



British Rowing Disciplinary Rules

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CONTENTS

Page No.

1.	INTRODUCTION	2
2.	APPLICATION	2
3.	MISCONDUCT	3
4.	INVESTIGATION	4
5.	INTERIM ORDERS	5
6.	INVESTIGATION OUTCOMES	6
7.	CHARGE	7
8.	RESPONSE	7
9.	THE DISCIPLINARY PANEL	8
10.	DIRECTIONS	8
11.	DETERMINATION ON WRITTEN SUBMISSIONS	9
12.	HEARING PROCEDURE	9
13.	VULNERABLE WITNESSES	10
14.	DECISION ON CHARGE	11
15.	SANCTIONS	12
16.	APPEAL	12
17.	APPEALS - PROCEDURAL RULES	14
18.	POWERS OF THE DISCIPLINARY APPEALS PANEL	15
19.	ENFORCEMENT OF DECISIONS	15
20.	PUBLICATION OF DECISIONS	15
21.	CONFIDENTIALITY	16
22.	EXCLUSION OF LIABILITY	16
23.	GOVERNING LAW	16

1. INTRODUCTION

- 1.1. These Disciplinary Rules (the “Rules”) form part of the British Rowing regulatory framework and set out the procedures for the assessment, investigation, determination and enforcement of alleged breaches of British Rowing Rules, Regulations and Policies.

- 1.2. These Rules are intended to ensure that all disciplinary matters are handled in a manner that is:
- fair and impartial;
 - transparent and consistent; and
 - proportionate.
- 1.3. These Disciplinary Rules will be reviewed by British Rowing periodically and may be amended from time to time. The current version shall be published on the British Rowing website.
- 1.4. These Rules apply to all Participants (as defined below) in respect of matters involving alleged misconduct.
- 1.5. These Rules also apply to British Rowing affiliated Clubs and Competitions where they:
- (a) fail to comply with their obligations under the Rules, Regulations and Policies of British Rowing, including the Club Dispute and Regional Resolution Procedure;
 - (b) fail to meet the standards required as a condition of affiliation; or
 - (c) fail to comply with any direction or requirement issued by British Rowing.
- 1.6. British Rowing may refer any matter for determination under these Rules, either as a standalone process or in conjunction with other applicable procedures.
- 1.7. Any safeguarding investigation carried out may be relied upon by British Rowing to satisfy any requirement for investigation under these Disciplinary Rules.

2. APPLICATION

- 2.1. These Disciplinary Rules shall apply to and bind the following persons (each being a Participant), who are deemed, by their involvement in Rowing in England, to have agreed to be bound by these Rules:
- 2.1.1. All individuals, clubs, associations, and other organisations involved in any capacity in the sport of Rowing, whether or not they hold an active membership with British Rowing or Scottish Rowing. For the avoidance of doubt, this includes:

- i) Each Member;
 - ii) Each Coach;
 - iii) Any person acting as an umpire;
 - iv) Any person acting as a rowing club officer, including holding any role within a rowing club or its committee;
 - v) Any person who is a member of a rowing club; and
 - vi) All those who take part and anyone working within the sport, whether in a paid or voluntary capacity, and whether as an employee or on a self-employed basis or otherwise.
- 2.1.2. All Members of British Rowing (including all members of affiliated British Rowing clubs) involved in competition and/or training camps outside of the United Kingdom. Individuals travelling abroad shall remain subject to these Disciplinary Rules during the period from their departure until their return to the United Kingdom.
- 2.2. British Rowing and any individual, panel or other group appointed by them shall have jurisdiction under these Disciplinary Rules to consider any matter which comes to its attention by any means (including, without limitation, the media) relevant to suspected or alleged Misconduct, where the information is credible.
- 2.3. These Rules apply to conduct occurring both within and outside Rowing, where relevant to the sport as determined by British Rowing.
- 2.4. These Disciplinary Rules may be applied retrospectively where appropriate, at the election of British Rowing and may be applied in relation to conduct which occurred prior to the implementation of these Disciplinary Rules. British Rowing is entitled to investigate and take action under these Regulations against any Participant regardless of when the events in question occurred, save for in circumstances where it would be unfair or contrary to natural justice to do so.
- 2.5. No Participant may rely on any argument or defence that an allegation, or the events connected to or giving rise to the allegation, has become time barred for any reason.

