



**THE  
CAMOGIE  
ASSOCIATION**

# **An Treoir Oifigiúil** Cuid a Cheathair **Official Guide** Part IV

## **Disciplinary Code & THDC Mandatory Procedures**

**Fifth Edition 2017**

This is An Treoir Oifigiúil Cuid a Cheathair (Official Guide Part IV Disciplinary Code and THDC Mandatory Procedures Fifth Edition) and is effective from 26th April 2017.

**THE OTHER BINDING PARTS OF THE OFFICIAL GUIDE ARE AS FOLLOWS:**

- Part I Official Guide Camogie Constitution Rules
- Part II Playing Rules
- Part III Code of Practice for all Officers of the Association
- Part V Association Code on Sponsorship
- Part VI Code for Camogie Supporters' Club
- Part VII Code of Best Practice in Youth Sport When Working with Underage Players, Our Games Our Code.

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# Definition of terms

<b>Accompanying person:</b>	<p>When a member or person is called to a THDC hearing or other hearing under these mandatory procedures, s/he may be accompanied by one full member of her/his Unit. The speaking rights at the hearing of the accompanying person are at the discretion of the THDC Chairperson, taking account of fair procedure and due process.</p> <p>Persons aged under 18 who are called before a THDC hearing, or other hearing under these mandatory procedures s/he must be accompanied by an adult, who is not required to be a member of her/his Unit. They may also be accompanied by a full member of the relevant Unit of the Association i.e. club, county or Province.</p> <p>The speaking rights at the hearing of the accompanying person are at the discretion of the THDC Chairperson, taking account of fair procedure and due process.</p>
<b>Appellant:</b>	<p>The person/Unit that seeks an appeal hearing.</p>
<b>Conflict of interest:</b>	<p>A conflict of interest can arise in many circumstances. It is a key element of natural justice and fair procedures. It includes the idea that a person should exclude her/himself from a process if her/his presence in e.g. a hearing may prejudice the process or outcome. It can also arise when a person has a duty to more than one person or Unit/organization, but cannot do justice to the interests of both parties. Parties to a THDC hearing or other hearings under these mandatory procedures cannot represent two parties and must avoid even the appearance of conflict of interest where the impartiality of a process or decision could be open to question.</p>
<b>Days:</b>	<p>This refers to working days, unless otherwise specified in these procedures or in the Official Guide.</p>
<b>Defending party:</b>	<p>The person/Unit that is alleged to have breached the Association's Official Guide.</p>
<b>Due process:</b>	<p>In the context of this document, ideas of due process, fair procedure and natural justice are all related. Its key elements are notice e.g. of an alleged rule breach, an opportunity to be heard at a meaningful time in a meaningful way, and a decision supported by substantial evidence, etc.</p>
<b>Fair procedure:</b>	<p>Fair procedure is a key element of the concept of natural justice and due process (see Due Process above and Natural Justice below)</p>
<b>Interested parties:</b>	<p>The term 'interested parties' may have different meanings, depending on the nature of each hearing. As a guideline it must always include the relevant Unit secretary e.g. in case of a county player or mentor before a hearing in relation to an All-Ireland or national league game, the interested parties includes the player/mentor and the county secretary and the Ard Stiúrthóir. In the case of a club player before a Provincial THDC interested parties will include the club, county and provincial secretaries.</p>
<b>Natural justice:</b>	<p>Natural justice is about procedural fairness. That fairness means that a person must be allowed an adequate opportunity to present their case and a fair decision is reached on the case by an objective decision maker.</p>
<b>Objecting party:</b>	<p>The Unit/person that submits an objection.</p>
<b>Quorum:</b>	<p>Three THDC members is the quorum (the minimum number of members) necessary to be present to conduct the business at a THDC hearing.</p>
<b>Unit:</b>	<p>Unit is used throughout the document to refer to a club, county board, provincial council, education council or international board.</p>
<b>Unit representative:</b>	<p>A person who is a member of the Unit and mandated by the Unit Executive to be its representative at a THDC or other hearing under these mandatory procedures.</p>
<b>Witness:</b>	<p>A person who can give a first-hand account of something seen, heard, or experienced that is relevant to the event/incident, being considered at the THDC hearing or other hearing under these mandatory procedures.</p>



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# Introduction

This Disciplinary Code and Mandatory Procedures was approved by Ard Chomhairle (Central Council of the Camogie Association) and is effective from 26th April 2017.

