

Policy

1. The Northern Ireland Judo Federation (NIJF) believes that Judo, as a sport, should be enjoyed by everyone in an environment that is safe and free from bad behaviour, poor sportsmanship, negligent administration, bullying, racial, sexual, ethnic or religious harassment and any form of child/young person abuse.
2. The conduct of an NIJF member not only affects the standing of that member, but also that of other members, the member's club, the NIJF, the British Judo Association (BJA) and the sport of Judo in general. All complaints against a member will be dealt with efficiently and fairly in accordance with the Rules, Bylaws, Policies and Codes of the NIJF/BJA to which that member has, by applying for or accepting an NIJF Judo Membership, agreed to abide by.

Procedure

3. **At all times a complaint against an NIJF member must, initially, be made to that member's affiliated club using their conduct and complaints policy and procedure.**
4. Wherever possible, complaints must be in writing or by email and include the name and address of complainant. The Conduct and Complaints Commission (C&CC) reserves the right to investigate complaints received anonymously if justified.
5. The C&CC Chairperson (or deputy) will make an assessment of the complaint and may refer it to any appropriate outside agency, other BJA C&CC (i.e. Referees, Club or Area Committee), seek an informal resolution or allocate to an Investigator dependent on the circumstances and seriousness of the complaint. (It should be noted that a Police or Social Services investigation will take priority and no action will be taken by the C&CC until that investigation and any resulting criminal proceedings has concluded.)
6. When allocated to an Investigator he/she will inform the complainant that they are dealing with the matter and inform them that their details will be disclosed to the person complained against and the likely time-scales of the investigation. They will also inform the person complained against that they are subject of a complaint, an outline of the complaint, who made the complaint and seek a brief response to the complaint.
7. The Investigator will then conduct an investigation that is thorough, proportionate, relevant and fair to all parties. Contact with witnesses will usually be via telephone or email but may be by face to face meetings. When contact is made by phone, a reasonable note of the conversation will be made and confirmation of the conversation will usually be sought by email.
8. Full disclosure of all relevant statements, including those that may undermine the case will be disclosed to the person complained against and they will be given an opportunity to respond. The Investigator may also ask any appropriate questions of them and ask for any evidence or witness that supports the person complained against.
9. The Investigator will then complete a report and attach all notes/statements obtained during the investigation. This will be disclosed to the person complained against and they will be asked, in writing, if they wish to make any written presentation to the C&CC that will hear their case including any procedural points, within 14 days.

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- 10 The Investigator will submit their report, and any submission by the person complained against, to the C&CC Chairperson who will decide, dependent on the complexity of the case, to either circulate the report and submission to C&CC members by mail/ email for adjudication, or to hold a formal Panel. If considered by emails, all C&CC members may ask any questions of the Investigator or other C&CC members.
- 11 A formal Panel will consist of the Chairperson and at least one other C&CC member and the Investigator.
- 12 No personal appearance will be allowed by the complainant nor the person complained against at the C&CC.
- 13 The Panel will decide the case using 'the balance of probabilities' as the burden of proof and will find the case as 'Proven' or 'Not Proven'.
- 14 If the case is found to be 'Proven', the C&CC will decide upon an appropriate sanction. This may range from 'words of advice' to expulsion. The C&CC reserves the right to take into consideration any previous finding against the person.
- 15 The Chairperson of the C&CC will write to the complainant and the person complained against within seven days notifying them of the outcome.
16. The C&CC Chairperson shall have the right to temporarily suspend a member's licence, pending an investigation, if it feels that the member may appear to pose a threat, mentally or physically, to other members of the NIJF. This is not an assumption of guilt of the member under investigation. On completion of the investigation, the member's licence is to be either restored or action taken as at paragraph 14 of this document. This right of temporary suspension shall also apply should any member fail to cooperate fully with the C&CC.

APPEAL PROCEDURE

17. Any Appeal on the decision of a C&CC Panel must be made in writing within seven days of the notification of the result of the C&CC Panel's decision to the C&CC Chairperson.

No Appeal will be allowed after this time.

18. All notifications of Appeal must be accompanied by a £50 administration fee which is refundable in the event of a successful Appeal.

19. The notification of Appeal must contain the grounds for the Appeal.

The only grounds for an Appeal are:-

- a. *That there was a material error, either factual or procedural, by the Panel.*
- b. *There is material new evidence that, had it been known at the time, would have affected the decision of the Panel.*

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c. An Appeal may also be made solely against the sanction imposed by the C&CC Panel.

20. An Appeal that does not meet one of the above grounds may be refused by the C&CC Chairperson and will not proceed further.
21. The Appeal Panel shall comprise of three members selected from the NIJF Board of Directors at the discretion of the NIJF Chairperson having regard to whether parties are known to each other and the complexities of the issues. The NIJF Chairperson may also invite a person from another sporting NGB or a legal professional to be one of the three Appeal Panel members. The NIJF Chairperson will designate one of the Appeal Panel as the Chairperson of the Appeal Panel. The NIJF Chairperson's decision as to membership and Chairperson of the Appeal Panel is final.
22. The Administrative Office will be responsible for arranging the date and venue of the Appeal Hearing having due regard for the availability of all parties. The date of the Appeal should normally be within six weeks of the notification of Appeal.
23. A full set of the papers will be provided to Appeal Panel members and the appellant no later than 10 days before the Appeal date (unless the Appeal Hearing falls within that time, in which case the papers will be provided as soon as possible). A copy of the grounds for Appeal and any supporting statement will also be provided to Appeal Panel members.

THE APPEAL HEARING

24. Appeal is not a re-Hearing of the C&CC Panel and whilst it will be necessary for Appeal Panel members to review the evidence by reading the statements and any reports, it will not involve the calling of live witnesses unless material new evidence has come to light that was not available to the C&CC Panel. It should be noted that not every fact or procedure will be material to the Appeal. This will be entirely at the discretion of the Appeal Panel Chairperson whose decision will be final and absolute.
25. The appellant may invite a companion or legal representative to accompany them at the Appeal Hearing. The C&CC Chairperson will normally attend all Appeals. Any other person attending an Appeal Hearing will be entirely at the discretion of the Appeal Panel Chairperson.
26. Before calling any person into the Hearing, the Appeal Chairperson will ensure that Appeal Panel members have read and understand the case and have a copy of the grounds for Appeal. The Appeal Chairperson will then call in the appellant together with their companion or legal representative and the C&CC Chairperson.
27. The Appeal Chairperson will then ask the appellant or their legal representative to outline the grounds for their Appeal and provide any verbal or documented support for their Appeal. The Appeal Panel may ask the appellant any questions or seek clarification of any of the points raised.
28. The Appeal Panel may then ask the C&CC Chairperson any questions or seek clarification on the information provided by the appellant or from the original investigation or C&CC Panel.

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29. Once the Appeal Chairperson is satisfied that the Appeal Panel have sufficient information on which to decide the Appeal, they will retire to consider whether the Appeal is upheld or dismissed.

30. At the conclusion of the Appeal the Appeal Panel shall have the power to:-
 - Dismiss the Appeal.*
 - Alter or vary the original decision.*
 - Quash any sanction and/or substitute it for any other sanction or*
 - Make any such other order or determination as it may think right or just.*

31. The decision of the Appeal Panel will be communicated to the appellant within seven days of the Hearing.

32. If the appellant is aggrieved by a decision or ruling of the Appeal Panel they may appeal, within 14 days, to Sports Resolutions for a determination of the matter through their arbitration procedure. The decision of Sports Resolutions shall be binding and final on all concerned.

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