3. MISCONDUCT

- 3.1. British Rowing has authority to investigate and bring proceedings where it suspects that Misconduct may have been committed by a Participant or Affiliated entity.
- 3.2. Under these Rules “Misconduct” shall mean:
- i) Any breach of British Rowing’s Codes of Conduct, Policies, Regulations, Affiliation Terms and Conditions, Membership Terms and Conditions, or any other published procedures;
 - ii) Any conduct, behaviour, statements and/or practices including verbal, physical or emotional abuse, bullying, harassment, discrimination, threatening or intimidating conduct;

- iii) Conduct that brings or is likely to bring British Rowing and/or the sport of rowing into disrepute;
- iv) Conduct which British Rowing reasonably considers to be significantly improper, unethical, or contrary to the interests of the sport of Rowing;
- v) Any criminal conduct relevant to participation in rowing;
- vi) Failure to comply with the Club Dispute and Regional Dispute Resolution Procedure, report serious concerns or comply with safeguarding obligations;
- vii) Any breach of the terms of any sanction or interim suspension imposed by British Rowing under these Rules or the Safeguarding Regulations;
- viii) A refusal or failure to fully cooperate with:
 - (a) Any investigation under these Disciplinary Rules or the Safeguarding Regulations, Sport Integrity Service and/or UK Anti-Doping;
 - (b) Any directions issued by any of the panels operating under these Disciplinary Rules or the Safeguarding Regulations.

3.3. Misconduct may arise from acts or omissions.

PRELIMINARY INFORMATION REQUESTS

3.4. For the purposes of a preliminary assessment British Rowing may require such information, documents or explanations from any Participant as it reasonably considers necessary to determine whether a formal investigation should be commenced.

3.5. A Participant must cooperate with any such request within the timeframe set by British Rowing. Failure to do so without good reason may:

- i) be taken into account in determining whether to proceed to formal investigation;
- ii) result in interim measures;
- iii) and/or be treated as Misconduct.

PRELIMINARY RESOLUTION / REFERRAL TO CLUB & REGIONAL DISPUTE PROCEDURE

3.6. Where the matter is assessed by British Rowing as low-level and not meeting the threshold for Misconduct proceedings, British Rowing may:

- i) issue guidance;
- ii) issue a warning or reprimand; or
- iii) close the matter with no further action

3.7. This outcome shall not constitute a formal disciplinary finding unless expressly stated.

3.8. British rowing may also refer to be deal with under the Club Dispute and Regional Dispute Resolution Procedure, where it considers appropriate.

4. INVESTIGATION

- 4.1. British Rowing may investigate any matter where it reasonably suspects misconduct. For completeness, multiple Participants may be subjects of the same investigation and any subsequent proceedings.
- 4.2. Should British Rowing decide to commence a Misconduct investigation it shall appoint and investigator.
- 4.3. The Investigator may be internal within British Rowing, from a third-party organisation, or appointed via Sport Resolutions. The decision of who shall be appointed as the Investigator shall not be subject to challenge.
- 4.4. The Investigator will be entitled to undertake such investigations as they may deem necessary, including:
 - i) request documents and evidence
 - ii) require written statements
 - iii) conduct interviews
- 4.5. A Participant must, when so requested, cooperate fully and promptly with any investigation, and provide comprehensive, honest and accurate information and responses.
- 4.6. A failure or refusal by a Participant to cooperate with investigations may itself constitute Misconduct under these Disciplinary Rules.
- 4.7. In addition, the Case Management Group, the Disciplinary Panel or the Disciplinary Appeals Panel will be entitled to draw adverse inferences from such failure or refusal.

5. INTERIM ORDERS

- 5.1. British Rowing has the authority to impose an immediate Interim Order should it consider it appropriate and/or necessary to exclude or restrict a Participant from being involved in the sport of Rowing.
- 5.2. Interim Orders may be full suspensions, partial suspensions, or conditional restrictions on participation. In determining whether to impose or vary an Interim Order, British Rowing shall have regard to the necessity and proportionality of the restriction, including the level of access removed, the conditions imposed, and the impact on the Participant's ability to participate in rowing activities.
- 5.3. In determining whether to issue an interim order British Rowing may also consider whether the reputation of the sport of Rowing could be harmed if an Interim Order were not imposed, which shall also be balanced against the rights and interests of the Participant.
- 5.4. Interim Orders do not represent findings of fact nor predetermine outcome or sanction.
- 5.5. Where an Interim Order is imposed, British Rowing shall notify the Participant in writing as soon as reasonably practicable. As part of that notification British Rowing shall advise the Participant

of their right to make submissions to be considered by the Case Management Group which must be provided by the Participant to British Rowing within 7 days of the date of the notification of the Interim Order.

- 5.6. The Case Management Group may consider which other individual or organisation should be notified of the Interim Order and British Rowing shall make such notifications.

REVIEW OF INTERIM ORDERS

- 5.7. Any Interim Order issued will be reviewed by the Case Management Group within 14 days of the date of notification to the Participant. As part of their review of the Interim Order the Case Management Group will consider any submissions provided by the Participant pursuant to Regulation 5.5. The review will take place on the papers, and the Case Management Group may maintain, modify or remove the Interim Order, or make any other Order it considers appropriate.
- 5.8. Further to the Case Management Group review under Regulation 5.7. British Rowing will notify the Participant of the outcome of the review within 7 days of the Case Management Group decision.
- 5.9. The Case Management Group shall meet to review all Interim Orders in place bi-annually, meeting approximately once every six months.
- 5.10. The Case Management Group will not review an Interim Order prior to the next scheduled bi-annual meeting except in exceptional circumstances and/or where there is a material change in the circumstances in which the Interim Order was made. The Participant may request review under this Regulation detailing the information relevant to exceptional circumstances and/or a material change in circumstances.
- 5.11. The interim order review provisions within this regulation shall not apply in relation to cases being investigated by the Police or where a Respondent is charged with a criminal offence, until such time as those investigations or proceedings are complete.
- 5.12. Breach of an Interim Order may separately amount to Misconduct and the Disciplinary Panel may impose any sanction it considers appropriate in respect of any such breach.

