

## ENGLAND BOXING DISCIPLINARY PROCEDURE

### DEFINITIONS

<b>Code:</b>	the EB Code of Conduct;
<b>EB:</b>	England Boxing Limited (RCN: 02817909) whose registered office is The English Institute of Sport, Coleridge Road, Sheffield, S9 5DA;
<b>EB Committee:</b>	the HR, Legal & Compliance subcommittee of EB;
<b>EB Officer:</b>	the person appointed by EB in accordance with paragraph 6;
<b>Procedure:</b>	the England Boxing Disciplinary Procedure
<b>Relevant Persons:</b>	as defined at paragraph 1;
<b>Respondent:</b>	the person who is the subject of the Complaint under this Procedure;
<b>Responsible Person:</b>	the person appointed in accordance with paragraph 26;
<b>Sport Resolutions UK:</b>	the trading name of Sports Dispute Resolution Panel Limited (RCN: 03351039)

### INTRODUCTION

1. This Procedure applies to all members of England Boxing ("EB") as well as others actively involved in Olympic (formerly amateur) boxing in England including but not limited to boxers, coaches, officials, national, club and regional officers, volunteers and parents of (or those with parental responsibility for) members under 18 years of age, as well as EB itself ("Relevant Persons").
2. The purpose of this Procedure is to provide a mechanism for resolving complaints involving Relevant Persons. In order for a complaint to fall within the ambit of this Procedure, it must relate to an alleged breach of the EB Code, or otherwise involve an allegation of misconduct which EB in its discretion considers sufficiently serious to warrant the application of this Procedure.

### THE MAKING OF A COMPLAINT

3. Any Relevant Person may lodge a formal complaint. Other persons may also lodge formal complaints which EB is entitled to adopt and pursue as complainant, if it considers appropriate to do so.
4. In order to lodge a complaint, the complainant must as soon as possible and (save in exceptional circumstances) by no later than within 3 months of becoming aware of the

incident or conduct giving rise to the complaint, write to EB to set out, in as much detail as possible, the grounds for their complaint, their concerns and the outcome they are seeking (if any). If confidentiality is requested this should expressly be stated.

5. EB shall be permitted to lodge a complaint against a Relevant Person, or to join a complaint as an interested party if it considers it to be in the best interests of EB or the sport for it to do so.

## **THE INVESTIGATION OF THE COMPLAINT**

6. Save where they are not independent of the subject matter of a complaint (as to which, see further below) all complaints will be referred in the first instance to the officer or employee of EB with responsibility for disciplinary matters (the "EB Officer"). The EB Officer will acknowledge receipt of the complaint within 14 days, and will then consider the complaint. Following such initial consideration, the EB Officer will decide whether:
  - 6.1 the complaint is clearly vexatious or frivolous, in which case it will not be considered further; or
  - 6.2 the complaint should be investigated by the club concerned on behalf of EB; or
  - 6.3 the complaint should be investigated by the region concerned on behalf of EB; or
  - 6.4 the complaint should be investigated by EB itself.
7. The above decision is one to be taken by the EB Officer in his discretion taking into account all relevant considerations including the nature of the allegation, its seriousness, the role or position of the person against whom the complaint is made, and the resources reasonably available to investigate the complaint.
8. If the EB Officer is not independent of the complainant or the subject matter of the complaint then he shall declare this to the relevant sub-committee of the EB Board the ("EB Committee") who will arrange for the matter to be considered by an alternative appropriate officer or employee of EB. Equally, if for any reason the EB Officer is unable to complete the work required of him under this Procedure, the EB Committee will appoint an alternative appropriate officer or employee to complete it. Where the complaint is made against EB itself then EB shall refer it to a suitable independent person who shall adopt the role of the EB Officer in relation to that complaint.
9. The decision at paragraph 6 above should be reached within 28 days of receipt of the complaint, and should be communicated to the complainant as well as to any club or region to which the investigation is being referred as soon as reasonably practicable. If additional time is needed, the EB Officer should notify the complainant and seek permission from the EB Committee for such further time to reach a decision as he considers necessary.

