



Discipline and Complaints Policy

Date	Version	By	Remarks
20 Dec 2019	1	Eugene Ong	Created
21 Feb 2020	1.1	Eugene Ong	Clean up and updates
12 March 2020	1.2	Eugene Ong	Clean up and updates
28 July 2020	1.3	Eugene Ong	Clean up
12 Dec 2022	1.4	Eugene Ong	Review and update relevancy

Definitions

Terms / Abbreviation	Definition
Complaint	An expression of dissatisfaction with the policies and decisions of TAS, and/or the service provision, actions and/or behavior of a TAS's participant.
Complainant	The person making the complaint, and may be a member of the general public, local authorities, service providers, partners, affiliates, or any of our participants.
Mediation	Mediation is a process that allows those involved in a complaint to discuss the issues and come up with a mutually agreed solution to dissolve any grievances. It may occur before or after the investigation of a complaint.
Participants / Individuals	Any individuals employed or engaged in activities with TAS, including but not limited to athletes, coaches, officials, administrators, facilitators, contractors, volunteers, race directors, event organizers, members, secretariat staff, Board, spectators, parents of athletes, or any other representatives engaged by TAS, and involved in our sport.
Respondent	The person alleged to have committed a violation or disciplinary offence.
Stakeholders	Members, Affiliates, Partners, Athletes, Coaches, Officials and the Triathlon Community as a whole.
Whistle Blowing	A deliberate, voluntary disclosure of individual or organizational malpractice by a person who has or has had privileged access to data, events, or information about an actual, suspected, or anticipated wrongdoing within or by TAS, that is within its ability to control.

Preface		
1	<p>TAS is committed to providing a safe and inclusive environment in which all individuals involved in our sports are treated with respect, dignity and fairness, free from discrimination, harassment and harm.</p> <p>Individuals are expected to fulfill certain responsibilities and obligations, including but not limited to complying with TAS's constitution and bylaws, policies, rules and regulations, Code of Conduct and Ethics. Any violations or non-compliance may be subject to disciplinary actions and possible sanctions pursuant to this policy.</p> <p>TAS also recognizes the values of complaints as an important tool in disputes and grievances resolution, to assess and evaluate our current state, identify opportunities for improvements and recognize areas of lapses & weaknesses.</p> <p>We are committed to providing professional and responsive services to our stakeholders, in accordance to any acts, policies and codes that we're governed by, as a Society, a Charity, a National Federation, and as the National Governing Body of the Sport in Singapore.</p>	Introduction
2	<p>This policy is created to:</p> <ul style="list-style-type: none"> - Encourage complaints and whistleblowing, to protect the rights and safety of our participants. - Provide a set of guidelines and procedures in addressing complaints - To ensure a fair and transparent outcome to all complaints, including the right to appeal. 	Purpose
3	<p>This policy applies to participant's conduct and behavior that may arise during TAS related programs, activities and events, including but not limited to competitions, games, trainings, camps, workshops, courses, meetings, and travel related with TAS, locally or overseas.</p> <p>This policy may also applies to matters that arises outside of TAS related programs, activities and events, when such matters adversely affects relationships within the Triathlon community in Singapore, and is detrimental to the image and reputation of the Sport.</p>	Application

Positions		
4	<p>Whistle blowing will be handled in the same manner as complaints, as set out in this policy.</p> <p>It is important for anyone who has concerns to speak out early in order to resolve any grievances, and to potentially prevent and stop any damages inflicted on anyone, or any organizations.</p> <p>TAS will strongly supports complainants by providing a confidential reporting system. The complainant has a right to conserve his/her anonymity and all the information he gives are strictly confidential.</p>	Complaints and Whistle blowing