6. INVESTIGATION OUTCOMES

- 6.1. Once the investigation is complete, the Investigator will report their findings and recommendations to British Rowing.
- 6.2. Further to the investigation, British Rowing may:
- i) Decide to take no further action;
 - ii) Issue formal warning or reprimand; and/or issue advisory guidance without constituting a disciplinary sanction;
 - iii) Refer a matter to any authority deemed more appropriate in practice or in law to handle it, including local authorities, other sports governing bodies, statutory bodies and law enforcement agencies;
 - iv) Refer the matter to be dealt with under the Safeguarding Regulations;
 - v) Issue Misconduct Charge(s).

- 6.3. Any decision taken by British Rowing under Regulation 6.2 may, where considered appropriate, be referred to the Case Management Group for review and recommendation.
- 6.4. British Rowing will at their discretion notify or otherwise update or respond to:
- i) Any person who reported the matter.
 - ii) Any Participant who is the subject of an investigation; or
 - iii) Any relevant third party.

7. CHARGE

- 7.1. If, as a result of an investigation carried out under these Regulations, British Rowing concludes that the Participant under investigation has a case to answer in respect of Misconduct, then British Rowing will serve a Notice of Charge to the Participant who from this point will be known as the Respondent. Service of the Notice of Charge shall be either by email and/or post.
- 7.2. The Notice of Charge shall:
- i) Set out the Charge(s) against the Respondent;
 - ii) Set out the Rule(s), Regulation(s), Standard(s) or Code(s) that are alleged to have been breached by the Respondent;
 - iii) Set out a summary of the facts relied upon by British Rowing;
 - iv) Include copies of the evidence, information and/or documentation upon which British Rowing intends to rely;
 - v) Require a response from the Respondent (“Response”) within 21 days (the “Deadline for Response”)

8. RESPONSE

- 8.1. The Respondent must serve on British Rowing a Response by the Deadline for Response which:
- i) Admits or denies the Charge(s) or any part of the Charge(s);
 - ii) Where the Charge(s) is denied, states whether they wish the matter to be dealt with:
 - (a) On written submissions alone; or
 - (b) At a personal hearing.
- 8.2. The Response must include:

- i) A clear explanation of the nature and extent of the Respondent's admission or denial of the Charge(s) or any part of the Charge(s);
- ii) Copies of any documentation, evidence, mitigation or other relevant material on which the Respondent intends to rely.
- iii) Confirmation of an email address and/or postal address for service.

CHARGES ADMITTED

- 8.3. If the Charge(s) is admitted by the Respondent, the matter will be referred to the Case Management Group to determine the applicable sanction. The Respondent may make any submissions on sanction as part of their Response. In such circumstances the Case Management Group will deal with the case on the papers.

NO RESPONSE

- 8.4. If the Respondent fails to respond or refuses to respond to the Notice of Charge by the stipulated deadline, British Rowing shall refer the matter to the Case Management Group to determine the charges, and if found proven, determine applicable sanction. In such circumstances, unless there is good reason, the Case Management Group will deal with the case on the papers.

CHARGES DENIED

- 8.5. Where the Charge(s) is denied (in whole or in part), the matter shall be referred to a Disciplinary Panel for determination in accordance with Regulations 9-14.
- 8.6. Notwithstanding Regulations 8.3 and 8.4, the Case Management Group may, where it considers it appropriate having regard to the seriousness of the matter, refer the case to a Disciplinary Panel for determination of sanction.
- 8.7. In circumstances where Case Management Group (dealing with the admitted charges under Regulation 8.3, or after having determined charges proven pursuant to Regulation 8.4) consider the appropriate sanction may be a suspension from participation in the sport of Rowing for a period in excess of two years, the case must be referred to the Disciplinary Panel for determination of sanction.

9. THE DISCIPLINARY PANEL

- 9.1. Following a Charge(s) that is denied by the Respondent, or where a case is referred by the Case Management Group under Regulation 8.6 British Rowing will appoint a panel of three people to conduct the hearing and decide on the outcome ("Disciplinary Panel").
- 9.2. The Disciplinary Panel will be made up of individuals independent of British Rowing, who have not been involved in the matter and have no conflict of interest. They may be appointed from British Rowing's Disciplinary and Grievance Group or by Sport Resolutions or directly by British Rowing. One member of the Disciplinary Panel shall be legally qualified and shall Chair the Disciplinary Panel.
- 9.3. British Rowing shall write to the Respondent to confirm the details of the Disciplinary Panel that has been appointed to hear the Charge(s) and/or determine sanction. Any challenge by a

Respondent to the suitability or impartiality of a member of the Disciplinary Panel must be made within 7 days of receipt of the letter in which the details of the Disciplinary Panel were confirmed.