10. Any objection to a decision taken by the EB Officer under paragraph 6 above should be made in writing within 14 days to the EB Committee, whose decision whether to uphold or alter the EB Officer's decision will be final.
11. Where the investigation of complaints by regions or clubs are concerned:
  - 11.1 on being requested to investigate a complaint on behalf of EB, the designated disciplinary officer of the relevant region or club (or, if a club or region does not have a designated disciplinary officer, the secretary or other suitable officer) shall identify the person(s) tasked with carrying out the investigation (if it is not the designated disciplinary officer themselves), who must be independent of the complainant and of the subject matter of the complaint and otherwise suitable for carrying out the investigation, and shall inform the EB Officer of the identity of the relevant person(s) as soon as possible. The appointment of this person shall require the approval of the EB Officer;
  - 11.2 the relevant club or region must promptly proceed to investigate the complaint and must share the information yielded by its investigation, and the status of the investigation, with EB at EB's request and in any event on a monthly basis, in order to keep EB informed as to the progress of the investigation. In this regard, the club or region are treated as carrying out the investigation as the agent of EB and will owe EB fiduciary duties commensurate with its role as agent.
12. If the complaint is to be carried out at national level, it shall be carried out by the EB Officer or, with the permission of the EB Committee, by such other person as he reasonably considers appropriate.
13. All investigations shall be carried out in a manner proportionate to all the circumstances, including the nature and seriousness of the allegation made, the role or position of the subject of the complaint and the resources reasonably available to investigate the complaint. To the extent possible, all persons concerned by the complaint (including any important witnesses) should be contacted in order for their account of events to be made available and considered. The subject matter of the complaint shall always be provided with a full opportunity to respond to the complaint and to provide his or her account of events and comments in relation to it. The matter should be handled with a level of sensitivity and confidentiality appropriate to the complaint.
14. The investigation should conclude with a written report summarising the results of the investigation, a copy of which should be provided to the EB Committee.
15. The written report should record the nature of the complaint, the investigations carried out and the information they produced, and should conclude with a reasoned analysis and explanation of whether there is a case to answer or not, and why / why not. If the report concludes that there is a case to answer, it should also confirm whether or not the complaint or part thereof is admitted by the subject matter of the complaint, and a recommendation as to whether or not the matter should be pursued further, and if so whether this would be best done at club-level (under a club's internal procedures), at

regional-level (under a region's own procedures) or as an EB Disciplinary Charge under the provisions of the Procedure set out below, and why.

16. Other than in exceptionally complex or substantial cases, the investigation should conclude and the report should be provided within 12 weeks of its commencement (the date of commencement being the date of the decision referred to at paragraph 6 above). If additional time is needed, EB should be notified and permission for extra time should be sought at the earliest opportunity from the EB Officer (if the investigation is being carried out by a club or region) or by the EB Committee (if the investigation is being carried out by or on behalf of the EB Officer). Any requests for second (or subsequent) extensions shall only be granted in exceptional circumstances.

#### **CONSIDERATION FOLLOWING INVESTIGATION**

17. On the conclusion of the investigation and receipt of the investigation report, the EB Committee shall consider the report and shall, acting in their discretion, decide whether:
  - 17.1 there is no case to answer;
  - 17.2 there is a case to answer, and the matter is one which is most suitable for resolution by alternative means such as mediation or negotiation, at least in the first instance;
  - 17.3 there is a case to answer, and the matter is most suitable for resolution by the club concerned, according to its own internal procedures (if any);
  - 17.4 there is a case to answer, and the matter is most suitable for resolution by the region concerned, according to its own internal procedures (if any);
  - 17.5 there is a case to answer, and the matter is sufficiently serious that it should proceed under the terms of this Procedure, as an EB Disciplinary Charge as set out below. In that case, the EB Committee shall also decide whether the complaint should, going forward, be administered by the relevant region on behalf of EB, or be administered by EB itself; or
  - 17.6 further investigations are required in order to conclude whether or not there is a case to answer.
18. In reaching the decision at paragraph 17 above the EB Committee is entitled to seek such advice as they reasonably consider appropriate.
19. The above decision shall be taken by the EB Committee as soon as reasonably practicable and in any event within 28 days of the date of provision of the investigation report.
20. Once the EB Committee has reached its decision, it shall be notified to the complainant and to all interested parties as soon as reasonably practicable.