	<p>In case it seems the victim needs urgent medical or police attention, the whistle blower must immediately contact the appropriate services for assistance. If not, the incident shall be reported by following the complaints procedures, as set out in this policy.</p> <p>TAS encourages all complaints to be made directly to TAS, so that we can respond appropriately.</p> <p>Complaints can be made verbally or in writing, though we encourage complainants to make all forms of complaints in writing wherever possible. This will allow us to record all complaints, any investigations and resulting outcomes, as a tool for learning and improvements. The complainant must also decide whether they are making a formal or informal complaint.</p>	
5	<p>TAS will consider all complaints regarding but not limited to:</p> <ul style="list-style-type: none"> - Disputes on any policies or decisions made by TAS - Grievances against a representative of TAS, acting in the course of representation for TAS - Misconduct or inappropriate actions/behavior that bring the sport of Triathlon into disrepute - Disciplinary offence which includes violation of any code of conduct, anti-doping rules, competition rules, agreements and polices with TAS, actions of a criminal nature (eg. Safeguarding, Discrimination, Harassment, Abuse, Fraud, violent or threatening behavior) 	Consideration
6	<p>All complaints will be handled in a timely, efficient and fair manner, with a view to resolve in good faith and negotiations, in tandem with the spirit of cooperation and collaboration by all parties involved.</p> <p>TAS also undertake to respect the confidentiality of all the information received at all time, during the filing of complaints process, investigation proceedings and/or disciplinary proceedings.</p> <p>In the event whereby the incident is of a criminal nature or involve a penal infraction, TAS will immediately report the incident and must share the collected information with the relevant Authorities in accordance with the applicable law.</p> <p>To our discretion, TAS are allowed to use the confidential information in cases where the disclosure is necessary to protect someone from Harassment or Abuse that is being suffered.</p>	Commitment and Confidentiality
7	<p>As determined by TAS, a complaint will be deemed a criminal offence or involve a penal infraction if it may include, but not limited to:</p> <ul style="list-style-type: none"> - Any sexual offences including sexual harassment and abuse - Any offence of physical violence - Any offence of assault - Any offence involving illegal drugs 	Criminal offence and penal infractions

	<ul style="list-style-type: none"> - Any offence involving child harassment and abuse - Any offence involving financial fraud 	
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Complaints Proceedings		
8	<p>An informal complaint shall be treated as more of a comment, feedback or recommendation made by the complainant, which does not require a formal response.</p> <ul style="list-style-type: none"> - TAS will try to resolve such complaints as quickly as possible through mediation. - No investigation or disciplinary action should be expected. - Rather, a no-blame, conciliatory approach should be used to assist the involved individuals to reach an outcome that will ensure appropriate conduct moving forth. - The main objective is to address the complainant’s concerns and address them, without further interruption. - Should the outcome results in further dissatisfaction or disagreement by either the complainant or any involved individuals, a formal complaint should be put in to TAS. <p>An informal complaint can be made verbally, or in writing to contact@triathlonsingapore.org</p> <p>Should such complaints be made verbally, TAS will maintain a written record of such complaints, any resulting communications and outcomes, and report to the TAS MC in the soonest possible time</p>	Informal Complaint
9	<p>A formal complaint is made when the complainant has a dissatisfaction that they want investigated and a formal response made to them.</p> <p>A formal complaint must be made in formal writing to contact@triathlonsingapore.org , within 7 days from occurrence of dissatisfaction.</p>	Formal Complaint
10	<p>TAS strongly recommends the complainant to complete the report form provided in Appendix A of this Policy.</p> <p>In case of non-usage of the report form, it is very important that the complainant provides the following information, if possible:</p> <ol style="list-style-type: none"> a) Name, age, nationality and email address of the victim b) Name, age, nationality and email address of the accused c) The Nature of the violation d) A summary of the incident with as much details as possible <p>In order to take the report into consideration, the above information is the minimum requirement to engage in the investigation procedure or in case of a criminal charge or penal infraction, to alert the relevant local authorities in accordance with the applicable law, if they have not already been aware of the incident.</p>	Filing of Complaint

	All complaints will be refer to the TAS Disciplinary Committee (DC), who shall then decide and determine the next course of action.	
11	<p>Within 3 days of receipt of the complaint report form:</p> <ul style="list-style-type: none"> - the TAS DC chairman should call for a preliminary meeting to confirm the composition of the DC. Any member with any interest in the complaint must be disqualified from the proceedings on the ground that the member may not be impartial, and shall be replaced by any other person recommended by the DC and approved by the MC. - the TAS DC must determine if the alleged incident contain an element of discrimination, harassment, violence, sexual harassment or abuse. <p>If the complaint involves SafeSport, harassment or abuse, the safeguarding officer will be called upon to provide support for the DC. In case it seems the victim needs urgent medical or police attention, the safeguarding officer must immediately contact the appropriate services.</p> <p>If the complaint is a case of criminal charge or penal infraction, it will not be appropriate for the Disciplinary Committee to investigate further. They shall then immediately contact the relevant local authorities, in accordance with the applicable law.</p> <p>Otherwise, the Disciplinary Committee shall consider the complaint and determine if it constitute a tribunal hearing to gather any additional information and/or evidence required.</p> <p>If a hearing is not necessary, the DC may take whatever action deem necessary and appropriate to the circumstances, including consulting of any relevant sub-committees of TAS, or any other agencies.</p> <ul style="list-style-type: none"> - A statement of explanation or resolution might then be determined by the DC, and communicate to the complainant and respondent, within 14 working days upon receipt of the complaint report form. 	Investigation Procedure
12	<p>The DC may decide to call for a tribunal hearing to look into the complaint. The DC shall act as the Tribunal Panel to inquire, hear and decide the complaint.</p> <p>In the event of a case involving a Criminal charge or penal infraction, and being hand over to the relevant local authorities, the Disciplinary Procedure will start only after any sanction taken by the relevant local authorities.</p> <p>Notice of Tribunal hearing</p> <ul style="list-style-type: none"> - Within 5 days of receipt of compliant, the DC shall give notice to all participants (including the complainant, the respondent 	Disciplinary Procedure

