



MALTA TRIATHLON FEDERATION DISCIPLINARY RULES

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1 INTRODUCTION

1.1 These Disciplinary Rules provide uniform procedures for the resolution of disciplinary issues arising from within the sport disciplines governed by The Malta Triathlon Federation.

Anti-doping violations shall be dealt with under the KMS Anti-Doping Rules.

1.2 These Disciplinary Rules apply to and bind in particular triathletes selected to the National Team, and generally every person who participates in an event sanctioned by the Malta Triathlon Federation. Each of the above (a 'Person') will be deemed to have accepted these Disciplinary Rules and agreed to be bound and abide by these Disciplinary Rules and all decisions made under them.

1.3 A non-exhaustive list of events of misconduct with the corresponding recommended (but not required) sanction is provided in Appendix 2.

2 INTERPRETATIONS

2.1 In these Disciplinary Rules, the following terms shall have the following meanings:

Executive means the Malta Triathlon Federation Executive Board (also referred to as the Board);

Technical Rules and **Competition Rules** mean the Technical and Competition rules of The Malta Triathlon Federation, as amended from time to time;

Code of Conduct means the Code of Conduct of The Malta Triathlon Federation, as amended from time to time;

Commission means a commission of The Malta Triathlon Federation appointed by the Executive Board;

Event means a single race, match or competition (or a series of races, matches or competitions) organised, licensed, convened, authorised or recognised by The Malta Triathlon Federation or any of its Members, affiliate organisations or Licensees, wherever held;

Respondent means the Person subject to the Disciplinary Complaint;

Licence means a licence issued by The Malta Triathlon Federation (of whatever nature, grade or duration);

Licensee means any person (whether a Triathlete, coach, agent, Race Official or other) who holds a Licence issued by The Malta Triathlon Federation;

Member means member and affiliated clubs of The Malta Triathlon Federation;

Race Official means an official or other Respondent appointed to officiate at an Event;

ITU stands for the International Triathlon Union.

3 DISCIPLINARY POWERS

Misconduct

3.1 For the purposes of these Disciplinary Rules, 'Misconduct' means any conduct that is a breach of the Code of Conduct, Code of Practice, or any other unsporting conduct that has the potential to bring the sport of Triathlon and its related multi-sport disciplines, other Persons, Race Officials or The Malta Triathlon Federation into disrepute.

3.2 While it is not possible to set out a definitive list of types of conduct that may constitute Misconduct, each of the following types of behaviour, without limitation, is an example of Misconduct under these rules (see also the non-exhaustive list in Appendix 2):

- A breach, or multiple breaches of the Malta Triathlon Federation Technical Rules which the Board, in his absolute discretion and for whatever reason, considers sufficiently serious to constitute an act of Misconduct;
- A breach, or multiple breaches of Competition Rules which the Board, in his absolute discretion and for whatever reason considers sufficiently serious, to constitute an act of Misconduct;
- Serious or repeated disobedience of the reasonable directions of a Race Official;
- Dangerous conduct, whilst racing or competing;
- Verbal or physical abuse of any kind;
- Fixing or contriving in any way or otherwise improperly influencing the result, progress or conduct of any event;
- Placing, accepting or laying a bet in relation to the result, progress or conduct of any event;
- Breaching the terms of any suspension imposed the Board;
- Carrying out any acts and/or making any statements that are discriminatory by reason of sex, sexual orientation, marital status, race, nationality, ethnic origin, colour, religion, and/or belief or disability.
- In respect of any Person in a position of trust or authority (including any coach, doctor, physiotherapist or otherwise) over another Person:
 - abusing that trust or authority in any way;
 - failing to observe confidentiality and/or acting in a way that gives rise to a conflict of interests; and
 - failing to act with respect by, for example, engaging in bullying or conduct that may induce feelings of fear and/or harassment.

Reporting Misconduct

3.3 Any Person may report any matter that may constitute Misconduct to the Board. Such reports should be made as soon as reasonably practicable after the issue being reported or has arisen and in particular, a Race Official who has witnessed or received evidence of serious Misconduct should report that conduct immediately.

All such reports shall be submitted either in writing or verbally to the Board.

3.4 These Disciplinary Rules are not intended to replace the powers given to Race Officials to penalise breaches of the Technical Regulations committed by Persons at

Events. For the avoidance of doubt, a Person may be sanctioned under these Disciplinary Rules for Misconduct that relates to conduct at an Event even if a Race Official has already penalised one or more Persons for that conduct in accordance with the Technical Regulations.

3.5 The Board shall be entitled to undertake any investigations they consider necessary, and every Person will be obliged to cooperate with those investigations. A failure to cooperate with any investigation may itself constitute Misconduct and will entitle adverse inferences to be drawn from that failure.

3.6 Sanctions will be effective immediately, subject to the Board's discretion to start the sanction on another date, backdated to take account of any interim suspension imposed.

3.7 The Board will advise the parties of its decision as soon as reasonably practicable and the decision will take effect at that point.

3.8 The decision of the Board shall be final.

4 PUBLICITY

4.1 When the Board imposes a suspension on a Respondent, The Malta Triathlon Federation will notify the ETU/ITU of details of that suspension as soon as reasonably practicable after such a suspension is imposed.

4.2 The Malta Triathlon Federation will, at the absolute discretion of the Board, publish the decisions of all Disciplinary details of any sanctions imposed, unless there are exceptional circumstances whereby it is considered inappropriate to publish.

4.3 Subject to Clause 4.1, until a decision and/or details of any sanctions imposed are published, all parties and participants in the proceedings must treat such proceedings as confidential.

5 TERMS OF SUSPENSION

5.1 Where a suspension is imposed on the Respondent, the Board will specify the precise terms and duration of the suspension.

