, the Head of the Disciplinary Panel will ordinarily appoint members of the Disciplinary Panel with knowledge and/or experience of the discipline/subject matter of the Disciplinary Complaint.*

- 5.3 No person on the Disciplinary Committee may have a close interest in the matter under consideration.
- 5.4 If one or more members of a Disciplinary Committee are unable or unwilling, for whatever reason, to hear the matter referred to the Disciplinary Committee, then the Head of the Disciplinary Panel may, at his absolute discretion:
  - (a) appoint another member of the Disciplinary Panel as a replacement;  
or
  - (b) appoint a new Disciplinary Committee.
- 5.5 Disciplinary Committees will be entitled to seek specialist advice (including legal advice, medical advice, and advice on cycling matters) as they deem appropriate. The provider of specialist advice may be asked to attend the hearing.
- 5.6 In accordance with clause 1.3 above, while these Disciplinary Rules are primarily intended to address acts of Misconduct committed by Persons, a Disciplinary Complaint may also be brought against teams, clubs and other entities affiliated to the Jersey Cycling Association. In such circumstances, the chairman of the Disciplinary Committee appointed to hear the Disciplinary Complaint will determine the procedure to be adopted, but ordinarily it will mirror the procedure set out in clauses 5 and 6 of these Disciplinary Rules.
- 5.7 The Head of the Disciplinary Panel shall send a written notice to the Individual, the Disciplinary Officer and the members of the Disciplinary Committee:
  - (a) setting out the identity of the members of the Disciplinary Committee;
  - (b) setting out the date, time and place at which the Disciplinary Complaint will be heard; and
  - (c) informing the Individual that he is required to attend the hearing in person, and that he is entitled to be accompanied at the hearing by another person legal advisor and/or other representative to assist him, and
  - (d) a copy of these Disciplinary procedures.

*Explanatory note: The Disciplinary Committee hearing should ordinarily be held within 28 days of the alleged act of Misconduct.*
- 5.8 Copies of all relevant evidence and lists of any witnesses to be called should ordinarily be sent to the Jersey Cycling Association by email to [secretary@jerseycycling.je](mailto:secretary@jerseycycling.je) at the Jersey Cycling Association at least 7 days in advance of the hearing. Evidence not submitted by that deadline may not ordinarily be relied on unless the Disciplinary Committee is satisfied that there was reasonable excuse for the failure to meet the deadline. The Head of the Disciplinary Panel will circulate copies of the evidence provided as soon as is practicable after the deadline; this will ordinarily be sent to the Disciplinary Committee, the Disciplinary officer and the Individual.
- 5.9 Nothing in these Disciplinary Rules prevents the Individual from competing or participating in Events pending the hearing of the Disciplinary Committee. However the Head of the Disciplinary Panel may impose an interim suspension on that Individual, pending the hearing of the Disciplinary Committee, where he is satisfied that the circumstances warrant it.

#### Hearing Procedures

- 5.10 All hearings before Disciplinary Committees will be held in private, unless otherwise ordered by the Disciplinary Committee and no recording of the hearing may be made.
- 5.11 At the beginning of the hearing, the chairman of the Disciplinary Committee will introduce himself and the other members of the Disciplinary Committee, state the purpose of the hearing, outline the procedure to be followed and establish that the person, or representative of the Club or Team, present is the Individual named in the Disciplinary Complaint.  
*Explanatory Note: the representative of the Club or Team must be an elected officer of that Club or Team.*
- 5.12 The absence of the Individual at any hearing before the Disciplinary Committee will not, in itself, prevent the Disciplinary Committee from proceeding to a decision in the matter, provided that the Disciplinary Committee is satisfied that the relevant party received notice of the hearing. The Disciplinary Committee will have discretion in such circumstances, where good cause is shown
- (a) to consider written submissions by or on behalf of such absentee and/or
  - (b) to adjourn the proceedings to a date when the absentee is able to attend.
- 5.13 The Disciplinary officer will ordinarily ensure that the relevant evidence is put before the Disciplinary Committee, and he may also make submissions. The Disciplinary Committee may ask questions of any witness, the Disciplinary Officer and the Individual subject to the complaint. In addition, the Individual may cross-examine witnesses and the Investigating Officer, but only through the chairman of the Disciplinary Committee.
- 5.14 Once the Disciplinary Officer has put the relevant evidence before the Disciplinary Committee (and make submissions, if appropriate), the Individual will then be invited to present evidence in his defence. The Disciplinary Committee may ask questions of any witness, the Disciplinary Officer and the Individual subject to the complaint. In addition, the Disciplinary Officer may cross-examine witnesses but only through the chairman of the Disciplinary Committee.
- 5.15 The Disciplinary Committee will not be bound to apply formal rules of evidence, but instead will have the discretion to receive and consider such evidence as it thinks fit (including evidence in writing or videotape or photographs), and to attach such weight to that evidence as it sees fit.
- 5.16 Third party witnesses will not ordinarily be admitted to the hearing room prior to giving their evidence, and after giving their evidence all such witnesses will ordinarily withdraw from the hearing room.
- 5.17 In any case in which a witness refuses or fails to attend before the Disciplinary Committee, the Disciplinary Committee may, in its discretion, allow or refuse to allow the evidence of that witness to be given in any other form.
- 5.18 The Disciplinary Committee will be entitled, where the circumstances warrant, to adjourn or postpone proceedings as it thinks fit.
- 5.19 The Individual may admit the Disciplinary Complaint at any time, in which case the Disciplinary Committee should review the relevant evidence that remains unheard and then proceed to hear submissions as to the sanction (if any) to be imposed.
- 5.20 Once the Disciplinary Committee is satisfied that it has heard all the relevant evidence on the issue of 'liability' or 'guilt', the Individual and the Disciplinary



