

ATHLETICS DISCIPLINARY TRIBUNAL RULES AND PROCEDURES

1. Introduction

- 1.1 These Rules and Procedures set out the jurisdiction, powers, and procedures of the Athletics Disciplinary Tribunal (“ADT”).
- 1.2 The ADT and its Rules and Procedures are complementary to the disciplinary rules of UK Athletics, England Athletics, Scottish Athletics, Welsh Athletics and Athletics Northern Ireland (the “Governing Bodies” and each a “Governing Body”). The Governing Bodies are not obliged to refer disciplinary cases to the ADT and may conduct disciplinary cases following their own rules and procedures.
- 1.3 A referral to the ADT shall be made through UK Athletics, who may in its sole discretion refuse to allow the case to be determined by the ADT, in which case it shall fall to be determined under the disciplinary rules of the Governing Body or Governing Bodies with jurisdiction.
- 1.4 Reference to these Rules and Procedures to Governing Body shall, in the case of a joint referral to the case of ADT by a combination of Governing Bodies, mean Governing Bodies.

2. Jurisdiction and Powers

- 2.1 Each Governing Body has disciplinary jurisdiction over various aspects of the sport of Athletics in the United Kingdom.
- 2.2 Subject to paragraph 1.3 above, the ADT shall have jurisdiction to hear any case referred to it by a Governing Body; or jointly by any combination of Governing Bodies where the Misconduct in question invokes the disciplinary jurisdiction of more than one Governing Body, where:
 - 2.2.1 The Governing Body has disciplinary jurisdiction under its disciplinary rules to prosecute the case;
 - 2.2.2 The Governing Body’s disciplinary rules allow for the case to be adjudicated by the ADT; and
 - 2.2.3 The Governing Body alleges Misconduct (defined in paragraph 3.1 below) has occurred.
- 2.3 Where a case is referred to the ADT by more than one Governing Body:
 - 2.3.1 Each Governing Body referring the case shall jointly prosecute the case and shall each have the full right to determine the charge and the submissions to the ADT in relation to the matters over which they have jurisdiction, including to delegate such authority to another Governing Body; and
 - 2.3.2 The evidence in the case shall be heard only once and shall be applied by the ADT in relation to all charges proffered by the Governing Bodies.
- 2.4 The ADT shall have the jurisdictional and sanctioning powers of each Governing Body who has referred a case to it as set out in the relevant disciplinary rules and procedures or other constitutional documents of those Governing Bodies.

- 2.5. In relation to any conflict between these ADT Rules and Procedures and the rules of a Governing Body, these ADT Rules and Procedures shall prevail.

3. Misconduct

- 3.1. “Misconduct” shall mean:
- 3.1.1. The conduct set out at paragraph 2.2 of the UK Athletics Disciplinary Rules and Procedures;
 - 3.1.2. Any breach of a Governing Body’s Rules, Regulations or Codes of Conduct;
 - 3.1.3. Any breach of the terms of any licence granted to any person by a Governing Body; or
 - 3.1.4. Any failure or refusal to cooperate with any investigation conducted by a Governing Body.

4. Powers of Investigation

- 4.1. Each Governing Body shall have power to investigate any person, club, event or organisation (“Person”) over whom they have disciplinary jurisdiction.
- 4.2. A Governing Body may delegate an investigation to any third-party investigator or another Governing Body where that other Governing Body also has disciplinary jurisdiction over the person being investigated.
- 4.3. A Governing Body is not required to investigate an allegation of Misconduct before referring it to the ADT and it is anticipated that the majority of cases before the ADT will not involve any or protracted investigations.

5. Suspension

- 5.1 Each Governing Body may suspend any Person referred to the ADT for Misconduct in accordance with its disciplinary rules and procedures.

6. Initiating Disciplinary Proceedings – the Charge

- 6.1. A Governing Body or a combination of Governing Bodies may initiate Disciplinary Proceedings based upon any allegation or suspicion of Misconduct reported to a Governing Body, or of its or their own motion. A person charged with Misconduct shall be called a “Respondent”.
- 6.2. Disciplinary proceedings shall be initiated by the Governing Body or Governing Bodies sending a Charge Sheet in the form set out in Schedule 1 to the Respondent.

7. Response to Disciplinary Proceedings

- 7.1. A Respondent shall respond to the Charge Sheet in writing within 14 days using the Response Form in Schedule 2.