21. Any objection to a decision taken by the EB Committee under paragraph 17 above should be made in writing within 14 days to the EB Board, whose decision whether to uphold or alter the EB Committee's decision will be final.
22. If the EB Committee decides that the matter is most suitable for resolution by mediation or negotiation, it shall take such steps as it considers appropriate to attempt to broker such a resolution between those concerned. In such circumstances the parties concerned are strongly encouraged to participate in such a process fully and to seek to resolve their differences on a consensual basis if possible. If and when it becomes clear that such a resolution is unlikely, and no later than 3 months after the decision at paragraph 17 above, the EB Committee shall reconsider the matter and decide upon an alternative course for the matter.
23. If the EB Committee decides that the matter is most suitable for resolution by a club or region under its own rules, it shall remit the matter to that club or region, which shall resolve the matter in a fair way in accordance with the principles of natural justice and in accordance with its own procedures insofar as such procedures exist and are consistent with the principles of natural justice. The principles of natural justice include giving the parties a proper opportunity to be heard, being impartial and free from bias, taking into account only relevant considerations, not acting unreasonably or irrationally, the proportionality of sanctions and the need for any decision to be reasoned. The outcome of this process may be appealed by the Respondent to an appeal panel comprising one legally qualified individual appointed by EB, who shall determine the matter as between the Respondent and the club or region (as the case may be) fairly and expeditiously having regard to the requirements of natural justice.
24. If the EB Committee decides that a charge should be brought under the terms of this Procedure, and that the Procedure should be administered by the relevant region, the designated disciplinary officer of the relevant region must:
  - 24.1 inform the EB Officer as soon as possible of the identity of the person(s) tasked with administering the charge. The person administering the charge shall be independent of the complainant, the person to be charged and the subject matter of the charge; and
  - 24.2 administer the charge in accordance with the terms of this Procedure and must share information relating to the status of the charge with EB at the request of the EB Officer or EB Committee and in any event on a regular basis, in order to keep EB informed as to the progress of the case. In this regard, the region is treated as administering the charge as the agent of EB and will owe EB fiduciary duties commensurate with its role as agent.
25. If the EB Committee decides that further investigations are required in order to conclude whether or not there is a case to answer, it may refer the matter back to the club or region concerned with instructions as to the further investigations required, or may instruct the EB Officer (or someone on his behalf) to carry out such investigations. Such further investigations should where possible be concluded within 28 days of the decision

mentioned at paragraph 17 above, within which time a report summarising those further investigations should be produced, with the matter then returning to the EB Committee for a further decision under paragraph 17 above.

## **THE BRINGING OF A CHARGE**

26. If the EB Committee decides that there is a case to answer and that an EB Disciplinary Charge shall be brought (whether administered by EB or by a region on its behalf), the following provisions of this Procedure shall apply. In what follows, the person responsible for administering the charge (whether the EB Officer, a person appointed by him with the permission of the EB Committee or a person tasked by a region) shall be referred to as the “Responsible Person”.
27. Within 28 days of the relevant decision under paragraph 17.5 above, the Responsible Person shall send a charge letter to the person to be charged (the “Respondent”). This charge letter shall:
  - 27.1 set out, as precisely as possible, the nature of the misconduct alleged, identifying, where appropriate, the specific rule or provision within the scope of the Code of Conduct which it is alleged has been breached;
  - 27.2 summarise the evidence supporting the charge, in sufficient detail for the Respondent to understand the basis for the charges against him; and
  - 27.3 set out, in general terms, the possible sanctions that may be imposed under the terms of this Disciplinary Procedure, as set out below.
28. The Respondent shall have 28 days from the date of the charge letter formally to respond to the charge. In doing so, they should:
  - 28.1 state whether they admit or deny the charge(s) in whole or in part;
  - 28.2 give their reasons for this. In the case of a denial, the reasons given should be as detailed as reasonably possible in the time available.