Officer will be given the opportunity to make concluding submissions. The Disciplinary Committee will then retire to deliberate in private on the question of 'liability' or 'guilt'.

- 5.21 The Disciplinary Committee will consider whether or not it is satisfied, on the balance of probabilities (meaning more likely than not), that the Individual committed the act of Misconduct alleged. If the Disciplinary Committee is so satisfied then the Disciplinary Complaint will be upheld.
- 5.22 A decision of a Disciplinary Committee will be made by at least a simple majority of the members of the Disciplinary Committee. No member of a Disciplinary Committee may abstain from any decision.

#### Sanction

- 5.23 The decision of the Disciplinary Committee will be announced orally to the parties. Where the Disciplinary Complaint has been upheld, the parties will then be invited to make submissions regarding what sanction, if any, should be imposed and what costs award, if any, should be made.
- 5.24 The Disciplinary Committee will again deliberate in private to determine what, if any, sanctions and costs awards should be made.
- 5.25 Subject to clause 5.26, below, in the event that a Disciplinary Complaint is upheld, the Disciplinary Committee will be entitled to impose any one or more of the following sanctions as it deems appropriate, having regard to all of the circumstances of the case (all of which may be suspended):
- (a) words of advice and/or other appropriate management action;
  - (b) a caution, reprimand and/or warning as to future conduct;
  - (c) a fine;
  - (d) in the case of Misconduct at or in relation to an Event, disqualification from the Event (in which case all benefits obtained in connection with the Event will be forfeited);
  - (e) withdrawal of the Individual's Licence for a specified period;
  - (f) withdrawal of the Individual's Membership for a specified period;
  - (g) a suspension from competing and/ or participating in future Events and/or
  - (h) disqualification of past results from the date of the original offence in accordance with clause 10.1, below.

5.26 In exercising its sanctioning authority against the Individual, the Disciplinary Committee will (where applicable) be required to apply a sanction within the range of sanctions set out in Appendix 3, unless the Disciplinary Committee considers that the circumstances are exceptional and justify a sanction outside the range provided.

5.27 In order to determine the appropriate sanction that is to be imposed in each case, the Disciplinary Committee should first determine the seriousness of the conduct, and then consider what factors:

- (a) aggravate the conduct, namely:
  - (i) a lack of remorse on the part of the Individual involved;
  - (ii) the Individual having previously been found guilty of similar conduct whether under these Disciplinary Rules or the disciplinary regulations of any other governing body;
  - (iii) the need for a deterrent; and/or
  - (iv) any other aggravating factors that the Disciplinary Committee considers relevant and appropriate.
- (b) mitigate the conduct, namely:

- (i) any admission of guilt (the mitigating value of which may depend upon its timing);
- (ii) a good previous disciplinary record;
- (iii) a young age and/or lack of experience;
- (iv) good conduct prior to and at the hearing;
- (v) demonstrable remorse for his actions and any victim; and/or
- (vi) any other mitigating factors that the Disciplinary Committee considers relevant and appropriate.

