

# Mountaineering Ireland Grievance Procedure

## Exclusions

If Mountaineering Ireland's Anti-Doping Regulations or the Mountaineering Ireland Good Practice & Child Protection Policy is infringed, the procedures in those regulations or that policy take precedence over these procedures or any other Mountaineering Ireland grievance or appeal procedures in place at the time of the infringement.

## Club discipline

Clubs should have their own internal complaints procedures to deal in the first instance with complaints involving alleged breaches of their own rules or procedures, misconduct, or conduct which would tend to bring the club, Mountaineering Ireland or mountaineering as a whole into disrepute.

This internal complaints procedure should be set out in the regulations of each club and should be reviewed and amended, if necessary, on a regular basis. The basic format of any internal complaints procedure should be a hearing by an independent panel comprising 3 individuals.

## Mountaineering Ireland Grievance Panel

- 1) A General Meeting of the Mountaineering Ireland will elect a Grievance Panel of up to twenty Full Members willing to serve.
- 2) No member of the Executive Committee is eligible to be elected as a member of the Grievance Panel.
- 3) The persons elected remain members of the Grievance Panel until they resign or cease to be Full Members of the Mountaineering Ireland or become otherwise disqualified.
- 4) Any vacancies in the panel will be filled by election at an AGM.
- 5) The Executive Committee will appoint number a Grievance Officer from amongst the members of the Grievance Panel.
- 6) Any Mountaineering Ireland member may make a complaint to the Grievance Officer concerning:
  - a) conduct which would tend to bring Mountaineering Ireland or mountaineering as a whole into disrepute, or
  - b) a grievance with which cannot adequately be dealt with at club level.
- 7) Any decision made by a club under its internal disciplinary procedures may be appealed to Mountaineering Ireland, by lodging an appeal with the Grievance Officer.

## Procedures

- 8) Time limits set below for actions are maxima and in all cases those involved should try to resolve matters as quickly as possible.

- 9) The complaint should be made in writing in duplicate specifying:
  - a) the identity of the complainant,
  - b) the person or persons against whom the complaint is made (the "respondent")
  - c) details of the complaint.
  
- 10) The Grievance Officer will make a preliminary assessment of the complaint, and may do any of the following:
  - a) decline to hear the complaint, for example on the grounds that it is frivolous or vexatious, or
  - b) refer the complaint to the relevant club or Mountaineering Ireland's Board of Directors;
  - c) with the consent of all concerned, mediate or appoint a mediator; or
  - d) proceed with the complaint as a disciplinary matter.
  
- 11) On deciding to proceed with the complaint as a disciplinary matter, the Grievance Officer will appoint a Grievance Committee consisting of 3 members of the Grievance Panel, to consider the complaint and make a decision. The Grievance Officer may not serve on any Grievance Committee. No member of the Grievance Committee should have any connection with any of the issues or the parties involved. In exceptional cases, the Grievance Officer may appoint persons who are not Grievance Panel members to the Grievance Committee. The Grievance Committee will appoint one of its members to act as Chair and another to act as Secretary and keep minutes.
  
- 12) The Grievance Committee shall determine all matters on the balance of probabilities.
  
- 13) The Grievance Committee may investigate, hear and determine any aspect of a complaint. If it finds that a complaint is substantiated, it will decide which of the disciplinary sanctions is to be imposed on the respondent.
  
- 14) The Grievance Committee must observe fair play, due process and natural justice.
  
- 15) The complainant must co-operate with the Grievance Committee and provide any further information or documentation requested.
  
- 16) The secretary of the Grievance Committee must notify the respondent in writing of the complaint. The notice must include full details, including a copy of the complaint and any supporting documentation. The respondent will be invited to make a written reply to the complaint within 7 days and to provide the committee with any supporting documentation, including witness statements. Four copies of the reply and the supporting documentation must be provided by the respondent. On receipt of the reply and supporting documents, the secretary of the Grievance Committee must immediately send one of the copies of each document to the complainant.
  
- 17) If both the complainant and respondent so agree, the Committee may consider the complaint solely on the basis of the documentation submitted.
  
- 18) Where either party requires the matter to go to oral hearing, the Secretary shall set the earliest possible date for the hearing and notify the parties of the date, time and place.

