

## 5. Procedure for dealing with a complaint

- 5.1 Upon receipt of a complaint, the Equity Manager, Secretary or Operations Manager shall place the matter before the appropriate Case Management Referral Panel whilst simultaneously informing the Appropriate Authority of receipt of said complaint..
- 5.2 The Case Management Referral Panel shall decide if the complaint be allowed to proceed. Reasons for declining to allow a complaint to proceed shall include that it:
- 5.2.1 does not on its face, evidence a matter which is justiciable under this procedure;
  - 5.2.2 raises an allegation which, in the opinion of the Case Management Referral Panel, is trivial, unreasonable or vexatious and/or obviously appears to be motivated by personal malice, prejudice, animosity and/or is not connected in a substantial way with the sport of amateur boxing or the interests of the ABAE, or is so late in being submitted that this delay represents a reason either alone or in conjunction with other reasons for not proceeding;
  - 5.2.3 raises an allegation which is not of concern to the ABAE as a governing body for the sport of amateur boxing;
  - 5.2.4 raises an allegation which is not appropriate to be dealt with by the ABAE's disciplinary process and/or which the Case Management Referral Panel believes should be referred to an outside body such as Police or Social Services in relation to child protection issues, the Police in relation to potential criminal matters and to civil remedies in relation to civil matters;

It should be noted that when complaints are referred as 5.2.4. above and are of sufficient gravity or concern, the Equity Manager and/or Appropriate Authority may suspend the respondent from all activities within Amateur Boxing until such referrals have been resolved and/or until subsequent disciplinary hearings are completed [see also paragraph 6 'Interim Sanctions'];

- 5.3 Where the Case Management Referral Panel, having regard to the factors set out in Regulations 5.1.1 to 5.1.4 above, has made the decision that the relevant complaint should proceed and there is a prima facie case to answer, it shall notify the relevant Equity Manager, Secretary or Operations Manager, the Complainant and/or Disciplinary Officer.
- 5.4 There shall not be a requirement for an Appropriate Authority to ratify such decisions made by the Case Management Referral Panel.
- 5.4.1. The Equity Manager, Secretary, Operations Manager and/or Disciplinary Officer shall ensure the formulation of the Notice of Charge which shall identify the matter complained of and/or the relevant Rule[s] that have allegedly been breached and shall detail the particulars of the specific charge[s] [see paragraph 3.2].

The Notice of Charge shall be served on the Respondent as soon as practicable after the Appropriate Authority has made its decision to proceed. And in any event within 28 days of that decision.

The Equity Manager, Secretary or Operations Manager dependant on jurisdiction, shall ensure that a Disciplinary Panel is formed and the Notice of Hearing served on the Respondent and Complainant within 28 days of receipt by the Respondent of the Notice of Charge.

Note 1: Acceptable levels of Service of Notices and / or Documents :

[1] By way of electronic means [e-mail] provided at all times receipt of e-mail is acknowledged by the recipient and [2] by Recorded Delivery postage.

Note 2:

Members of the Case Management Referral Panel shall not be excluded from serving on any future stage of a Disciplinary Process to which they considered the prima-facia-case.

- 5.4 If the Case Management Panel / Appropriate Authority decides that the relevant complaint should not be allowed to proceed to a full disciplinary hearing, the Secretary, Operations Manager or Equity Manager shall notify the complainant [if any] of this decision and provide brief reason[s] for the decision.
- 5.5 If the first stage of the disciplinary process is at National level, and it decides that the complaint should not be allowed or a finding is made to which the complainant appeals, the decision may be appealed. An Appeals Panel will be formed from the National Discipline & Appeals Panel provided at all times that members of such panels have not sat on any other hearing in that matter [see 'note 2' at paragraph 5.3] .
- 5.6 The decision of the National Appeal Panels shall be final.
- 5.7 The Case Management Referral Panel / Appropriate Authority shall endeavour to reach its decision under this Regulation 5 as soon as is reasonably practicable, however, any such decision may be delayed in the interests of natural justice, for instance in the event that the Case Management Referral Panel / Appropriate Authority requires further information or a matter requires further investigation.