

KILMEENA G.A.A. CLUB

Disciplinary Procedure.

Pursuant to Article 5.11.1 of the Club Constitution.

Article 5.11.1 of the Club Constitution states as follows;

The Executive Committee of the Club shall have the power to investigate any matter, and to expel, suspend, warn, fine or disqualify Members from Club activities for breach of this Constitution and Rules or the Official Guide, or for conduct considered to have discredited or harmed the Club or the G.A.A.

Below are guidelines to be followed by the Club in the event of a breach of discipline being formally reported to the Club Secretary, and they ensure that best practice is adhered to, proper procedures are followed ,and fairness for all concerned.

In the event of any written complaint by any Club member (“the Complainant”) to the Club Secretary that another Club member has been in breach of the Club Constitution and/or Club Rules and/or guilty of conduct which would discredit or harm the Club or the GAA (hereinafter called “the complaint”) then this disciplinary procedure shall apply as far as is practicable:

1. The Executive shall meet within 14 days of receipt of the complaint to consider the matter.

2. The Executive Committee may deem the complaint one in relation to which no further action be taken and they shall, within 7 days of so deciding, notify the complainant that they intend to take no further action.

3. The Executive Committee, if it feels the complaint so warrants, shall appoint a Controls Committee, comprising not less than 3 members and not more than 5 members of the Executive, for the purpose of investigating that complaint. Ideally 3 members should suffice, but circumstances may dictate that 5 members are necessary.

4. The Defending Party shall be notified of the complaint and shall be invited to make any statement/observations that he/she may wish to make to the Controls Committee, within 7 days of such notification.

5. The Controls Committee shall carry out an investigation of the complaint (including interviewing such persons as they feel appropriate) and prepare a report on the matter. If the Controls Committee considers that the Defending Party has been in breach of the Club Constitution and/or Club Rules and/or guilty of conduct which would discredit or harm the Club or the GAA then the Controls Committee shall so notify the Defending Party within 7 days of their determination, and furnish him/her with a copy of its findings, and the Controls Committee shall propose a penalty, which will comprise of either a warning as to future conduct or a suspension/disqualification from all Club activities for a period which will be decided by the Controls Committee.

6. The Defending Party, upon receipt of the findings from the Controls Committee, may, within a period of 7 days from the date of receipt of this report (the report shall be presumed to be received by the Defending Party the day following the date of posting of same by the Controls Committee) reply to the Club Secretary and either; a) accept the proposed penalty, or b) request, in writing, a hearing before the Hearings Committee. If the Defending Party fails to reply within the said period then he/she shall be deemed to have accepted the penalty proposed by the Controls Committee.

7. Where the Defending Party requests a hearing before the Hearings Committee then the Hearings Committee shall be convened within a period of 14 days of the receipt by the Club Secretary of the written request on the part of the Defending Party.

8. The Hearings Committee shall comprise a minimum of 2 and a maximum of 3 members of the Executive Committee, not including any member of the Controls Committee already appointed for the consideration of the complaint and not being either the Chairman, Vice Chairman, Treasurer, or Secretary of the Club.

The Defending Party shall be notified, in writing, at least 3 days in advance of any meeting of the Hearings Committee convened to hear the complaint. The Defending Party shall be entitled to attend this hearing and to make any statement and/or call any witness/es to give evidence on his/her behalf. The member may be accompanied by a full Club member at this hearing if he/she so wishes. A member of the Controls Committee shall also attend the hearing to present the report of the Controls Committee to the Hearings Committee. The Hearings Committee shall decide whether or not the complaint is such that it amounts to a breach on the part of the Defending Party of the Club Constitution and/or Club Rules and/or that he/she is guilty of conduct which would discredit or harm the Club or the GAA If the Hearings Committee finds that the complaint does not amount to such a breach then it shall

dismiss the complaint. If the Hearings Committee finds that the complaint so amounts to such a breach then the Committee shall have the power to impose the penalty so proposed by the Controls Committee or, if it feels appropriate, a penalty less severe /or more severe than that proposed by the Controls Committee.

9. In the event that the Controls Committee, following its investigation, feels that the complaint constitutes such a breach of the Club’s Constitution and/or Rules or amounts to conduct that might cause such serious discredit or harm to the Club or the GAA that a penalty more severe that a warning or suspension/disqualification for a period so decided at the discretion of the Controls Committee, then the Controls Committee shall simply compile its report and refer the matter directly to the Hearings Committee. In the event of such a referral by the Controls Committee then the Club Secretary, within 14 days of being notified by the Controls Committee of this referral, shall notify the Defending Party of the referral and furnish him/her with a copy of the Report. The Secretary shall at that time also notify the Defending Party of the date and venue of the hearing before the Hearings Committee, which said hearing will be held within 14 days of that notification. The procedure set out in paragraph 8 herein above shall apply to any such hearing before the Hearing’s Committee except that if the Hearings Committee finds that the complaint constitutes such a serious breach on the part of the Defending Party of the Club Constitution and/or Club Rules and/or that he/she is guilty of such conduct which would seriously discredit or harm the Club or the GAA amounts then the Committee shall have the power to warn the defending party as to his/her future conduct; suspend/disqualify the defending party from all Club activities for such a period it deems appropriate; or, if it feels such punishment is warranted expel the Defending Party from membership of the Club.

Appeals

10. The Defending Party shall be notified in writing of the decision of the Hearings Committee, within a period of 7 days of the date of such hearing. The Defending Party shall be entitled to appeal that decision of the Hearings Committee to an Appeals Committee of the Club. Such an appeal must be notified by the Defending Party to the Secretary of the Club within 14 days of the receipt by the Defending Party of the decision of the Hearings Committee (the decision of the Hearings Committee shall be deemed to have been received by the Defending Party the day following the date of posting thereof).

11. The Appeals Committee shall comprise 3 in number being the Chairperson of the Club together with 2 from the vice-Chairperson, Secretary or Treasurer.

12. The Appeal Hearing before the Appeals Committee shall be by way of a complete re-hearing of the matter. The procedure in any Appeal Hearing shall be in accordance with those set out in paragraph 8 of this Regulation.

13. The Defending Party shall be notified in writing of the Decision of the Appeal Committee within a period of 14 days of the completion of the Appeal Hearing.

14. Where this Regulation is silent in relation to any matters of procedure then the procedures set out in Rule 144 of Part I of the Official Guide shall apply.

N.B: There is no provision in the Official Rules/Guide which allows the Offending Party to have Legal representation present at any of the above Hearings/Appeals.

The party is entitled to be accompanied by one other full club member.