8. The Athletics Disciplinary Panel

- 8.1. Following receipt of the completed Response Form, or within 14 days of the Charge Sheet being received by the Respondent if no Response Form is completed by the Respondent, the ADT will be appointed by the Governing Body or Governing Bodies that initiated the Disciplinary Proceedings and the Respondent will be informed of the identity of the members of the ADT and a hearing date.
- 8.2. The ADT shall be composed of three members selected for their expertise, and/or experience in Athletics and/or sport generally, and for their impartiality. No person may be appointed a member of the ADT if they have any current financial relationship with a Governing Body, or are biased or lack impartiality on any basis.
- 8.3. In most cases, the ADT shall be selected from members of the Disciplinary Panel List of the Governing Bodies. In exceptional cases, however, the Governing Bodies may appoint a Panel wholly or partially composed of nominees proposed by Sport Resolutions or who are not on the Disciplinary Panel List.
- 8.4. Any challenge by a Respondent to the suitability or impartiality of a member of the ADT must be made within 7 days of being informed of their identity.
- 8.5. In the event of such a challenge, the challenge may either be resolved by consent or by the decision of the Chair of the Disciplinary Panel.
- 8.6. Where the impartiality of the Chair is challenged, this matter shall be resolved by the General Council of UK Athletics from time to time or, in their absence, the CEO of UK Athletics (or a suitably qualified member of the Disciplinary Panel List nominated by such CEO).

9. Powers of the Athletics Disciplinary Panel

- 9.1. The ADT shall determine its own procedure and may determine any question as to its own jurisdiction.
- 9.2. In the discharge of its functions, the ADT shall have the following powers:
 - 9.2.1. To impose, amend or to abridge any time limits;
 - 9.2.2. To order that a Charge shall be determined on the basis of written arguments only. Charges may only be determined on the basis of written arguments with the consent of both the Governing Body (or Bodies) and the Respondent;
 - 9.2.3. To impose a timetable leading to the hearing of a Charge or the determination of a Charge on the basis of written arguments, if one is required beyond that set out in these Rules and Procedures;
 - 9.2.4. To impose any directions upon a Governing Body or a Respondent with respect to matters before it;
 - 9.2.5. To place limits on the length of any documents and/or the amount of witnesses that either party can rely on;
 - 9.2.6. To order disclosure by either party of all or any documents in that party's possession it considers to be relevant;
 - 9.2.7. To order the attendance of any person to any of the proceedings of the ADT;

- 9.2.8. To draw any inferences (positive or negative) from the presence or absence of any evidence before the ADT; and
- 9.2.9. To set a date for the hearing or to adjourn or postpone any hearing. The date set by the Panel for any form of hearing shall be final, and all parties shall be required to attend the hearing on the chosen date unless there are exceptional circumstances affecting their availability. Should either party fail to attend any hearing, the Panel may proceed in that party's absence.

10. Before the Hearing

- 10.1. The ADT shall be sent a copy of the Charge Sheet and completed Response Form.
- 10.2. The Governing Body and Respondent may each file a written argument in advance of the hearing. In the case of the Respondent, this shall be sent to the person who sent the Charge Sheet to the Respondent at least 3 days in advance of the hearing.

11. The Hearing

- 11.1. The ADT may order that the Charge be determined on the basis of written arguments only. Alternatively, the ADT may order that the Charge be determined at a hearing.
- 11.2. Any hearing of the ADT may take place in person or via video conference or through a variety of both media, at the complete discretion of the ADT. The venue of any hearing taking place in person will be at the complete discretion of the Governing Body.
- 11.3. The Governing Body and the Respondent may be represented (including by a lawyer) before the ADT.
- 11.4. If the Respondent has indicated he does not wish to appear at the hearing or if the Respondent does not appear at the hearing, the ADT shall consider the case based upon the Charge Sheet, Response Form, any written submissions made by the parties and any oral argument presented by the Governing Body. The ADT shall then decide whether the charge is proven and consider the relevant sanction.
- 11.5. If the Respondent has indicated he does wish to appear at the hearing, the conduct of the hearing shall be prescribed by the Chair of the ADT and may include questioning of the Respondent and any witnesses present and oral submissions. Thereafter, the Governing Body, followed by the Respondent, shall have the right to make short closing submissions.
- 11.6. Having heard all of the relevant evidence and submissions, the ADT shall reach its decision.

12. The Confidentiality of Proceedings

- 12.1. All proceedings of the ADT, and all matters relating to them, shall be confidential and heard in private.
- 12.2. All and any documents created or exchanged in the course of the disciplinary proceedings (or the investigation) shall also remain confidential, notwithstanding their conclusion. The confidentiality of any disciplinary proceedings may only be overridden by an order of the ADT that heard the relevant proceedings or by an order of an Appeal Panel.

13. Burden and standard of proof

- 13.1. The Governing Body shall bear the burden of proving the Charge. The standard of proof shall be the civil standard, in that the ADT must be satisfied that on the balance of probabilities the conduct constituting the Charge took place.

14. Evidence

- 14.1 The ADT shall not be bound by any formal rules of evidence and may accept in evidence as admissible any evidence which it considers is relevant and cogent to the proceedings before it. The weight to be attributed to any evidence shall be a matter for the ADT. The ADT may impose limits on the length of any witness evidence and/or the amount of witnesses that either party wishes to rely on.