## **THE APPOINTMENT OF A DISCIPLINARY PANEL**

29. Within 28 days of the date of the charge letter, the EB Committee shall nominate a disciplinary panel to manage and determine the case. The requirements for the disciplinary panel shall be as follows:
  - 29.1 A disciplinary panel shall comprise 3 members;
  - 29.2 at least one member of the disciplinary panel must be legally qualified (i.e. a solicitor or barrister) or have received formally training in disciplinary matters. This person shall serve as the chair of the disciplinary panel;

- 29.3 at least one member of the disciplinary panel shall be a member of England Boxing of more than 5 years standing;
- 29.4 at least one member of the disciplinary panel shall not be a member of England Boxing, but shall either have experience of competing in, coaching, officiating or administering a different sport or alternatively shall have specialist experience relevant to the subject matter of the charge if it raises issues of a specialist or technical nature; and
- 29.5 all members of the disciplinary panel shall be independent of the complainant, the Respondent and the subject matter of the complaint, and shall have no conflict of interest of any kind.
30. Once the EB Committee has identified the proposed members of the disciplinary panel (and, for the avoidance of doubt, within 28 days of the charge letter being sent to the Respondent) the Responsible Person shall provide their names, together with brief summaries of their background and confirmation that they consider themselves to be independent and impartial, to the complainant and the Respondent. The complainant and the Respondent shall have 7 days to object to the appointment of any of the proposed members of the disciplinary panel. Any such objection shall be made in writing to the Responsible Person, giving reasons, and shall be determined by the EB Committee whose decision shall be final. If an objection is upheld, the EB Committee shall select an alternative disciplinary panel member, whose identity shall then be notified by the Responsible Person to the complainant and the Respondent, who shall again have a right to object on the terms set out in this paragraph.

## **DETERMINATION OF THE CHARGE(S)**

31. Once a charge letter has been sent, a response received (or the deadline for a response having passed with no response being provided) and a disciplinary panel appointed, the Responsible Person shall arrange for the matter to be determined. The process shall be as follows:

### **Summary Procedure**

- 31.1 If the Respondent admits the charges and the Responsible Person considers that the misconduct is such that the appropriate sanction would in all likelihood be no more than a reprimand, a 28 day suspension from EB membership and/or a £250 fine, then he should as soon as reasonably practicable, and no later than 28 days after receipt of the response to the letter of charge, write to the Respondent and inform them that in his view the matter would be suitable to be dealt with summarily by the disciplinary panel without a hearing if the Respondent consents to this. The Responsible Person should make it clear in the letter that if the matter is dealt with summarily in this way the disciplinary panel will take a decision based on the charge letter and the response (and the admissions it contains), without a hearing and the sanction could not exceed those referred to in this paragraph, unless the disciplinary panel itself concludes that the matter is not appropriate to

be dealt with summarily in which case a hearing will take place in accordance with the provisions below.

- 31.2 If the Respondent agrees to the matter being dealt with on the summary procedure, the charge letter and the response will be placed before the disciplinary panel who shall convene as soon as practicable (in person or by telephone / other electronic medium) to consider the matter and either to:
- 31.2.1 conclude that the matter is suitable for summary determination, and in that case to impose a just and appropriate sanction within the limits set out at paragraph 31.1 above; or
  - 31.2.2 conclude that the matter is not suitable for summary determination and should proceed to a hearing.
- 31.3 If the matter is dealt with summarily, the disciplinary panel shall record the outcome and reasons for its conclusion in writing, which it shall provide to the Responsible Person as soon as practicable, for onward communication to the Respondent and the complainant. A concise statement of the outcome shall also be published on the EB website.