	<p>and any witnesses) the intention to convene a tribunal hearing of the complaint.</p> <ul style="list-style-type: none"> - the notice shall be in writing, via email or registered mail, and must include a timeline for the intended proceedings, including a hearing date and deadlines for filing of any reports, statements, documents or evidences in connection with the complaint. <p>The Hearing</p> <ul style="list-style-type: none"> - the hearings shall be conducted in a casual manner, but in accordance with the principles of natural justice. It is not necessary to observe any strict legal procedures. - the hearing shall not be open to members of the public - If a minor is involve, the parent or guardian of the minor may serve as their representative during this hearing. - the DC, in its sole discretion, determines the manner of presentation by the participants, whether new materials not filed shall be allowed to be presented, whether further witnesses called upon by the participants shall be allow to participate, whether a participant in the proceedings may be represented by a legal counsel or by an agent, or any other matters related to the hearing. - Depending on the basis of the written materials, evidences submitted by the participants, especially the accused, the DC may decide to rule on the complaint without a hearing. Such a decision will be communicated to the participants before the scheduled hearing date <p>Decision Making</p> <ul style="list-style-type: none"> - the DC shall determine by a simple majority, on whether the disciplinary complaint substantiated, and if so, what disciplinary or corrective measure shall be taken. - each member of the DC has a voting right to decide on the outcome of a hearing. - the decision of the majority of the members of the DC governs. - the DC shall inform the MC of the decision. - the DC shall notify in writing, via email or registered mail, the decision to all participants in the proceedings. <p>The duration of the whole proceedings, including the notice, hearing, decision making and response, shall be completed within 21 working days upon receipt of the complaint report form.</p>	
13	<p>At any time during the proceedings, or at the request of either the complainant or the respondent, the TAS DC may contact both parties to schedule a mediation.</p> <p>The TAS DC may appoint a representative to act as the mediator. The mediator shall act as a neutral and shall not take sides, but to discuss</p>	Mediation

	<p>the issues with both parties and try to resolve the complaint in an amicable way, and to facilitate a mutually agreed solution.</p> <p>The choice of mediator may be determined by mutual agreement of the complainant and the respondent, or failing which, the mediation may be terminated or cancelled, and the TAS DC may continue with the proceedings.</p> <p>If the complaint is resolved through mediation, the mediator may seek that both parties sign a document that the agreed resolution had been reached.</p> <p>If the complaint cannot be resolved through mediation, the mediator shall inform the TAS DC, who may continue with the proceedings.</p>	
14	<p>Any sanctions and measures taken shall be proportional to the infringement of the Code. The following factors shall be taken into consideration:</p> <p>a) The nature of the violation b) The severity of the violation c) The number of the violation (one time or several repetitions) d) The victim (Child, Young or Adult) e) The relationship between the victim and the Accused f) Any other relevant circumstances</p> <p>The following sanctions or combination of them, may be decided by the DC and imposed on the accused:</p> <ul style="list-style-type: none"> - Publication of the disciplinary offence and actions taken - Formal written reprimand and/or Warning - Financial Sanction of not more than SGD \$1,000 - Order of a verbal or written apology - Order of a ban, removal, suspension or revocation of any title, certifications, licenses, involvement or benefits, of any of competitions, games, TAS programs and/or committees - Order of any other appropriate corrective measures <p>The DC is only allowed to take sanctions after any other sanctions taken by any other relevant local authorities.</p> <p>Any sanctions and measures taken by the TAS Disciplinary Committee shall be reported to ITU, SportSG and any other relevant local authorities, and will be published onto TAS's website as long as the sanction is applicable.</p>	Sanctions
15	<p>A complainant or a respondent may lodge an appeal with TAS If he/she is:</p> <ul style="list-style-type: none"> - unsatisfied with the conduct of the complaint proceedings - unsatisfied with the outcome of the hearing and on any sanctions imposed. 	Appeals Procedure