- 5.28 Sanctions will be effective immediately, subject to the Disciplinary Committee's discretion to start the sanction on another date, backdated to take account of any interim suspension imposed under clause 5.9 or otherwise.
- 5.29 The Disciplinary Committee will advise the parties of its decision as soon as reasonably practicable and the decision will take effect at that point. The Disciplinary Committee will confirm its decision in a written judgment to the parties and the Committee that sets out the reasons for its findings. A proforma judgment is attached at Appendix 2.
- 5.30 If no appeal is filed in accordance with clause 6 below, then the decision of the Disciplinary Committee will be final.

#### Costs

- 5.31 Ordinarily, any costs incurred by the parties will lie where they fall. However, the Disciplinary Committee will have the discretion to order the Individual to pay some or all of the costs of holding the hearing where the Disciplinary Complaint is upheld (including any travel or accommodation costs incurred by members of the Disciplinary Committee and/or any costs incurred as a result of the Disciplinary Committee obtaining specialist advice in accordance with clause 5.5, above).

## **6 Appeals Procedure**

### Pre-appeal Hearing Procedure

- 6.1 The final substantive decisions of a Disciplinary Committee may be appealed by the relevant Individual solely by an appeal to an Appeal Committee in accordance with this clause 6. There will be no separate right of appeal from any decisions, directions, orders or determinations made in respect of preliminary or other matters unless the Head of the Disciplinary Panel orders that such an appeal may be brought (which he will only do in truly exceptional circumstances).
- 6.2 Where an Individual neither attends the hearing of the Disciplinary Committee in person, nor provides written submissions to the Disciplinary Committee in accordance with clause 5.12, above, he may not appeal the decision of the Disciplinary Committee unless granted leave to do so by the Head of the Disciplinary Panel. When considering an application for leave to appeal in such circumstances, the Head of the Disciplinary Panel will consider all of the circumstances of the case, including any explanation provided by the Individual as to why he did not attend the hearing of the Disciplinary Committee, and did not provide written submissions.
- 6.3 There will be no right of appeal where the Individual admits a Disciplinary Complaint and accepts the imposition of a Specified Sanction under clause 4.3, above.
- 6.4 For an appeal to be valid, the Individual making the appeal (the 'Appellant') must comply with the following conditions:
- (a) the Appellant must file a notice of appeal (the 'Notice of Appeal')

complying in all respects with clause (b) below, with the Head of the Disciplinary Panel within 14 days of receipt of the written judgment in respect of the decision appealed against.

- (b) the Notice of Appeal must be signed by or on behalf of the Appellant and must specify:
  - (i) the date of the decision appealed against;
  - (ii) the time and date that the Appellant received the written judgment;
  - (iii) the specific aspect of the decision being challenged on appeal (for example, whether the appeal relates to the finding of 'liability'/'guilt', or to the severity of the sanction, or both); and
  - (iv) the specific grounds of such challenge; and
- (c) the Appellant must send an Appeal Fee to the Jersey Cycling Association so that it arrives before the deadline set out in clause (a) above. The Head of the Disciplinary Panel may waive the requirement for an Appeal Fee (or reduce the amount of Appeal Fee).

6.5 Where the conditions set out in clause 6.4, above, are not complied with in full, the appeal is invalid and will be dismissed by the Head of the Disciplinary Panel unless the Appellant demonstrates sufficient excuse to persuade the Head of the Disciplinary Panel to exercise his discretion to allow the appeal to proceed. If the appeal is dismissed in accordance with this clause the decision being challenged will be deemed to be final and binding.

6.6 Following the filing of a Notice of Appeal, the Disciplinary Officer will as soon as reasonably practicable (and no later than 7 days) provide to the Head of the Disciplinary Panel (with a copy to the Individual) a copy of all evidence that was put before the Disciplinary Committee, as well as the written judgment issued by the Disciplinary Committee in accordance with clause 5.29, above (the 'Case File').

6.7 If an appeal is validly made or is otherwise allowed to proceed pursuant to clause 6.5 above:

- (a) any fine, compensation or costs award made by the Disciplinary Committee will be postponed pending the outcome of the appeal hearing; and
- (b) any other sanction imposed by the Disciplinary Committee, including disqualification, and the withdrawal of Licence/Membership or suspension, will remain in place and have effect pending the outcome of the appeal hearing unless the Head of the Disciplinary Panel determines that the sanction be lifted pending the outcome of the appeal, which he will not do unless the Appellant produces new evidence that casts a material doubt on the reliability of the decision such as mistaken identity or similar truly exceptional circumstances.