- 9.4. In the event of such a challenge, the challenge may either be resolved by consent or by the decision of the Chair of the Disciplinary Panel. If the appointment of the Chair of the Disciplinary Panel is challenged, the challenge shall be resolved the Chief Executive of British Rowing (or a suitably qualified member of the Disciplinary and Grievance Panel nominated by the Chief Executive).
- 9.5. The Disciplinary Panel shall determine all procedural matters for the conduct of the case.

PRE-HEARING

- 9.6. Notwithstanding the Disciplinary Panel's powers to determine all procedural matters, ordinarily cases will proceed as follows:
- 9.7. Within 21 days after the Deadline for Response British Rowing will prepare and circulate to the Respondent and the Disciplinary Panel a bundle (in either paper or electronic form) containing a copy of:
- i) The Notice of Charge and accompanying evidence provided with it to the Respondent pursuant to Regulation 7;
 - ii) The Response, if any, and all other written material submitted by the Respondent pursuant to Regulation 8.

10. DIRECTIONS

- 10.1. The Disciplinary Panel may issue any directions considered necessary for the proper conduct of the case, including but not be limited to:
- i) Where there is to be an oral hearing, establishing the date, time and place of the hearing and whether it is to be in person, by video link or hybrid;
 - ii) Extending or reducing any time limit;
 - iii) Requiring that the parties make written submissions or submit skeleton arguments in advance of the hearing.
 - iv) Requiring the disclosure of specific and identifiable documents in the possession of British Rowing, the Respondent or any other Participant which are considered by the Disciplinary Panel to be relevant to the Charge(s);
 - v) Determining who shall attend the hearing.
- 10.2. All and any Directions issued by the Disciplinary Panel shall be notified in writing to the parties;
- 10.3. The Disciplinary Panel may order that there be a directions hearing which shall operate as it so directs.

11. DETERMINATION ON WRITTEN SUBMISSIONS

CASE MANAGEMENT GROUP

- 11.1. Where the Charge(s) is admitted by the Respondent the Case Management Group, in accordance with Regulation 8.3. shall determine the appropriate sanction (Regulation 15) based on written submissions.
- 11.2. Where the Respondent has failed to respond or refuses to respond to the Notice of Charge the Case Management Group, in accordance with Regulation 8.4 shall determine the appropriate sanction (Regulation 15) based on written submission.

DISCIPLINARY PANEL

- 11.3. Where the Respondent states that they wish the matter to be dealt with on written submissions pursuant to Regulation 8.1.ii(a) the Disciplinary Panel shall determine the Charge(s) and the sanction (Regulation 15) if the Charge(s) is found proven on the written submissions and shall make such order as it deems appropriate.

12. HEARING PROCEDURE

- 12.1. Where the Respondent states, in accordance with Regulation 8.1.ii(b) that they wish for the matter to be dealt with at a hearing, or where the Case Management Group refer the matter to the Disciplinary Panel under Regulation 8.6. the Disciplinary Panel shall determine the case by way of an oral hearing.
- 12.2. Both British Rowing and the Respondent may be legally represented before the Disciplinary Panel. Alternatively, either party may choose to be represented by any person they nominate to speak on their behalf, subject to that nominated person having no other involvement in any capacity in the proceedings. British Rowing and the Respondent may have only one representative each speaking on their behalf subject to any permission to the contrary from the Chair of the Disciplinary Panel.
- 12.3. For a hearing, ordinarily proceedings will proceed as follows:
 - i) British Rowing (or their representative) shall present the Charge(s) and make opening submissions. It may call any evidence on its behalf, subject to any limits on evidence imposed by the Disciplinary Panel;
 - ii) The Respondent (or their representative) may call any evidence on its behalf, subject to any limits on evidence imposed by the Disciplinary Panel;
 - iii) British Rowing and the Respondent may make closing submissions;
 - iv) The Disciplinary Panel may ask questions at any point during the hearing; and
 - v) The Chair of the Disciplinary Panel will close the hearing, and the Disciplinary Panel will deliberate in private.
- 12.4. The evidence in the case shall be heard only once and shall be applied by the Disciplinary Panel in relation to all charges proffered by British Rowing.

- 12.5. British Rowing shall bear the burden of proving the Charge. The standard of proof shall be the civil standard, in that the Disciplinary Panel must be satisfied that on the balance of probabilities the conduct constituting the Charge took place.
- 12.6. The Disciplinary Panel shall not be bound by any formal rules of evidence and may accept in evidence as admissible any evidence which it considers is relevant and cogent to the proceedings before it. The weight to be attributed to any evidence shall be a matter for the Disciplinary Panel.
- 12.7. The Disciplinary Panel may impose limits on the length of any documents and/or the number of witnesses that either party may rely on.

