

The Fell Runners Association

Disciplinary, Review and Appeals Sub-Committee: Terms of Reference (v2.3)

Membership of the Sub-committee and disciplinary panels

1. The FRA Disciplinary, Review and Appeals Sub-committee ("the Sub-committee") will comprise:
 - i) all members of the Executive Committee except for the Secretary and Welfare Officer;
 - ii) up to six members from the general membership of the FRA, elected at the first meeting of the Executive Committee after the AGM or at other Executive Committee meetings as required.
2. Members of the Sub-committee who are not members of the Executive Committee will have the power to vote on any matter being considered.
3. The chairman of the Sub-committee will be the FRA Chairman.
4. The FRA Secretary will act as secretary of the Sub-committee whilst playing no part in its decision-making.
5. The Welfare Officer may not be involved in any panels considering disciplinary matters. They may provide advice and support to individuals involved in any case but may not be involved in any decision.
6. Where the Secretary indicates that he/she cannot fulfil the role assigned to the Secretary in Appendix 1, the Chairman may appoint another member of the Executive Committee to act in the place of the Secretary.
7. For any disciplinary or related matter being considered, the Chairman will convene a panel of at least 3 and up to 6 members of the Sub-committee. A clear majority of members of any panel must be members of the Executive Committee. None of the members must have any prior involvement with the case being considered.
8. Where the matter is of a sensitive nature, and/or may involve outside agencies such as the Police, the number of people involved should be kept to a minimum and those involved should be carefully selected, normally from the most experienced and trusted Committee members.
9. For any matter relating to an Executive Committee member the panel will comprise 3 members of the Executive Committee.
10. The FRA Chairman shall normally act as chairman of the panel. If the FRA Chairman cannot act as chairman for a case then he/she shall nominate a chairman for the relevant panel; if this is not possible (e.g. owing to absence of the FRA Chairman), a pre-nominated deputy (or, if there is none, a temporary deputy appointed by the Secretary) shall act as chairman and convene the panel.

Scope

11. The Sub-committee exists to ensure compliance with UK Athletics (UKA) and FRA rules. However, the intention is that it does so in such a way as to promote full compliance with the rules amongst the membership and others participating in FRA events, not to issue sanctions as a form of punishment.

12. The Sub-committee will consider the following matters:

- i) Breaches of UKA or FRA rules, e.g. competitors not complying with FRA Safety Requirements or serious failures of Race Organisers to comply with the FRA Requirements and Rules for Race Organisers;
- ii) Conduct of Executive Committee members or Sub-committee members;
- iii) Other disciplinary or related matters, e.g. public comments on social media from participants in FRA activities or events.

13. All matters to be considered will be submitted to the Sub-committee by the Secretary who should be the first point of contact for written reports received from any source.

14. In line with UKA policy¹, the FRA should act on disciplinary matters as soon as possible and within 21 days of the incident (or knowledge of the incident) but may nonetheless process complaints or disputes for which notice is received after this period at the discretion of the FRA Chairman.

15. Actions of the Sub-committee will follow the procedures for dealing with disciplinary matters agreed from time to time by the Executive Committee. (See Appendix 1.)

16. Any costs that may be incurred by Sub-committee or panel members in relation to disciplinary, review and appeals issues may be legitimately claimed against the FRA budget through the Treasurer. Expenses incurred at the request of the FRA by complainants or defendants may also be claimed through the Treasurer.

Delegated Powers

17. Appointed disciplinary panels are authorised to make decisions on and act upon matters referred to the Sub-committee.

18. All decisions will be reported to the Executive Committee. Where relevant, and at the FRA Chairman's discretion, a redacted summary may be provided.

Communications

19. The Secretary must communicate the panel's decisions to all key people and organisations involved in the case. This should include:

- i) any person(s) or organisation(s) raising the case or complaint;
- ii) any person(s) or organisation(s) who were the subject of the case or complaint;
- iii) any other relevant parties at the direction of the Sub-committee or FRA Chairman.

20. The Sub-committee may decide to publicise its decisions on the FRA website and/or in the *Fellrunner* magazine and/or by social media, at the discretion of the FRA Chairman and FRA Communications Officer. The FRA Communications Officer is responsible for communicating the decision through the agreed channels, with the assistance of the FRA Webmaster.

21. Details of any bans from FRA events must be added to the FRA website and communicated to Race Organisers (ROs). This is to ensure that ROs are aware of any bans in force so that the sanctions are enforceable.