6.8 The following provisions of this clause 6 set out procedural guidelines for the conduct of appeals before Appeal Committees. In each case, the Appeal Committee may depart from these guidelines as it sees fit in the circumstances of the case. Any such departure will not invalidate any finding or decision of the Appeal Committee unless it is shown to render that finding or decision unreliable.

6.9 On receipt of a valid Notice of Appeal or where the appeal is otherwise

allowed to proceed pursuant to clause 6.5 above, the Head of the Disciplinary Panel will ask Jersey Sport to provide a list of people who have agreed to sit on Appeals Panels from which the Head of the Disciplinary Panel will appoint three members to sit as an Appeal Committee to hear the appeal. The Head of the Disciplinary Panel will designate one of those members to act as chairman of that Appeal Committee. He will send copies of the Notice of Appeal and the Case File to the members of the Appeal Committee and to all of the parties involved in the proceedings before the Disciplinary Committee.

- 6.10 None of the members of the Disciplinary Panel who sat on the Disciplinary Committee that issued the decision being challenged on appeal may sit on the Appeal Committee hearing the appeal.
- 6.11 No person on the Appeal Committee may have a close interest in the appeal under consideration.
- 6.12 If one or more members of an Appeal Committee are unable or unwilling, for whatever reason, to hear the matter referred to the Appeal Committee, then Jersey Sport may, at their absolute discretion:
  - (a) appoint another member of the Disciplinary Panel as a replacement; or
  - (b) appoint a new Appeal Committee.
- 6.13 Appeal Committees will be entitled to seek specialist advice (including legal advice, medical advice, and advice on cycling matters) as they deem appropriate. The provider of specialist advice may be asked to attend the hearing.
- 6.14 Following the appointment of an Appeal Committee in accordance with clause 6.9, above, Jersey Sport will send a written notice to the parties involved in the proceedings before the Disciplinary Committee informing them:
  - (a) of the identity of the appointed members of the Appeal Committee;
  - (b) of the date, time and place at which the Appeal Committee will hear the appeal; and
  - (c) that they are required to attend the hearing in person and that they are entitled to be accompanied at the hearing by a legal adviser and/or other representative person to assist him.

*Explanatory note: The Appeal Committee hearing should ordinarily be held within 28 days of the decision of the Disciplinary Committee.*

- 6.15 At the time of (or after) sending the written notice referred to in clause 6.14 above, the chairman of the Appeal Committee may send to the parties written directions governing the conduct of the proceedings.
- 6.16 Whether or not directions have been made, the chairman of the Appeal Committee may require any party, prior to the hearing, to identify its position and arguments in the appeal and/or to respond to the other parties' position and arguments. In addition, where practicable, written submissions and evidence will be provided to the Appeal Committee and exchanged by the parties prior to the hearing.
- 6.17 Where the Appellant appeals against the sanction alone, he may request that the Appeal Committee review the sanction without the need for a personal hearing. If the chairman of the Appeal Committee agrees that a personal hearing is not necessary, then the Appellant and any other party to proceedings below shall be entitled to make representations in writing to the Appeal Committee.