13. VULNERABLE WITNESSES

- 13.1. The Disciplinary Panel has a responsibility to ensure that any witness who might be deemed to be vulnerable in any way is provided with the appropriate special measure to allow them to give evidence appropriately.
- 13.2. The Disciplinary Panel shall have the power to order special measures for the giving of evidence where it deems it appropriate and this can include but is not limited to:
 - i) Ordering that evidence is given over video link rather than in person;
 - ii) Ordering that cross-examination is directed through the Chair of the Disciplinary Panel;
 - iii) Ordering that cross-examination be carried out in advance of the hearing with only limited persons present;
 - iv) Ordering that cross-examination is carried out in writing with questions put to the witness and answered in writing prior to the hearing;
 - v) Ordering any special measures it considers are required for the protection of the witness and their mental and/or physical wellbeing or to ensure that the witness is able to give their best evidence to the Disciplinary Panel.
- 13.3. A vulnerable person is any person:
 - i) Who is defined as vulnerable, a vulnerable witness, a child or an Adult at Risk in law;
 - ii) Who has (actually or allegedly) suffered abuse (sexual or otherwise) or any form of bullying or harassment; or
 - iii) Who the Disciplinary Panel considers is vulnerable for any other reason.

14. DECISION ON CHARGE

- 14.1. Having considered all the relevant evidence, the Disciplinary Panel shall reach a decision on whether the Charge(s) is proven either in whole or in part.
- 14.2. Each member of the Disciplinary Panel shall have one vote, save that the Chair shall have a second and casting vote in the event of deadlock.

- 14.3. The Disciplinary Panel shall notify the parties of its decision as to whether the Charge(s) is proven within 21 days with written reasons and any sanction. In matters of urgency a summary of the conclusions reached by the Disciplinary Panel may be released with the full reasoned Decision to follow.
- 14.4. British Rowing and a Respondent may, at any time prior to a hearing, agree a Decision by mutual consent in writing. Such Decision must be presented to the Disciplinary Panel, which may, in its sole discretion, ratify it or reject it. In the event it is rejected, the matter shall proceed to a hearing in the usual way. In the event it is ratified, it shall be the binding Decision of the Disciplinary Panel. A Decision by mutual consent may include a provision that there shall be no right of appeal.

WRITTEN REASONS

- 14.5. Within 21 days after the conclusion of the hearing, the Disciplinary Panel will communicate its written decision to British Rowing and the Respondent, which will ordinarily contain:
- i) Details of the Charge(s) considered, and whether it/they are admitted or denied;
 - ii) A summary of the relevant evidence heard;
 - iii) The findings made by the Disciplinary Panel;
 - iv) The reasons for the Disciplinary Panel's decision; and
 - v) The sanction and/or other order (if any) imposed;
- 14.6. The Chair of the Disciplinary Panel will provide the written decision to British Rowing and the Respondent either by email and/or post. The decision will take effect immediately. The parties may request clarification of any Decision within 7 days after it has been reached, after which time it shall become final and binding on all parties (subject to any subsequent appeal).
- 14.7. The notification shall advise the Participant that they have 21 days from the date of notification in which to appeal the decision. The appeal shall be conducted in accordance with the procedure set out in these Rules.
- 14.8. Either party or the Disciplinary Panel may request that parts of the written Decision be redacted on grounds of confidence or the protection of third parties. The decision of the Disciplinary Panel to allow or not allow redactions is final. British Rowing may make redactions to the written Decision without recourse to the Disciplinary Panel.

15. SANCTIONS

- 15.1. Where a case is referred to the Case Management Group under Regulation 8.3 or 8.4 (following determination of proven charges) it shall then move to consider the imposition of appropriate sanctions ("Sanctions").
- 15.2. If a Disciplinary Panel decides that the Charge is proven, or proven in part (pursuant to Regulation 8.5.), or where a case has been referred to it by the Case Management Group under Regulation 8.6. it shall then move to consider the imposition of appropriate sanctions.

