

8. Notice of Hearing

- 8.1 Once the Disciplinary Panel has been constituted under Regulation 7, the Chairman of the Panel shall notify the Secretary, Equity Manager or Operations Manager of a suitable date, time and place for the hearing. The National Child Protection and Equity Manager, Secretary or Operations Manager shall, in turn, notify the Complainant, Disciplinary Officer [where appropriate] and the Respondent [see 8.2] of these details.
- 8.2 The Secretary, Equity Manager or Operations Manager shall forthwith complete and forward to the Respondent a Notice of Hearing which shall specify the date, time and place appointed for the hearing. At this stage, if the Secretary, Equity Manager or Operations Manager considers that the Notice of Charge needs to be amended in any way, such amendments will be permitted and consequently, an amended Notice of Charge will be sent to the Respondent with the Notice of Hearing.
- 8.3 The Respondent should be given 'at least' 28 days notice of the date and time of the hearing for him to have adequate time to prepare his case. Subject to paragraph 9.10 he may request an adjournment.

Note: The Chairman, Secretary, Equity Manager or Operations Manager should bear in mind that there are numerous 'time related' actions that all parties are subject to within these procedures. With this in mind you are urged to concede to reasonable time extensions beyond those stipulated within these procedures when requested by either party to ensure fairness. It is better that all parties feel fully informed and subject to fair process prior to the commencement of proceedings than they feel aggrieved or justice is not seen to be done.

The Chairman of the Panel shall be the final adjudicator of fairness in this process.

- 8.4 The Notice of Hearing shall name the three individuals, identifying the Chairman who will constitute the Disciplinary Panel, and will inform the Respondent that he will have 7 days from the receipt of the Notice of Hearing in which to lodge with the [author] Secretary, Equity Manager or Operations Manager any objection to any member of the Disciplinary Panel stating the grounds for any objection.

If in the opinion of the Chairman of the Panel, the grounds for objection to any member of such panel are frivolous, unfounded or ill-informed, the Chairman shall reject such grounds. His decision shall be final albeit he shall identify his grounds for rejection when requested. This process shall not prolong the time scales outlined within these procedures.

It should be clearly understood that all members of the National Discipline and Appeals Panel are deemed to be unbiased, fair and fully conversant with the principles of natural justice unless it is proved to the contrary.

Furthermore, it is not automatically accepted that association with Respondents / Appellants through areas of ABAE business is necessarily a bar to service on Panels.

- 8.5 The Secretary, Equity Manager or Operations Manager shall immediately forward objections in relation to the Disciplinary Panel members raised under Regulation 8.4 to the Chairman of the Panel who shall consider them.
- 8.6 After informing the Chairman of the receipt of an objection relating to his Chairmanship of the Panel, the Secretary, Equity Manager or Operations Manager shall forward such objection to another senior member of the Appropriate Authority [CEO, Chairman of Board, Association Committee or Boxing Council] having no interest in the proceedings, personal or otherwise, whose decision on the matter shall be final.

The decision of this adjudicator shall be final.

- 8.7 The Chairman of the Appropriate Authority should be mindful that if in his opinion, justice would best be served by the appointment of a Disciplinary Panel of another Appropriate Authority [i.e. Division referred to Association and/or Association referred to National], he may take this course of action. [See scale of fees at paragraph 14]

Note: An Association may at its own discretion refer from one Association to another if both are in agreement and it is in the interests of justice and fairness. Matters regarding 'transfer fees' shall be dealt with by way of mutual negotiation.

- 8.8 The Notice of Hearing shall be accompanied by copies of all relevant documents which have been submitted to and/or which the Secretary, Equity Manager, Operations Manager, Complainant and/or Disciplinary Officer has within his possession or control relating to the charges[s].

A 'Schedule of Unused Material' should also accompany this Notice.

'Unused Material' relates to any material held which the prosecutor does not intend to rely on to prosecute his case. Such material however, may be deemed relevant to the respondent and should be made available immediately upon request by the respondent.

- 8.8.1 *It should be noted that it is the responsibility of the Secretary, Equity Manager, Operations Manager to ensure that ALL who are providing evidence should complete a 'statement of evidence' in order that such evidence can be served at this time on the respondent.*
- 8.8.2 *It is also worthy of note and an appropriate example, that in cases of an Official in Charge providing evidence – he should complete a written statement within which he may state that he is to rely on his Official in Charge report and / or the Tournament Record Sheet. It therefore follows that the Official in Charge report or any other document is not a substitute or alternative to the provision of a statement.*
- 8.8.3 Alternatively to 8.8, the Notice of Hearing may be accompanied by a 'Schedule of all Material' held by any party involved in any capacity which is relevant to the hearing. The Respondent should be asked to identify all that material listed on the two schedules which he requires copies of. He shall be provided with such requested material immediately.
- 8.9 Within the Notice of Hearing the Respondent is asked whether the allegations are admitted and in the event of them being disputed, he is informed of the need to arrange for the attendance of any witnesses he may wish to call. He is also requested to identify his witnesses and provide brief details regarding their evidence.