### Appeal Hearing

- 6.18 All hearings before Appeal Committees will be held in private, unless otherwise ordered by the Appeal Committee and no recording of the hearing may be made.
- 6.19 The Appeal Committee will be entitled to conduct and regulate the appeal proceedings as it sees fit in the circumstances of the case, and will determine the basis on which the appeal will proceed. Except where an appeal proceeds as a re-hearing of all of the issues and evidence that were before the Disciplinary Committee in accordance with this clause 6.19 (a 'Re-Hearing'), the basis of the appeal will be that the Appellant will have to prove that the decision being challenged
- (a) was in error and
  - (b) should be overturned or varied.
- An Appeal Committee may only determine to proceed with an appeal as a Re-Hearing if it is satisfied that the circumstances are exceptional and that there are compelling reasons why the Appeal Committee should hear the case as a Re-Hearing. In the case of a Re-Hearing, the same standard of proof that applied before the Disciplinary Committee will apply.
- 6.20 At the hearing, the Appellant may not, without the express consent of the Appeal Committee, advance any ground of challenge that was not specified in the Notice of Appeal.
- 6.21 The Appeal Committee may consider evidence not offered in the Disciplinary Committee proceedings, provided that the party offering the evidence shows that it was not available on reasonable enquiry at the time of those proceedings.
- 6.22 The Appeal Committee will be entitled, where the circumstances warrant
- (a) to adjourn or postpone proceedings as it thinks fit and/or
  - (b) to issue directions prior to the hearing as to who should attend the hearing on behalf of the parties.
- 6.23 Save where otherwise directed by the Appeal Committee, all parties from the proceedings before the Disciplinary Committee should attend the hearing before the Appeal Committee. The absence of a party at any hearing before an Appeal Committee will not, in itself, prevent the Appeal Committee from proceeding to a decision in the matter. The Appeal Committee will have discretion whether to receive written submissions by or on behalf of such absentee.
- 6.24 The parties will have the right to make submissions to the Appeal Committee as to the procedures that it should follow in hearing the appeal. Subject to that, and to the Appeal Committee's ability to determine its own procedures, the following guidelines will apply:
- (a) the chairman of the Appeal Committee will introduce himself and the other members of the Appeal Committee to the parties and will ordinarily then read out the Notice of Appeal, or a summary of it, before explaining the procedure to be followed;
  - (b) the Appellant will be invited to make submissions and (where appropriate) call witnesses, who may be subject to cross-examination through the chairman of the Appeal Committee;
  - (c) the other party or parties to the appeal will be invited to make submissions and (where appropriate) call witnesses, who may be subject to cross-examination through the chairman of the Appeal

- Committee;
- (d) the parties will each be entitled to make concluding submissions;  
and
- (e) the Appeal Committee will retire to deliberate in private.

6.25 In any case in which a witness refuses or fails to attend before the Appeal Committee, the Appeal Committee may, in its discretion, allow or refuse to allow the evidence of that witness to be given in any other form.

6.26 A decision of an Appeal Committee will be made by at least a simple majority of the members of the Committee. No member of an Appeal Committee may abstain from any decision.

6.27 With the exception of Re-Hearings (where the Appeal Committee will consider sanctioning -- where appropriate -- under clauses 5.25 to 5.27, above), the Appeal Committee may:

- (a) affirm the decision appealed against;
- (b) set aside the decision appealed against and quash any sanction imposed;
- (c) set aside only part of the decision appealed against;
- (d) substitute for the findings of the Disciplinary Committee below its own decision on 'liability' or 'guilt' (e.g., finding a party culpable of a lesser or greater offence) and/or substitute for the sanction imposed below its own sanction; and/or  
*Explanatory note: The Appeal Committee may impose a greater sanction than that which was imposed by the Disciplinary Committee.*
- (e) take any other steps that it considers necessary to deal justly with the appeal.

6.28 The Appeal Committee will advise the parties of its decision as soon as reasonably practicable and the decision will take effect at that point. The Appeal Committee will confirm its decision to the parties in a written judgment that sets out the reason for the decision.

6.29 The decision of the Appeal Committee, including in any case in which the Appeal Committee heard the matter as a Re-Hearing, will be final and binding. For clarity, no further appeal will be permitted under any circumstances.

#### Appeal costs

6.30 Ordinarily, any costs incurred by the parties will lie where they fall. However, the Appeal Committee will have the discretion to order the Appellant to pay some or all of the costs of holding the hearing (including any travel or accommodation costs incurred by members of the Appeal Committee and/or any costs incurred as a result of the Appeal Committee obtaining specialist advice in accordance with clause 6.13, above).

## 7 Notices

7.1 All communications required to be made under these Disciplinary Rules must be in English and must be sent by either email or registered post, in accordance with clauses 7.2 and 7.3 below.

7.2 All communications required to be made to the Head of the Disciplinary Panel or the Disciplinary Officer shall be deemed served when transmitted by email to [secretary@jerseycycling.je](mailto:secretary@jerseycycling.je).

7.3 All communications required to be made to a Person shall be deemed served when transmitted to that Person by email. Where email address of

the Person is unknown to the sender, notice to that Person shall be accomplished by sending the communication by registered post to the last known address of such Person. In that case, the communication will be deemed served upon the expiry of three working days after the date of posting.