### **Hearing**

- 31.4 If a charge is not suitable for the summary procedure above (because, for example, the Respondent does not admit the charges, or the Responsible Person and/or the disciplinary panel consider that the panel should have full discretion regarding sanctions), the matter shall proceed to a hearing.
- 31.5 The procedure and timetable for the service of evidence and written submissions in advance of the hearing shall be in the discretion of the disciplinary panel who shall manage the matter in accordance with the principles of natural justice, and to whom the Responsible Person and the Respondent may make written representations if they so wish. The overriding objective is for the matter to be dealt with fairly and expeditiously but with the parties having a reasonable opportunity in all the circumstances to prepare their cases. Save in exceptional circumstances the following deadlines should be adhered to:
- 31.5.1 The Responsible Person shall liaise with the disciplinary panel and the Respondent to schedule a hearing, which should if practicable take place within 12 weeks of the letter of response being received. The Respondent should be given at least 28 days' notice of the date, time and place of the hearing;
  - 31.5.2 As soon as practicable and no later than 28 days before the hearing the Responsible Person shall serve on the Respondent copies of all of the evidence that EB is intending to rely upon in support of the charge(s) brought (e.g. witness statements, exhibits, photographs etc) and shall



notify the Respondent of the witnesses it intends to call before the disciplinary panel at the hearing;

- 31.5.3 No later than 14 days before the hearing the Respondent shall serve on the Responsible Person copies of all of the evidence that he intends to rely on in his defence, and shall notify the Responsible Person of the witnesses he intends to call before the disciplinary panel at the hearing;
- 31.5.4 No later than 7 days before the hearing the Responsible Person shall produce a hearing bundle containing all of the documents relating to the charge, including the charge letter and response and the evidence served on behalf of EB and the Respondent, and shall provide a hard copy of that bundle to each member of the Disciplinary Panel as well as to the Respondent;
- 31.5.5 No later than 3 days before the hearing the Responsible Person and the Respondent shall serve on each other any additional written representations or submissions to be relied upon at the hearing, and shall notify one another whether they (i.e. EB or the Respondent) intend to be legally represented at the hearing (such legal representation being permitted, but at the relevant party's own cost), or whether they intend to represent themselves or be represented by a third party who is not legally qualified (and if so who that third party is);
- 31.5.6 In advance of the hearing, the Responsible Person shall in any event consult with the EB Officer (if they are not the Responsible Person) or the EB Committee (if the EB Officer is the Responsible Person) to agree who shall present the charges on EB's behalf, the ultimate decision in that regard being in the discretion of the EB Committee in the event of any disagreement. The Respondent shall be notified of the identity of the person presenting the charges at least 3 days before the hearing.

31.6 As to the hearing itself:

- 31.6.1 It shall take place in private, and the press and public shall have no right of access to the hearing room;
- 31.6.2 The procedure at the hearing shall be at the discretion of the disciplinary panel, subject always to compliance with the principles of natural justice and ensuring that both EB and the Respondent have a proper opportunity to be heard. If the Respondent does not attend, the hearing may proceed in his absence. Formal rules of evidence shall not apply. Typically:
  - 31.6.2.1 at the outset, the charges will be presented and summarised on behalf of EB, and the Respondent will have an opportunity to summarise their position in response;