5.2 Where a Respondent subject to a suspension imposed by the Board, breaches the terms of such suspension, this may constitute a separate act of Misconduct.

5.3 The Malta Triathlon Federation will, wherever possible, recognise and enforce suspensions imposed by other competent sporting disciplinary bodies. Such sporting disciplinary bodies will include, for example any national Triathlon federation affiliated to the ETU/ITU.

5.4 If a Disciplinary Complaint against a team, club or other entity affiliated to The Malta Triathlon Federation is upheld, the Board will be permitted to impose any sanction (or any combination of sanctions) that it deems appropriate and fit.

6 MISCELLANEOUS

6.1 Any deviation from any of these Disciplinary Rules and/or any irregularity, omission, technicality or other defect in the procedures will not invalidate any finding, procedure or decision unless it is shown to render the proceedings unreliable.

6.2 The Disciplinary Rules may be amended by the Board from time to time, with such amendments coming into effect on the date specified by The Malta Triathlon Federation.

6.3 It is acknowledged that, by virtue of their participation in events organised, licensed, convened, authorised or recognised by the ITU, certain Persons may also be subject to separate disciplinary rules of the ITU. In cases where there have been offences under these Disciplinary Rules and under the disciplinary rules of the ITU, The Malta Triathlon Federation will nevertheless be fully entitled to proceed under these rules.

Appendix 1

Pro forma Judgment

Name of Respondent: Club:

Event:

Venue: Date of incident:

Board: (Names of members making up the Board, i.e. Chair, followed by members)

In attendance: (List of those who attend the hearing, i.e. Disciplinary Officer, witnesses, etc.)

To consider:

The Board has considered:

Example:

1 Report and oral evidence from the race official.

2 Oral evidence and written statement from the Respondent (name).

3 Written witness statements from (names).

DECISION

The Disciplinary Board finds the Respondent guilty/not guilty. The reasons for their decision are...

The Disciplinary Board took into account the following points... 17

Appendix 2

| | Act of Misconduct | Recommended Sanction Based on Scale of Seriousness |
|---|---|--|
| 1 | Serious or multiple breaches of the Technical Regulations not dealt with in these recommended sanctions | Caution, reprimand, warning as to future conduct. Suspension of Membership and/or from participation in Events for a specified period within the range of 3 to 12 months. Monetary fine payable within 28 days. Forfeiture of competition prizes. |
| 2 | Serious or multiple breaches of the race officials', parents' or coaches' Code of Conduct | Caution, reprimand, warning as to future conduct. Suspension of Membership and/or from participation in Events for a specified period within the range of 3 to 12 months. Monetary fine payable within 28 days. |

| | | |
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| 3 | Serious or multiple breaches of the Technical or Competition rules | Caution, reprimand, warning as to future conduct. Suspension of Membership and/or from participation in Events for a specified period within the range of 3 to 12 months. Monetary fine payable within 28 days. |
| 4 | Serious or multiple disobedience of the reasonable directions of a Race Official | Minimum sanction: - €25 fine; and/or - 3 month suspension of Membership and/or from participation in Events. Maximum sanction: - €250 fine; and/or - 1 year suspension of Membership and/or from participation in Events. |
| 5 | Dangerous conduct and/or compromising the safety of another Person | Minimum sanction: - €25 fine; and/or - 3 month suspension of Membership and/or from participation in Events. Maximum sanction: - €250 fine; and/or - 1 year suspension of Membership and/or from participation in Events. |
| 6 | Verbal Abuse of Race Official | Minimum sanction: - €25 fine; and/or - 3 month suspension of Membership and/or from participation in Events. Maximum sanction: - €250 fine; and/or 1 year suspension of Membership and/or from participation in Events. |
| 7 | Physical Abuse of Race Official | Minimum sanction: - €250 fine; and/or - 6 month suspension of Membership and/or from participation in Events. Maximum sanction: - Unlimited fine; and/or - Lifetime suspension of membership and/or from participation in Events. |
| 8 | Serious Use of Offensive or Four Language | Minimum Sanction: - €25 fine; and/or - 1 month suspension of Membership and/or from participation in Events Maximum sanction: - €250 fine and/or - 1 year suspension of Membership and/or from participation in Events. |

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| 9 | Unsporting Conduct | <p>Minimum Sanction:</p> <ul style="list-style-type: none"> - €25 fine; and/or - 1 month suspension of Membership and/or from participation in Events <p>Maximum sanction:</p> <ul style="list-style-type: none"> - €250 fine and/or - 1 year suspension of Membership and/or from participation in Events. |
| 10 | Physical Abuse of another competitor/official | <p>Minimum Sanction:</p> <ul style="list-style-type: none"> - €50 fine and/or; - 3 month suspension of Membership and/or from participation in Events. <p>Maximum Sanction:</p> <ul style="list-style-type: none"> - Unlimited fine and/or; - Lifetime suspension of Membership and/or from participation in Events. |
| 11 | Breaching the terms of any suspension imposed by the Malta Triathlon Federation | <p>Minimum Sanction:</p> <ul style="list-style-type: none"> - 3 month suspension in addition to original suspension (to be imposed consecutively); <p>Maximum Sanction:</p> <ul style="list-style-type: none"> - One year suspension in addition to original suspension (to be imposed consecutively). |
| 12 | Misconduct relating to the abuse of a position of trust or authority | Sanctions will vary and it is not appropriate to establish a scale. Sanctions shall be imposed at the absolute discretion of the Executive Board. |

I, _____, the undersigned, declare that I have read and understood these Regulations.

SECRETARY
Malta Triathlon Federation

Member's Signature