## **8 Publicity**

- 8.1 Where a Disciplinary or Appeal Committee imposes a suspension on an Individual, the Jersey Cycling Association will notify the BC of details of that suspension as soon as reasonably practicable after such suspension is imposed.
- 8.2 The Jersey Cycling Association will, at the absolute discretion of the Head of the Disciplinary Panel, publish the decisions of all Disciplinary or Appeal Committees and/or details of any sanctions imposed to those Clubs/Teams in membership at the time unless there are exceptional circumstances in which it is considered inappropriate to publish. Normally the decisions of Disciplinary or Appeal Committees will not be published such that they are available to anyone outside those Clubs/Teams in membership at the time unless there are exceptional circumstances.  
*Explanatory note: In a small community care must be taken to avoid any unintended consequences for the Individual outside the confines of the cycle racing community.*
- 8.3 Subject to clause 8.1, above, until such time as a decision and/or details of any sanctions imposed are published, all parties and participants in the proceedings must treat such proceedings as confidential.

## **9 Multiple Incidents**

- 9.1 Two or more parties may be dealt with at the same hearing where the proceedings arise out of the same incident or set of facts, or where there is a clear link between separate incidents. In such a situation, the Disciplinary or Appeal Committee will modify the procedures adopted at the hearing as may be appropriate.

## **10 Terms of Suspension**

- 10.1 Where a suspension is imposed under clause 5.25 above, the Disciplinary or Appeal Committee will specify the precise terms and duration of the suspension.
- 10.2 Where an individual subject to a suspension imposed by a Disciplinary or Appeal Committee under clauses 5.25, 6.27 and/or 10.1 above, breaches the terms of such suspension, this may constitute a separate act of Misconduct.
- 10.3 The Jersey Cycling Association will wherever possible recognize and enforce suspensions imposed by other competent sporting disciplinary bodies. Such sporting disciplinary bodies will include (for example):
  - (a) Cycling Time Trials;
  - (b) any national cycling federation affiliated to the UCI.
- 10.4 If a Disciplinary Complaint against a Team, Club or other entity affiliated to the Jersey Cycling Association is upheld, the Disciplinary or Appeal Committee will be permitted to impose any sanction that it deems appropriate, which may include any sanction (or any combination of sanctions) listed at clause 5.25, above.

## **11 Financial Liability to the Jersey Cycling Association**

- 11.1 Fines, costs and/or compensation awards imposed by a Specified Sanction, Disciplinary Committee or Appeal Committee shall be payable within 28 days of the final decision.
- 11.2 All financial liabilities payable under these Disciplinary Rules shall be sent to the Treasurer of the Jersey Cycling Association.
- 11.3 If the total sum is not settled within 28 days, where:
- (a) the Person shall have their Licence automatically suspended from the 28th day after the final decision was made until the day full payment is received;
  - (b) the Club, Team or other entity shall be automatically suspended from membership of the Jersey Cycling Association from the 28th day after the final decision was made until the day full payment is received.
- Explanatory note: All riders who form the membership of that Club/Team in membership of the Jersey Cycling Association will be barred from racing until the suspension is lifted.*
- 11.4 Any such automatic suspension shall apply immediately and run consecutively with any other suspension(s) imposed. The end date of such other suspension(s) shall therefore automatically be increased by the period of time the sum was outstanding for.

## **12 Miscellaneous**

- 12.1 Any deviation from any provision of these Disciplinary Rules and/or any irregularity, omission, technicality or other defect in the procedures will not invalidate any finding, procedure or decision unless it is shown to render the proceedings unreliable or to have caused a miscarriage of justice.
- 12.2 In the event that a particular incident occurs for which there is no provision in these Disciplinary Rules, then the Disciplinary Officer may either refer the matter to a Disciplinary Committee, Appeal Committee or the Head of the Disciplinary Panel or else take such action that he considers appropriate in the circumstances. All matters shall be dealt with in accordance with general principles of natural justice and fairness.
- 12.3 The Disciplinary Rules may be amended by the Committee from time to time, with such amendments coming into effect on the date specified by the Jersey Cycling Association.
- 12.4 Disciplinary and Appeal Committees may make recommendations to the Jersey Cycling Association, including regarding amendments to these Disciplinary Rules, which the Disciplinary Officer will, where applicable, refer to the Committee for its consideration.
- 12.5 If any part of these Disciplinary Rules is held invalid, unenforceable or illegal for any reason, these Disciplinary Rules will remain in full force apart from that part, which will be treated as if it had been deleted to the extent to which it is invalid, unenforceable or illegal.
- 12.6 These Disciplinary Rules and all matters and proceedings arising out of or in connection with them (including any dispute or claim relating to non-contractual obligations) are governed by and construed in accordance with the laws of the States of Jersey, and the Royal Court of Jersey has exclusive jurisdiction in relation to these Disciplinary Rules and any decision made hereunder.
- 12.7 It is acknowledged that, by virtue of their participation in events organised, licensed, convened, authorised or recognised by British Cycling, certain Persons may also be subject to separate disciplinary rules of British Cycling, and that the same conduct of such Persons may implicate not only these Disciplinary Rules but also such other disciplinary rules of British Cycling