Every Unit and member of the Association is obliged to comply with the Official Guide of the Association and its constituent parts or any bye laws made thereunder.

**This Disciplinary Code and Mandatory Procedures outlines how alleged breaches of the:**

- Official Guide Part I are dealt with, including bye laws made thereunder
- Association's Playing Rules (Official Guide Part II) are dealt with
- Association's Code on Sponsorship (Official Guide Part V)
- Association's Code for Camogie Supporters' Clubs (Official Guide Part VI) and
- how player transfers are administered.

A breach of this Disciplinary Code is equivalent to a breach of the rules of the Official Guide and will be dealt with accordingly.

## **Limitations of the Disciplinary Code**

The procedures in this Disciplinary Code do not apply to the:

- binding Code of Practice for all Officers of the Camogie Association (Official Guide Part III)
- the Code of Best Practice in Youth Sport When Working with Underage Players, *Our Games Our Code* (Official Guide Part VII).

The Disciplinary Code and THDC Mandatory Procedures are implemented by the relevant THDC and/or National Final Appeals Committee/ Clemency Committee appointed in accordance with Official Guide Rule 6.4 (h), 7.4 (h), 9.2 (d), 10.5 (k), 27.2, 27.3 and 27.4.

Ard Chomhairle/Central Council of Camogie Association  
April 2017





# 1

## Committee structures, terms of reference and administration

### There are three primary Committee structures:

- Transfers, Hearing and Disciplinary Committees (THDCs) at county, provincial and national levels
- A National Final Appeals Committee (NFAC)
- A National Clemency Committee.

The structure, terms of reference and mandatory procedures for the conduct of hearings and rules on evidence as specified in this Code apply to all THDCs and the NFAC.

The terms of reference for the Clemency Committee are specified in Section 6 of this Code.

The process for arbitration and disputes resolution is also referenced in Section 7 of this Code.

### 1.1 THE TRANSFERS, HEARINGS AND DISCIPLINARY COMMITTEE (THDC)

The THDCs operate at county, provincial and national levels for clubs, county and provincial Units and representative teams.

International Units; Comhairle Camógaíochta um Ard Oideachais (CCAO) the body that administers camogie in universities and institutes; Comhairle Camógaíochta na hIarbhunscoileanna, the body that administers camogie in the post-primary education sector establish their own THDC committees. These are subject to the THDC procedures outlined in this document.

#### 1.1.1 MEMBERSHIP

In accordance with the Official Guide Part I Rules 6.4(h), 7.4(h), 9.2 (d), 10.5 (k) and 27.2, the County Board/Provincial Council/ Ard Chomhairle must appoint a Transfers Hearings and Disciplinary Committee.

For CCAO and Comhairle Camógaíochta na hIarbhunscoileanna, this is a Hearings and Disciplinary Committee in accordance with Rule 8.1 (d).

These Units may appoint the THDC Chair, Vice Chair and Secretary or they may delegate this responsibility to the THDC to appoint its own Chairperson, Vice Chair and Secretary.

The THDC should ideally comprise five members but must always have a quorum of three members.

No two THDC members should be members of the same Unit.

The THDC should consist of Camogie Association members that:

- have a good knowledge of the Official Guide
- are not an officer of the Unit of which the THDC is a subcommittee e.g. county board officer cannot be a member of the County THDC
- cannot represent/speak on behalf of their own Unit at the THDC
- undertake to be fair, honest and equal in their dealings with all players, clubs, county boards and provincial councils.

The Executive Committee of the Unit will nominate THDC members annually. The membership of each THDC must be ratified annually at the first Unit meeting after the Unit AGM.

There is no maximum term for THDC members but members are subject to annual re-appointment.

Between AGMs Unit Executives may need to add or replace THDC members. This can be done by the Unit Executive notifying this intention to a Unit meeting and the Unit ratifying same.

The National Transfers Hearings and Disciplinary Committee and National Final Appeals Committee are appointed by Ard Chomhairle, on the nomination of a new Uachtarán and in accordance with Rule 10.5 (k)

### 1.1.2 TERMS OF REFERENCE

The terms of reference for all Transfers, Hearings and Disciplinary Sub-Committees (THDCs) are outlined in the Official Guide, Rules 6.4 (h), 7.4 (h), 9.2 (d) and 27.2. These empower THDCs to:

- a) Hear and adjudicate on transfers, appeals and objections
- b) Independently investigate breaches of the Official Guide, bye laws and/or irregularities
- c) Have autonomy to take disciplinary action to suspend, fine, debar or disqualify, clubs, units or individuals for breaches of the Official Guide, or any bye-laws made in accordance with the Official Guide.