- 15.3. In the exercise of its disciplinary power, the Case Management Group or the Disciplinary Panel may (subject to restrictions as specified) impose any one, or a combination of, the following Sanctions:
- i) Formal warning or reprimand;
 - ii) Training requirements as deemed appropriate by British Rowing;
 - iii) Temporary suspension from participation in British Rowing regulated activities (**Case Management Group may impose suspensions up to a maximum of two years**);
 - iv) Permanent exclusion from participation in all British Rowing regulated activities (**Disciplinary Panel only**);
 - v) Imposition of a financial penalty payable to British Rowing upon any Respondent;
 - vi) Suspension / restriction on the Respondent's membership of a Club or organisations under the jurisdiction of British Rowing
 - vii) Suspension or removal of British Rowing Affiliation Status
 - viii) Any sanction as the Case Management Group or Disciplinary Panel considers appropriate.
- 15.4. In determining the appropriate sanction, the Case Management Group or Disciplinary Panel will consider:
- i) seriousness of conduct
 - ii) risk of harm
 - iii) mitigating/aggravating factors
 - iv) previous history
 - v) any other factor the Panel deems relevant for the purposes of sanction.
- 15.5. Where a Participant has been subject to an Interim Order restricting participation (including suspension), the Disciplinary Panel or Case Management Group may, at its discretion, take account of the duration and nature of that Interim Order when determining any final sanction.
- 15.6. Any credit for time spent on an Interim Order shall not be automatic and shall be assessed in light of: (a) the seriousness of the misconduct; (b) the level of restriction actually imposed; (c) the conditions attached to the Interim Order; and (d) the overall interests of fairness and proportionality.

16. APPEAL

- 16.1. These Rules of Appeal constitute the appeal procedure governing appeals relating to an appeal from any case determination decision and/or sanction taken by the Case Management Group or the Disciplinary Panel. Appeals must be submitted within 21 days.

GROUND OF APPEAL – CASE MANAGEMENT GROUP DECISIONS

- 16.2. Where the Decision under appeal is a Decision of the Case Management Group made pursuant to Regulations 8.3 or 8.4, the grounds of appeal shall be limited to the following:
- i) there has been a material failure to follow the procedures set out in these Disciplinary Rules, which has resulted in substantial injustice;

- ii) the Case Management Group, or any member of it, lacked independence or there is evidence of bias or bad faith;
- iii) there is material new evidence which could not reasonably have been provided at the time the Decision was made and which would have had a material impact on the Decision; and/or
- iv) the sanction imposed is manifestly excessive.

GROUND OF APPEAL – DISCIPLINARY PANEL DECISIONS

16.3. British Rowing and/or the Respondent may appeal only on the following grounds. That in the case of the Disciplinary Panel Decision:

- i) there has been a material failure to follow the process outlined in the British Rowing Disciplinary Rules and Procedures, which failure has resulted in substantial injustice;
- ii) the Disciplinary Panel, or any member of it, lacked independence or there is evidence of bias or bad faith;
- iii) there is material new evidence which could not reasonably have been provided at the time the Decision was made and which would have had a material impact on the Decision.
- iv) the Disciplinary Panel reached a Decision on the basis of an error of law;
- v) the Decision is one that no reasonable Panel properly directed could have arrived upon; and/or
- vi) the sanction (including where no sanction is levied) is either too lenient or manifestly excessive.

DISCIPLINARY APPEALS PANEL APPOINTMENT

16.4. Once a Participant exercises their right of appeal under this Regulation they shall be referred to as an “Appellant”.

16.5. The Appeal shall be heard by a Disciplinary Appeals Panel that shall consist of three members independent of British Rowing appointed from the British Rowing Disciplinary and Grievance Group, via British Rowing directly or appointed via Sport Resolutions.

16.6. One member of the Disciplinary Appeals Panel shall be legally qualified and shall Chair the Panel. The Members of the Disciplinary Appeals Panel shall ensure they have no conflicts of interest in the proceedings and declare any such conflicts immediately so that British Rowing may appoint an alternative member.

16.7. The Disciplinary Appeals Panel Chair shall make such directions as they consider are necessary for the proper conduct of the Appeal proceedings.

16.8. The Disciplinary Appeals Panel may make any directions they believe appropriate for the conduct of the proceedings, including whether the appeal should be dealt with on the papers or by way of a hearing. In the event that the Disciplinary Appeals Panel determines that the matter should be dealt with by way of a hearing the hearing may (at the discretion of the Disciplinary Appeals Panel) be a hearing held virtually or in person.

16.9. An Appeal shall not be a re-hearing of the original proceedings. The Disciplinary Appeals Panel will only consider new issues, information, or evidence if the Appeal is based upon the ground that

there is material new evidence, or if it considers that it would be in the interests of natural justice to consider such issues, information, or evidence.

- 16.10. In appeals arising from a Decision of the Case Management Group, the Disciplinary Appeals Panel will not conduct a re-hearing of the facts and will determine the appeal only by reference to the permitted grounds set out in Regulation 16.2.
- 16.11. For the avoidance of doubt, where a sanction is imposed by the Case Management Group pursuant to Regulation 8.3 or 8.4, any appeal shall be made directly to the Disciplinary Appeals Panel and shall not be referred to a Disciplinary Panel.