that may apply. In cases where there have been offences under these Disciplinary Rules and under the disciplinary rules of British Cycling, the Jersey Cycling Association will liaise with British Cycling in order to determine the appropriate course.

**Appendix 1: Proforma Disciplinary Complaint**

Name of Individual:	
Club:	
Event:	
Venue:	
Date of incident:	
Details of incident and why the conduct constitutes Misconduct:	
Terms of Specified Sanction (if applicable):	
Further information:	
Name of Disciplinary Officer:	
Date:	
Signature of Disciplinary Officer:	

**Notes to Disciplinary Officer**

Reference to the specific provision of clause 3.2 should be made (where appropriate)  
Any documentary evidence (witness evidence, race report etc.) should be attached to the Disciplinary Complaint.

## Appendix 2: Proforma Judgement

Name of Individual:	
Club:	
Event:	
Venue:	
Date of incident:	
Member of the Disciplinary Committee:	
In attendance: (List of those who attend the hearing)	
<b>TO CONSIDER:</b>	<b>EVIDENCE</b>
	The Disciplinary Committee has considered: i.e. 1. Report and oral evidence from the race official. 2. Oral evidence and written statement from the Individual (name). 3. Written witness statements from (names).
	<b>DECISION</b>
	The Disciplinary Committee finds the Individual guilty/not guilty. The reasons for their decision are...
	<b>AGGRAVATION / MITIGATION</b>
	The Disciplinary Committee took into account the following points...
	<b>SANCTION</b>
	The Individual is... (describe the precise terms of sanction i.e. fine, length of suspension.)
	<b>COSTS</b>
The Disciplinary Committee makes an award of costs against...	
<b>RIGHT OF APPEAL</b>	
The right of, and procedure on, appeal is set out in clause 6 of the Disciplinary Rules.	
Signature:	
Date:	
Chairman of the Disciplinary Committee:	

### Appendix 3: Table of Recommended Sanctions

	<b>Act of Misconduct</b>	<b>Sanction Based on Scale of Seriousness</b>
<b>1</b>	<b>Serious or multiple breaches of the Technical Regulations not dealt with in these recommended sanctions</b>	<ul style="list-style-type: none"> <li>• Caution, reprimand, warning as to future conduct.</li> <li>• Suspension of Licence and/or of Membership and/or from participation</li> <li>• in Events for a specified period within the range of 3 to 12 months.</li> <li>• Monetary fine payable within 28 days.</li> <li>• Forfeiture of competition prizes.</li> </ul>
<b>2</b>	<b>Serious or multiple breaches of the Policies</b>	<ul style="list-style-type: none"> <li>• Caution, reprimand, warning as to future conduct.</li> <li>• Suspension of Licence and/or of Membership and/or from participation</li> <li>• in Events for a specified period within the range of 3 to 12 months.</li> <li>• Monetary fine payable within 28 days.</li> </ul>
<b>3</b>	<b>Serious or multiple breaches of the Code of Conduct</b>	<ul style="list-style-type: none"> <li>• Caution, reprimand, warning as to future conduct.</li> <li>• Suspension of Licence and/or of Membership and/or from participation</li> <li>• in Events for a specified period within the range of 3 to 12 months.</li> <li>• Monetary fine payable within 28 days.</li> </ul>
<b>4</b>	<b>Serious or multiple disobedience of the reasonable directions of a Race Official</b>	<ul style="list-style-type: none"> <li>• Caution, reprimand, warning as to future conduct.</li> <li>• Suspension of Licence and/or of Membership and/or from participation</li> <li>• in Events for a specified period within the range of 3 to 12 months.</li> <li>• Monetary fine payable within 28 days.</li> </ul>
<b>5</b>	<b>Dangerous riding and/or compromising the safety of another Person</b>	<p>Minimum sanction:</p> <ul style="list-style-type: none"> <li>• £25 fine; and/or</li> <li>• 3 month suspension of Licence and/or of Membership and/or from</li> <li>• participation in Events.</li> </ul> <p>Maximum sanction:</p> <ul style="list-style-type: none"> <li>• £250 fine; and/or</li> <li>• 1 year suspension of Licence and/or of Membership and/or from</li> <li>• participation in Events.</li> </ul>
<b>6</b>	<b>Verbal abuse of Race Officials</b>	<p>Minimum sanction:</p> <ul style="list-style-type: none"> <li>• £25 fine; and/or</li> <li>• 3 month suspension of Licence and/or of Membership and/or from</li> <li>• participation in Events.</li> </ul> <p>Maximum sanction:</p> <ul style="list-style-type: none"> <li>• £250 fine; and/or</li> <li>• 1 year suspension of Licence and/or of Membership and/or from</li> <li>• participation in Events.</li> </ul>