- 31.6.2.2 EB will then call such witnesses as it considers appropriate, to give evidence. The Respondent and the disciplinary panel will have an opportunity to ask relevant questions of EB's witnesses;
- 31.6.2.3 the Respondent will then call such witnesses as he considers appropriate, to give evidence. EB and the disciplinary panel will have an opportunity to ask relevant questions of those witnesses;
- 31.6.2.4 EB will then make closing representations, and the Respondent will conclude the hearing with his closing representations. Such representations should include representations regarding whether the charge(s) in question are made out, as well as regarding what any appropriate sanction might be (i.e. including aggravating or mitigating matters);
- 31.6.3 At the end of the hearing the Chairman of the disciplinary panel shall ask both EB and the Respondent to confirm that they consider that they have had a fair hearing and if not, to explain why not.
- 31.6.4 The disciplinary panel shall then retire privately to consider its decision on whether the charge(s) is or are made out and if so what sanction is appropriate (having regard to the Procedure provisions below). The burden of proof to establish facts shall lie on EB, who must establish such facts on the balance of probabilities. The panel may reach its decision by a majority if necessary.
- 31.6.5 The disciplinary panel may, if it is able to, render its decision orally to the parties on the day of the hearing. If it does so, it should make clear that it will be recording its decision and its reasons in writing which will be communicated to the parties in due course;
- 31.6.6 The disciplinary panel should subsequently, as soon as practicable and no later than 28 days after the date of the hearing, record its decision and the reasons for it in writing and provide this document to the Responsible Person, for onward communication to the Respondent and the complainant.
- 31.6.7 EB shall publish a concise summary of the outcome on its website.

## **SANCTIONS**

32. If the disciplinary panel finds a charge to be proven following a hearing, it may impose upon the Respondent one or more of the following sanctions, as it considers just, proportionate and appropriate in all the circumstances:
  - 32.1 a reprimand;
  - 32.2 a fine not exceeding £5,000;
  - 32.3 a ban from participating in the sport or certain specific aspects of it (such as officiating, coaching, or holding office at club, regional or national level), for a period of time;
  - 32.4 a ban from membership of EB, for a period of time;
  - 32.5 the imposition of any such conditions on participation in the sport (or in any specific aspects of it), or on membership, as it considers fit;
  - 32.6 a requirement to attend appropriate training;
  - 32.7 a requirement to pay a contribution to, or all of, the costs of the disciplinary hearing.
33. The disciplinary panel may suspend any penalty, such that that penalty is only effective if and when the Respondent is found under this Procedure to have committed another disciplinary offence within a stated time of the date of the decision.
34. Where the disciplinary panel imposes a ban, that ban shall take effect from the date of the decision, unless the Respondent has been subject to and has respected an interim suspension, in which case credit shall be given for the time served pursuant to that interim suspension.
35. The disciplinary panel may also, in appropriate cases, recommend to EB that a dossier of the materials relating to the offence be compiled and provided to the police or other relevant authorities for further investigation, and/or may refer the matter for further consideration under EB's child protection policy.

## **INTERIM SUSPENSIONS AND REFERRALS**

36. Where the EB Officer considers that the conduct raised within a complaint is of sufficient severity or concern as to risk irreparable damage to the sport, the integrity of competition, the financial position of EB or its members or the safety of individuals, he may at any time impose an interim suspension from participation in any or all aspects of the sport on the person subject to the complaint, investigation or charge, with reasons. An interim

suspension shall not give rise to any inference of guilt on the part of the Respondent and is merely intended to protect the sport and/or those affected by any complaint.

37. In such circumstances, the EB Officer shall notify the person concerned in writing of the imposition of such as suspension as soon as possible, giving brief reasons. He shall also notify the EB Committee of the suspension as soon as possible.
38. If the suspended person wishes to challenge the imposition of the interim suspension, they may do so in writing to the EB Committee, giving reasons. The EB Committee will invite written submissions in response from the EB Officer and will, as soon as practicable, decide whether to continue the interim suspension or discharge it, and its decision shall be final. If the interim suspension is continued, it shall be continued until the underlying complaint has been determined in accordance with this Procedure.
39. The EB Officer and/or the EB Committee may also at any stage refer the matter to be considered by EB under its child protection policy, in parallel with or instead of the matter being pursued under this Procedure.