17. APPEALS - PROCEDURAL RULES

- 17.1. For all appeals the Appellant shall lodge a Notification of Appeal to British Rowing (or British Rowing to the Participant where it is British Rowing appealing) within 21 days following the date of notification to the Appellant of the Decision or Order. The date of receipt of the Notification of Appeal shall be the "Appeal Commencement Date".
- 17.2. The Notification of Appeal shall outline:
- i) the identity of the Appellant.
 - ii) details of the decision being appealed, including the date of that decision and by whom it was taken.
 - iii) the ground(s) of appeal and the reasons why it would be substantially unfair not to alter the original decision.
 - iv) a statement of facts on which the appeal is based.
 - v) copies of any documents or other material referred to.
- 17.3. Failure to lodge a Notification of Appeal within the specified time period and/or failure to comply with all the associated requirements set out in Regulation 17.2 shall result in forfeiture of a right of appeal. The Disciplinary Appeals Panel may reject any Notification of Appeal that is not filed in accordance with Regulation 17.1, or which does not contain the information required in Regulation 17.2.
- 17.4. For appeals to the Disciplinary Appeals Panel a deposit fee of £250 is required. If payment is not received prior to the expiry of the 21 days following the date of communication or delivery to the Appellant of the Decision/Order, the Appellant will forfeit their right of appeal and any Notification of Appeal lodged will be void. Payment should be made by bank transfer to the following account;

Sort Code:

Account No:

Account Name:

Reference: [YOUR SURNAME] DISCIPLINARY

Should the appeal be successful, the deposit fee will be refunded no later than 14 days following notification of the Decision.

- 17.5. Unless directed otherwise the Respondent shall serve a written reply to the Notification of Appeal (the Response) on the Appellant and the Disciplinary Panel or Disciplinary Appeals Panel as applicable, within 21 days of the Appeal Commencement Date.
- 17.6. A Notification of Appeal can be withdrawn by the Appellant by notifying the Respondent and the Disciplinary Appeals Panel in writing of their wish to withdraw, up to 1pm on the day prior to the date of the Appeal Hearing. In such a case, the Appeal (but not any British Rowing cross-appeal if applicable) shall be deemed to be abandoned and the original Order shall be final and binding. The subject matter of an Appeal which has been withdrawn may not be re-appealed. Where the Appeal is abandoned, the deposit fee will not be refunded.

18. POWERS OF THE DISCIPLINARY APPEALS PANEL

- 18.1. The Disciplinary Appeals Panel shall have the following powers:
- i) to dismiss the Appeal.
 - ii) to alter or vary the original Decision/Order.
 - iii) to quash any Decision/Order and/or substitute it for any other Decision/Order; and,
 - iv) to make any such other Decision/Order or determination as it may think right or just.
- 18.2. For completeness, the Disciplinary Appeals Panel are able to impose any sanction set out within Regulation 15.
- 18.3. Deliberations of the Disciplinary Appeals Panel will be held in private.
- 18.4. The Decision (with reasons) of the Disciplinary Appeals Panel will be communicated in writing to British Rowing and the Appellant (or if they are the Respondent to a British Rowing Appeal) within 21 days of the Appeal being heard.
- 18.5. The Decision of the Disciplinary Appeals Panel will be final and binding and there lies no other form of Appeal.
- 18.6. Subject to the above, the Disciplinary Appeals Panel shall have power to regulate its own procedures.
- 18.7. The standard position will be that each party will bear their own costs.

19. ENFORCEMENT OF DECISIONS

- 19.1. A Participant must take all steps necessary to ensure compliance with any Interim Order or Order that has been issued under these Disciplinary Rules.
- 19.2. If a Participant fails to comply with its obligations under these Disciplinary Rules, such conduct shall itself be grounds for action under the Disciplinary Rules.

20. PUBLICATION AND NOTIFICATION OF DECISIONS

- 20.1. British Rowing may publish Decisions and/or Orders issued under these Disciplinary Rules, or summaries thereof. British Rowing may redact any material it considers appropriate in such publications.
- 20.2. British Rowing, at their discretion, may notify any individual or organisation of any Interim Order, Decision/Order where they believe it is appropriate to do so.
- 20.3. Where it is deemed appropriate, British Rowing will inform the Referrer, any witnesses or any other relevant person or group of an Interim Order, Decision and/or Order.

21. CONFIDENTIALITY

- 21.1. All matters considered under these Disciplinary Rules, will be regarded as confidential (“Confidential Information”) and used only for the purposes of these Disciplinary Rules, save for the exceptions set out in these Rules.
- 21.2. No person involved with a disciplinary case or investigation (including but not limited to a Participant, Referrer or witness) shall make any disclosure of Confidential Information. Any disclosure of Confidential Information may lead to the person making such disclosure being subject to separate disciplinary charges under these Disciplinary Rules. The restriction in this regulation 21.2 does not apply:
 - i) if the information is already in the public domain other than through an unauthorised disclosure by that person;
 - ii) to any disclosures, notifications or publications made by British Rowing or other prosecuting or regulatory authority under these Disciplinary Rules.