15. The Decision

- 15.1. Having considered all of the relevant evidence, the ADT shall reach a Decision. If the Panel is not unanimous in reaching its decision, this shall not be recorded and no dissenting judgment shall be given. The ADT shall decide whether the Charge is proven, not proven, or proven in part. The Decision shall be in writing and distributed to all parties as soon as reasonably practicable after it has been reached.
- 15.2. Clear reasons shall be given for the conclusion reached in the written Decision, along with details of the any Charges that are proven. The parties may request clarification of any Decision within seven days after it has been reached, after which time it shall become final and binding on all parties (subject to any subsequent appeal).
- 15.3. Either party or the ADT may request that parts of the written Decision be redacted on grounds of confidence or the protection of third parties. The name of the Respondent shall not be redacted unless in exceptional circumstances. The decision of the ADT to allow or not allow redactions is final.
- 15.4. A Governing Body and a Respondent may, at any time prior to a hearing, agree a Decision by mutual consent. Such Decision must be presented to the Chair of the ADT, who may, in their sole discretion, ratify it or reject it. In the event it is rejected, the matter shall proceed to a hearing in the usual way. In the event it is ratified, it shall be the binding Decision of the ADT. A Decision by mutual consent may include a provision that there shall be no right of appeal.

16. Sanctions

- 16.1. If the ADT decides that the Charge is proven, or proven in part, it shall then move to consider the imposition of appropriate sanction.
- 16.2. In relation to each Charge, the ADT shall have the powers of sanction set out in the rules of the Governing Body bringing the Charge.

17. Publication of the Decision

- 17.1. At the discretion of the Governing Body, the Decision may be published on any or all of the Governing Bodies' website and made available publicly, subject to such redactions as the Governing Body or Disciplinary Panel may order. The Governing Body (or Bodies) shall maintain the Decision on its website for a period of not less than 5 years or, if longer, the period of any sanction imposed by the Panel.

- 17.2. Alternatively the Governing Bodies may publish a summary of any decision, rather than the full decision, where the interests of athletes, or of the sport generally, or commercial confidence so warrant it.
- 17.3. Where it is agreed that a decision is confidential between the parties, disclosure may be made by the Governing Body for the purposes of the enforcement of the Sanction.

18. Costs and Updates

- 18.1. In general, both the Governing Body and the Respondent shall bear their own costs of the proceedings. The Governing Body shall pay the administrative costs of the Hearing, including Arbitrator costs (if any). Costs shall only be paid by way of a sanction, or part of a sanction, if the ADT consider it appropriate.
- 18.2. UK Athletics may update these ADT Rules and Procedures at any time. Any proceedings initiated by UKA shall be governed by the ADT Rules and Procedures in place at the time that those proceedings are commenced in accordance with Section 6 of these Rules.

19. Communications

- 19.1. All correspondence is related to a disciplinary matter or appeal shall be conducted by email.

20. Governing Law and The Arbitration Act 1996

- 20.1. The Governing Law of all proceedings before the ADT shall be English Law.
- 20.2. The proceedings before the ADT shall constitute an Arbitration for the purposes of Part 1 the Arbitration Act 1996. As such, they are subject to the procedural supervision of the English High Court in London.
- 20.3. Sections 44, 45 and 69 of the Arbitration Act 1996 are excluded from these proceedings.
- 20.4. The seat of the Arbitration shall be England.

21. Appeal

- 21.1. The Respondent and the Governing Body may appeal the Decision of the ADT in accordance with the UK Athletics Disciplinary Rules and Procedures.

Schedule 1 – Charge Sheet

Respondent's name:	
Prosecuting Governing Body / Bodies:	
Date of alleged Misconduct (if known):	
Charge 1:	
Rule, Regulation or Code of Conduct breached (enclose a copy):	
Brief summary of facts relied upon:	
Witnesses (if any) (may be redacted for anonymity):	
Any relevant documents relied upon (enclose a copy)	

If there is more than one charge, repeat the above Charge Sheet in relation to each Charge.

Schedule 2 – Response Form

Respondent's name:	
Name and email of representative (if any):	
Is the Charge admitted?	
Charge 1 (please circle): admitted	Admitted / Not admitted / Partially
If the charge is partially admitted, which parts of the charge are admitted:	
If the charge is not admitted, what is your Defence? (use another sheet if required):	
Are there any relevant documents you wish to submit (please list them and enclose copies):	
Do you wish to appear to present your case at an oral hearing before the ADT:	

If there is more than one Charge, provide a Response Sheet in relation to each Charge.

UKA ADT Rules**Table of amendments – March 2023**

Date	Changed by	Description of Change	Next Review Date
21 March 2023	UKA General Counsel	Amendment to adopt the meaning of “Misconduct” as set out in the UK Athletics Disciplinary Rules and Procedures	March 2024
		Various amendments to enable the parties to agree to the charges being determined on the basis of written representations only, without a hearing	March 2024
		Amendment to give Panel the ability to limit the length of any documents and/or witnesses that the parties wish to rely on	March 2024
		Amendment to require parties to attend hearings on the date chosen by the Panel unless there are exceptional circumstances affecting their availability	March 2024
		Amendment to enable UKA to publish decisions on its website for a period of 5 years or, if longer, the period of sanction imposed by the Panel	March 2024