Adopted Feb 2014 (v1); revised Jun 2018 (v2.0), Dec 2018 (v2.1), Feb 2019 (v2.2), Mar 2019 (v2.3)

¹ Para 4.1 of UKA disciplinary rules: <https://www.uka.org.uk/EasysiteWeb/getresource.axd?AssetID=132629>

Appendix 1: Process for dealing with disciplinary matters

1. Any matter to be considered by the Disciplinary, Review and Appeals Sub-committee must be submitted to the Secretary within any timescales set down in the FRA Rules (at the time of writing, within 21 days of the alleged incident or of the incident coming to the attention of the notifier²).
2. The Secretary shall inform the Chairman of receipt of the case and only sufficient details as are necessary so as to avoid prejudicing the case.
3. The Secretary shall form a view as to whether there appears to be a case to be heard in accordance with the Rules and inform the Chairman of their recommendation. If the Secretary and Chairman are in agreement that there is no case of substance, the case shall be closed and relevant parties informed.
4. If the Secretary or Chairman feels that there is a case to be heard, the Secretary should compile a Statement of Case. This will include soliciting observations from those involved including:
 - a. the person(s) and/or organisation(s) making the allegation or complaint;
 - b. the Race Organiser (if the case involves a race);
 - c. any known witnesses;
 - d. any other relevant parties such as parents, coaches, landowners etc.
5. The defendant(s) (i.e. the person(s) and/or organisation(s) against whom allegations are being made) should be sent the Statement of Case and covering letter and asked to provide a response. They should be informed that a failure to respond will not prevent the case from being heard but may be taken into account as a failure to co-operate. The defendant(s) should be given a deadline to respond – normally around a week is reasonable. All measures (including sending both emailed and postal copies where appropriate) should be taken to ensure that the material reaches the defendant(s).
6. For cases involving juniors (under 18), the Secretary should where possible communicate with the juniors via their parents, guardians or clubs in the first instance. The Secretary should also consider whether a case exists against the parents or guardians, or against the junior's club.
7. All parties who may be subject to FRA disciplinary procedures should be informed of the existence of the FRA's Welfare Officer and provided with contact details. They should also be requested not to communicate with any other Executive Committee members until the disciplinary process is complete. Additionally, they should be sent a reference or link to these Terms of Reference before the Statement of Case is completed.
8. Where appropriate the Secretary may take other necessary measures to compile the Statement of Case, e.g. seeking statements from potential witnesses through social media or seeking the advice of officers from UK Athletics (UKA).
9. Having compiled a Statement of Case the Secretary will send this to the chairman of the convened disciplinary panel ("the Panel") who will forward this to the other Panel members. The Panel will then proceed in accordance with the Guidelines for FRA Disciplinary Panels.
10. In accordance with guidance, the Panel will discuss the case to decide whether the allegations or complaints should be upheld and (if so) what sanction(s) to impose.

² See FRA Requirements and Rules for Race Organisers (2019), Rule 2e (vii)

11. Discussions may take place in person or via email, telephone or teleconference. For more complex, controversial or high-profile cases the use of an online teleconferencing service such as Zoom is recommended.
12. The subject of a disciplinary case may request an oral hearing. This request will be considered by the Panel but will only be granted in exceptional circumstances, for example where the defendant has a legitimate need to use and explain video footage as part of a defence.
13. If the view of the Sub-committee is not unanimous the chairman may conduct votes at his/her discretion.
14. If a disciplinary case is proven, the panel should consider, before deciding upon sanctions, whether individuals have any previous disciplinary convictions. Additionally, the Secretary should (if requested by the Panel) ask the FRA's contact at UKA whether there are any relevant disciplinary notes on the individuals' records with UKA or England Athletics (EA).
15. The chairman will inform the Secretary of the conclusions reached by the Panel. The Secretary will inform relevant parties of the decision, including advising any person alleged to have violated a rule or on whom a sanction is imposed that they have the right of appeal to UKA "under Rule 2e of the FRA Requirements and Rules".
16. All efforts should be made to conclude disciplinary cases within the timescale set out in FRA rules (at the time of writing, one month of the initial referral to the Secretary for cases not involving outside agencies such as the Police or Social Services³).
17. The initial point of contact for any appeal is (as of 2019) John Temperton at UKA; John has advised that he will handle the appeal process should the situation ever arise⁴.
18. Any appeal must be received within the timescale specified in the FRA Rules; at the time of writing this is 14 days from receipt of the FRA's decision⁵. This is consistent with Rule 146 S 1 of the UK Athletics Rules for Competition; the relevant part is the second paragraph referring to a "decision reached under (1) and (3) above", stating that the athlete has two weeks to appeal from the date of the decision (with no fee or deposit required). The relevant parties should be informed of their right to appeal, the time limitation and the procedure for initiating an appeal.
19. The Sub-committee will advise of appropriate steps to publicise the case and any decisions. In very rare cases it may be decided to withhold publication, or to publish details of sanctions anonymously, but this should only be done in exceptional circumstances when a ban from racing is involved, otherwise the sanction is not enforceable.
20. The Secretary should inform the FRA contact at UKA of the outcome of the case and request that the details be placed on any individuals' records with EA. This should be of a form similar to "Suspended from all Fell and Hill competition by the FRA Disciplinary Committee from 1st October 2018 to 30th June 2019". The addition of such a note is optional and would only be visible to UKA and EA staff with access to the Membership database. The note would remain indefinitely but can also be deleted as appropriate.

³ See FRA Requirements and Rules for Race Organisers (2019), Rule 2e (viii)

⁴ Email of 3rd Oct 2018 to FRA Secretary from John Temperton (UKA): "The interpretation would be that England Athletics delegate management of Fell and Hill Running in England to the FRA, thereby allowing the appeal direct to UKA." See related emails for full details.

⁵ See FRA Requirements and Rules for Race Organisers (2019), Rule 2e (ix)