	<p>Within 7 days of the decision being made by TAS DC, a person wanting to lodge an appeal must write in to contact@triathlonsingapore.org setting out the basis for their appeal. An appeal fee of \$300 must also be made.</p> <ul style="list-style-type: none"> - If the appeal is not received within this timeframe, the right of appeal will lapse. - If the appeal fee is not received within this timeframe, the right of appeal will lapse <p>The appeal will be referred to TAS MC for review to decide if there are sufficient grounds for the appeal to proceed.</p> <ul style="list-style-type: none"> - If the appeal is rejected, the appellant will be notified in writing, including the reasons for rejection. The appeal fee will be forfeited. - If the appeal is accepted, an appeal tribunal with new panel members will be convened to rehear the complaint, following the disciplinary procedures in point 4 of this policy. - The decision of the appeal tribunal will be final and binding. <p>Should there be further dissatisfaction, the appellant may inform the appeal tribunal, who will then refer the appeal to SportSG for resolution.</p> <p>As a last resort, any further dissatisfaction that cannot be resolved by TAS and SportSG, will be referred to the Singapore Mediation Centre for mediation and arbitration in accordance with the framework for Alternative Dispute Resolution for Sports.</p> <p>All parties shall agree to participate in the mediation in good faith and undertake to abide by the terms of any settlement or resolution reached.</p>	
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Disciplinary Committee / Tribunal Panel		
16	To hear and decide on any complaints made to TAS regarding any alleged disciplinary offence by a participant, a volunteer, an athlete, a coach, a technical official, a secretariat staff, a MC member, or any other representative of TS associated with an event, program or activity organised, supported or sanctioned by TS, in accordance to this policy or any other written procedures, regulations, by-laws, or constitutions governed by TS.	Functions
17	The DC shall comprise of the following members: Chairman – A member of the TAS Exco Deputy Chairman – A member of the TAS MC Member 1 – A representative with a TO certification issued from ITU Member 2 – A representative with a Coaching Certification issued from ITU Member 3 – A current or ex athlete from the TS HPP Member 4 – A representative appointed by SportSG Member 5 – A representative from the board of another NSA	Composition

18	<p>All members of the DC (except for member 4 and 5) shall be appointed by the MC at the first MC Meeting following the Annual General Meeting (AGM), and shall serve a term of 2 years.</p> <p>Names shall be proposed and seconded at the MC meeting. Election will follow on a simple majority of votes of all MC Members. In the event of a deadlock, the Executive Committee shall do a re-vote.</p> <p>Member 4 and 5 shall be appointed by the DC on an ad-hoc and need to basis.</p> <p>Any member will be re-appointed by DC (approved by MC) , should the member have any interest in the complaint, which includes the member being:</p> <ol style="list-style-type: none"> 1. A complainant 2. An accused of a complaint 3. A witness of a complaint 4. A person with any perceived conflict of interest to the potential outcome of the investigation, hearing. 	Establishment
19	<p>The DC shall meet at least 5 days upon any “call for action” by the MC. Subsequent meetings shall be on a need to basis, decided by the Chairman.</p> <p>The Chairman shall preside at all meetings and inquiry sessions.</p> <p>The Deputy Chairman shall act as the Secretary of the Committee, and shall maintain and file the records, materials, minutes and reports from all meetings, hearings and inquiry sessions.</p> <p>The Members shall carry out all other duties as delegated from the Chairman or Deputy Chairman.</p> <p>At time, should the Deputy Chairman be required to preside the meetings or session in the absence of the chairman, a member will be delegated the duties of the secretary.</p>	Duties
20	<p>The quorum for DC meetings and inquiry sessions to consider a complaint, dispute or disciplinary hearing, shall be a minimum of three members.</p>	Quorum

Data Privacy

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In respect of any personal data (as defined in the Personal Data Protection Act 2012 of Singapore (“PDPA”) that you may provide or that we may collect in connection with the provision of services to you and to the extent that your consent is required under law, you agree and consent that we (together with our service providers and third parties appointed by us on your behalf) may collect, use, disclose and process such personal data and information for:

- the purpose of disclosures to any relevant entities and agencies that TAS deems necessary to require access to data in order to achieve the purposes.
- the implementation of any registration, investigations, disciplinary proceedings, historical and statistical records, and/or any other reasonable purpose in order for TAS to discharge its administrative and management functions

If you provide us with any personal data relating to third party, by submitting such personal data to us, you also represent to us and must ensure that you have notified the third party of the terms of the personal data policy and obtained his/her consent thereto.

Privacy Statement