## **APPEALS**

40. It shall be open to both EB and the Respondent to seek to appeal the disciplinary panel's decision. Any appeal shall proceed as follows:
  - 40.1 in the case of an appeal by the Respondent, a written Notice of Appeal shall be sent by them to the EB Officer within 28 days of the written decision of the disciplinary panel. The Notice of Appeal shall summarise the grounds of appeal and why the Respondent considers that the disciplinary panel's decision was wrong. The Respondent shall also submit a fee of £250, which shall be refunded if their appeal is successful but shall otherwise be forfeited towards the costs of the appeal;
  - 40.2 in the case of an appeal by EB, the decision whether or not to appeal shall be taken by the EB Committee. Should it decide to appeal, it shall serve a Notice of Appeal on the Respondent (containing the information set out above) within 28 days of the written decision of the disciplinary panel;
  - 40.3 in the case of any appeal, the EB Officer will instruct Sport Resolutions UK to appoint an independent appeal panel of 3 members, including one qualified lawyer as chairman, and to case manage the appeal process. EB and the Respondent will have the opportunity to object to the proposed members of the appeal panel, with any such objection to be ruled upon by Sport Resolutions UK or someone appointed to do so by them;
  - 40.4 thereafter EB will ensure that the chairman of the appeal panel is provided with a bundle of the papers provided to the disciplinary panel, a copy of the decision of the disciplinary panel and the Notice of Appeal. The chairman of the appeal panel shall set such further directions for the determination of the appeal as he considers fit, in order to ensure a fair and just disposal of the appeal at a hearing. The appeal

shall ordinarily proceed by way of review of the disciplinary panel's decision, but may proceed by way of rehearing if either of the parties to the appeal so requests and the chairman of the appeal panel considers it appropriate;

- 40.5 when determining the appeal, the appeal panel may uphold the decision of the disciplinary panel or may substitute its own decision for that of the disciplinary panel, with the sanctions available being those set out above. The parties shall bear their own costs of participating in any appeal.

#### **RECOGNITION OF OTHER BODIES' DECISIONS**

41. Save in exceptional circumstances EB will recognise and respect disciplinary decisions and sanctions imposed by AIBA, UKAD and WADA.
42. EB will recognise relevant criminal convictions, which shall entitle it expedite a disciplinary charge directly to the sanctioning stage without having to rehear the issue of guilt or liability. In such circumstances, the EB Committee shall appoint a disciplinary panel in accordance with the provisions set out above, which shall adopt an expedited procedure limited to the question of sanction.
43. EB will also recognise relevant findings made by its child protection / safeguarding panels, which likewise shall entitle it to expedite a disciplinary charge directly to the sanctioning stage without having to rehear the issue of guilt or liability. In such circumstances, the EB Committee shall appoint a disciplinary panel in accordance with the provisions set out above, which shall adopt an expedited procedure limited to the question of sanction.
44. Save as set out above, EB shall not be bound by the disciplinary decisions or sanctions imposed by other entities or bodies, although it is entitled to recognise and respect such decisions and sanctions if it considers it appropriate to do so.

#### **RIGHTS OF EB**

45. EB and the EB Officer retain the right at all times to intervene in any investigation being carried out by a club or region, or in the administering of any charge by any region, if it is concerned that the terms of this Procedure or the principles of natural justice are not being complied with, or if it is otherwise concerned that the manner in which the investigation or charge is proceeding is not in the best interests of EB or the sport. EB and the EB Officer also reserve the right to refer the administering of the determination of any charge to Sport Resolutions UK if appropriate.

#### **MISCELLANEOUS**

46. Any reference in this Procedure to the masculine shall also be treated as referring to the feminine.

47. The EB Board may amend the provisions of this Disciplinary Procedure at any time at its discretion, save that any such changes shall not apply to any complaint, investigation or charge that has already been initiated.
48. Any deviation from any provision of this Disciplinary Procedure shall not invalidate any finding, procedure or decision unless that deviation seriously and irremediably prejudices the position of one of the parties or the fairness of the process or outcome.
49. The procedures in this Procedure are governed by the Arbitration Act 1996 and amounts to a binding agreement to arbitrate for the purposes of Section 6 of that Act. The seat of the arbitration shall be England.
50. This Procedure shall be governed by and construed in accordance with English Law.