However, if the complaint involves a child, it is for the Grievance Committee to decide whether in all the circumstances an oral hearing should be held.

- 19) No party should be allowed to delay the hearing without very serious verified cause.
- 20) The notice of the hearing must advise the complainant and respondent of their right to produce witnesses and must indicate who may attend the meeting. Clubs may be represented by up to 3 members. Individuals may bring a friend or adviser with them. Legal representation shall not be permitted except with the prior permission of the Grievance Committee which shall only be given in exceptional circumstances. However, if one party is given permission, the other party must be informed of this and given this permission too. The Grievance Committee will then consider obtaining its own legal advice.
- 21) Once notice of a hearing has been given, the hearing may proceed in the absence of the either party.
- 22) It is for the complainant and respondent to secure the attendance of any witnesses they wish to appear on their behalf at the hearing.
- 23) Minutes of the hearing should be taken by the Secretary of the Grievance Committee. They must specify
  - a) the names of all those present and the capacity in which they attend,
  - b) the nature of the evidence given and submissions made to the Committee.
- 24) Both the complainant and the respondent may be present for the full hearing. Witnesses who are called by either side may only be present to give their evidence and be questioned by the Committee or the other party. Both complainant and respondent may make a closing submission to the Committee, or, in the case of the respondent, set out any mitigating circumstances.
- 25) Written testimony may be accepted for whatever worth it may have but hearsay normally will not.
- 26) The Grievance Committee may determine its own procedures for handling grievances or the conduct of meetings or oral hearings. The procedures must be fair and reasonable in all the circumstances and may be changed as necessary from time to time as circumstances warrant. Parties will be made aware of such procedures to be adopted in a timely manner. In particular, complaints involving children must be handled sensitively and in the best interests of the child and all concerned.
- 27) If the complaint is upheld, the Grievance Committee may impose on the respondent one or more of the following sanctions:
  - (i) Reprimand;
  - (ii) Caution/Warning;
  - (iii) A required course of action or manner of future conduct;
  - (iv) Suspension of membership;
  - (v) Expulsion from membership.

A sanction takes effect from the moment the respondent is notified by the secretary of the Grievance Committee's decision relating to the sanction or as stated in the notification.

- 28) Within 7 days of the hearing, the Grievance Committee shall issue its determination on the complaint. The Secretary of the Grievance Committee will notify the parties of the decisions reached. A copy of this notice will be sent to the Mountaineering Ireland Honorary Secretary.
- 29) The Board of Directors shall note the decision of the Grievance Committee at its next meeting and will take such action as is necessary.
- 30) All parties will pay their own expenses.

### **Appeals from Club Decisions**

- 31) Notification of an appeal from any decision made by a club under its internal disciplinary procedures appealed to Mountaineering Ireland, must be lodged with the Grievance Officer within 14 days of notification to the person or persons making the appeal (the "appellant") of the club decision appealed against.
- 32) The appeal must be made in writing (5 copies ) specifying:
  - (i) the identity of the club concerned,
  - (ii) the identity of the club grievance panel that made the decision being appealed,
  - (iii) the identity of the appellant,
  - (iv) the identity of the person or persons with whom the appellant is in dispute (the "respondent")
  - (v) details of the dispute,
  - (vi) a request for a re-hearing in relation to the matter, or argued reasons supporting the appeal, or both, and
  - (vii) copies of all relevant statements or other documents
- 33) The Grievance Officer will appoint a Grievance Committee to proceed with the appeal as a disciplinary appeal matter. The provisions of rules 11 to 30 inclusive shall apply, regarding the appellant as a complainant for such purposes. The respondent may furnish counter arguments to the appellant's arguments, or may request a re-hearing, or both.
- 34) Any decision issued by the Grievance Committee may be appealed exclusively by referral to Just Sport Ireland, within 14 days from receipt of such decision. Further, in the event that for whatever reason, the Mountaineering Ireland internal dispute resolution procedures cannot be used, such dispute may be referred in the first instance directly to Just Sport Ireland. All referrals to Just Sport Ireland shall be subject to final and binding arbitration in accordance with the Just Sport Ireland Arbitration Rules.

*Adopted at an AGM on Saturday 21 February 2009, in Knockree Youth Hostel, County Wicklow.*