	<b>Act of Misconduct</b>	<b>Sanction Based on Scale of Seriousness</b>
<b>7</b>	<b>Physical abuse of Race Officials</b>	<p>Minimum sanction:</p> <ul style="list-style-type: none"> <li>• £250 fine; and/or</li> <li>• 6 month suspension of Licence and/or of Membership and/or from participation in Events.</li> </ul> <p>Maximum sanction:</p> <ul style="list-style-type: none"> <li>• Unlimited fine; and/or</li> <li>• Lifetime suspension of Licence and/or of Membership and/or from participation in Events.</li> </ul>
<b>8</b>	<b>Serious use of offensive or foul language</b>	<p>Minimum sanction:</p> <ul style="list-style-type: none"> <li>• £25 fine; and/or</li> <li>• 1 month suspension of Licence and/or of Membership and/or from participation in Events.</li> </ul> <p>Maximum sanction:</p> <ul style="list-style-type: none"> <li>• £250 fine; and/or</li> <li>• 1 year suspension of Licence and/or of Membership and/or from participation in Events.</li> </ul>
<b>9</b>	<b>Unsporting conduct</b>	<p>Minimum sanction:</p> <ul style="list-style-type: none"> <li>• £25 fine; and/or</li> <li>• 1 month suspension of Licence and/or of Membership and/or from participation in Events.</li> </ul> <p>Maximum sanction:</p> <ul style="list-style-type: none"> <li>• £250 fine; and/or</li> <li>• 1 year suspension of Licence and/or of Membership and/or from participation in Events.</li> </ul>
<b>10</b>	<b>Physical abuse of another competitor</b>	<p>Minimum sanction:</p> <ul style="list-style-type: none"> <li>• £50 fine; and/or</li> <li>• 3 month suspension of Licence and/or of Membership and/or from participation in Events.</li> </ul> <p>Maximum sanction:</p> <ul style="list-style-type: none"> <li>• Unlimited fine; and/or</li> <li>• Lifetime suspension of Licence and/or of Membership and/or from participation in Events.</li> </ul>
<b>11</b>	<b>Failure to provide reasonable assistance in connection with a Disciplinary Complaint</b>	<ul style="list-style-type: none"> <li>• Sanctions will vary and it is not appropriate to establish a scale.</li> <li>• Sanctions shall be imposed at the absolute discretion of the Disciplinary Committee / Appeal Committee.</li> </ul>
<b>12</b>	<b>Breaching the terms of any suspension</b>	<p>Minimum sanction:</p> <ul style="list-style-type: none"> <li>• 3 month suspension in addition to original</li> </ul>

	<b>imposed by the Jersey Cycling Association</b>	suspension (to be imposed consecutively). Maximum sanction: <ul style="list-style-type: none"> <li>• One year suspension in addition to original suspension (to be imposed consecutively).</li> </ul>
	<b>Act of Misconduct</b>	<b>Sanction Based on Scale of Seriousness</b>
<b>13</b>	<b>Acting in contravention of the Equality Policy</b>	<ul style="list-style-type: none"> <li>• Sanctions will vary and it is not appropriate to establish a scale.</li> <li>• Sanctions shall be imposed at the absolute discretion of the Disciplinary Committee / Appeal Committee.</li> </ul>
<b>14</b>	<b>Misconduct relating to the abuse of a position of trust or authority</b>	<ul style="list-style-type: none"> <li>• Sanctions will vary and it is not appropriate to establish a scale.</li> <li>• Sanctions shall be imposed at the absolute discretion of the Disciplinary Committee / Appeal Committee.</li> </ul>