22. EXCLUSION OF LIABILITY

- 22.1. None of British Rowing, the Case Management Group, the Disciplinary Panel or the Disciplinary Appeals Panel, shall be liable to any individual or organisation for any loss arising out of action taken, Decisions made, or Orders imposed under these Disciplinary Rules.

23. GOVERNING LAW

- 23.1. The Governing Law of all proceedings under these Disciplinary Rules shall be the law of England and Wales.
- 23.2. For the avoidance of doubt proceedings under these Disciplinary Rules are private and relate specifically to safeguarding matters and as such are not arbitral. The Arbitration Act 1996 and the Arbitration Act 2025 are not applicable to any part of these Disciplinary Rules.

APPENDIX 1 - DEFINITIONS AND INTERPRETATION

The following words shall have the meaning set out opposite them:

Adult at Risk	a person aged 18 or over who has care and support needs, is experiencing or is at risk of abuse or neglect, and, as a result of those needs, is unable to protect themselves. This definition focuses on the individual's circumstances and capacity to protect themselves, rather than just their age or disability
Appellant	the person appealing a Decision or Order under these Rules
Athlete Representative	individual elected or appointed to act as a liaison between athletes and British Rowing
Athlete Support Personnel	anyone person working with, treating, or assisting an athlete participating in or preparing for sports competition
Case Management Group	A body appointed by British Rowing responsible for oversight of disciplinary and safeguarding cases, including: reviewing and determining Interim Orders; determining sanctions in cases where Charges are admitted or deemed admitted; and referring cases to a Disciplinary Panel where appropriate.
Child	anyone under the age of 18
Coach	any rowing coach, including, but not limited to employed coaches, volunteer coaches, head coaches, assistant coaches, ad-hoc rowing coaches, school rowing club coaches
DBS	the Disclosure and Barring Service in England and Wales
Decision	A written or oral decision of the Case Management Group, Disciplinary Panel or Disciplinary Appeals Panel made in accordance with these Disciplinary Rules.

Disciplinary Rules	the Disciplinary Rules and Procedures of British Rowing in force
Interim Order	a temporarily applied suspension, restriction, condition or penalty imposed in accordance with these Disciplinary Rules
Member of British Rowing	An individual that holds an active British Rowing Membership, registered via the JustGo website (Race, Coach, Umpire, Community, Row, Scottish and Overseas, Day Ticket)
Order	a restriction or condition imposed under these Disciplinary Rules, whether by British Rowing, the Case Management Group, Disciplinary Panel or a Disciplinary Appeals Panel.
Participant	a person with involvement in the sport of Rowing within the United Kingdom, applicable to the individuals / groups of individuals set out in Regulation 4.
Position of Trust	any position where an individual is in a relationship of trust with any person with responsibility and / or authority in relation to that person, and shall include, without limitation those who care for, advise, supervise, train, coach, teach, instruct, manage, tutor, mentor, assess, develop, guide, treat or provide therapy to children and/or Adults at Risk.
Referrer	the individual who has made the Referral/Report
Referral	a report of a concern or allegation raised about the actions or behaviour of a Participant
Respondent	the person or entity who is responding to a Charge under these Disciplinary Rules
Rowing	means the sport of rowing and includes classic rowing, beach sprints, coastal rowing and any other category of rowing that is governed by British Rowing. It does not include ocean rowing or indoor rowing where it is carried out in commercial gyms or home environments by non-Members of British Rowing
Rowing Club Officer	a volunteer committee member that may be responsible for the governance, administration, and safe operation of a sports club and day-to-day operations.

Disciplinary Panel	a Panel of three individuals who are independent of British Rowing, to consider disciplinary cases under these Disciplinary Rules
Disciplinary Appeals Panel	a Panel of three individuals who are independent of British Rowing, appointed via Sport Resolutions to consider an Appeal brought under these Disciplinary Rules
Statutory Agencies	Include (but are not limited to) the Police, Children’s or Adult Care Services or any other public or other investigatory authority
Welfare Officer	the person with lead responsibility for welfare within a club or organisation.

Words denoting the singular number include the plural number and vice versa, and words denoting gender neutral pronouns, include all genders. The word ‘shall’ is mandatory and the word ‘may’ is permissive.

Any notice or other communication required to be served or sent for the purposes of these Regulations may be delivered:

- by email.
- by post.
- by hand.

Deemed Receipt:

- (a) Service of a document sent by email shall be deemed to have been given at the time and date sent;
- (b) Service of a document sent by first class post shall be deemed to have been completed on the third working day following the day after it was sent and, in proving a document was so sent, it shall be sufficient to prove with a receipt of posting that the envelope containing it was properly addressed, prepaid, and posted.
- (c) Service of a document by hand shall be deemed to be affected immediately, and it shall be enough to prove with written confirmation from the deliverer of the time, date and location the notice or communication was delivered.

If any part of these Disciplinary Rules is held invalid, unenforceable, or illegal for any reason, they shall remain in force apart from that part, which shall be treated as if it had been deleted to the extent to which it is invalid, unenforceable, or illegal.