Each THDC must first satisfy itself that transfers, appeals and objections that have been submitted are in compliance with the Camogie Association's Official Guide and with its Disciplinary Code and Mandatory Procedures.

#### Each Provincial THDC will

- Comply with 1.1.2 above
- Hear appeals to decisions of County Boards or hear and decide on cases first heard by County THDCs.

#### The National THDC will:

- Comply with 1.1.2 above and
- Hear appeals to decisions of Provincial Councils and in accordance with Official Guide Rule 27.2 will be the final point of appeal on decisions from Provincial Transfers, Hearings and Disciplinary Committees.

#### The NFAC will:

- comply with 1.1.2 above and
- only hear and decide on cases submitted to the NTHDC and the Hearings and Disciplinary Committees of the National Education Councils, as outlined in Rule 27.3 of the Official Guide Part 1.

### 1.1.3 RESTRICTED POWERS OF THE THDC

THDCs have no jurisdiction in administering:

- the binding Code of Practice for all Officers of the Camogie Association (Official Guide Part III)

- the Code of Best Practice in Youth Sport When Working with Underage Players, Our Games Our Code (Official Guide Part VII).

These Codes specify separate procedures and structures for dealing with allegations of breaches of these codes.

THDCs cannot expel clubs or individuals from the Association.

THDCs cannot ignore the Official Guide Rules or reinterpret the Official Guide Rules of the Association.

## 1.2 ROLES AND RESPONSIBILITIES OF THDC CHAIR AND SECRETARY

- a) The THDC Chairperson and the Secretary must arrange meetings as required to execute the terms of reference in accordance with the Rules of the Official Guide.

The Chairperson is responsible for ensuring that the Secretary sends written notice of hearings etc to all parties in accordance Section 1.3 below and with Official Guide Section 15 Official Correspondence.

Please note that the phrase of 1.4 '*must initiate a hearing/ investigation*' should be interpreted to mean that a date for the hearing is set and the notification has issued to relevant parties, in accordance with procedures.

A member/Unit may make a written request to the relevant THDC to waive his/her right to due notice of a meeting. The relevant THDC will decide if this can be facilitated without prejudice to natural justice and due process. Where it can be facilitated by the relevant THDC the member/Unit will waive her/his/its right to due notice.

- b) The Chairperson and Secretary of each THDC must arrange meetings at suitable locations taking into consideration the travelling time of its members and those coming before the committee. Whichever location is chosen, the THDC must ensure that arrangements are made in advance. To minimise costs, meetings should be in GAA offices or clubs, where possible.
- c) The THDC Chairperson is responsible for ensuring that the Secretary of the relevant THDC sends notice of outcomes etc to relevant parties in accordance with rule. The THDC secretary must copy relevant correspondence to the relevant Unit secretary (club, county, provincial secretary or Ard Stiúrthóir), taking account of the need to observe confidentiality in the case of sensitive and/or personal information.
- d) The THDC Chairperson is responsible for ensuring that the THDC Secretary produces accurate minutes on time and that they are distributed to THDC members.

With the agreement of the THDC Chairperson, paid staff of the Camogie Association or its units may sit in at THDC hearings where her/his role is only to act as minute taker.

- e) The Chairperson is responsible for ensuring that all meetings are conducted in a business-like manner with due regard for the dignity of all and with confidentiality.

S/he must ensure that meetings are completed within an agreed timeframe and that all members are given the opportunity to contribute to the work of the committee.

- f) In the event of the THDC Secretary being unavailable, the THDC Chairperson must appoint an acting Secretary from within the THDC.

#### **THDC quorum, temporary co-option of members and conflicts of interest**

- g) The THDC Chairperson must ensure that there is a quorum of three THDC members at each meeting. The meeting will only proceed when the quorum is present.

Should a Committee have fewer than three members available, the THDC Chairperson must request the relevant Unit Chairperson to nominate temporary members for co-option to the Committee.

It may not always be possible to co-opt a temporary member from within the Unit jurisdiction (e.g. county or province) due to extent of conflicts of interest across Units or availability of members. In these exceptional circumstances and with the agreement of the full THDC, and the Unit Chairperson, the THDC Chairperson may co-opt temporary membership to the THDC from outside the county or province jurisdiction.

- h) The Chairperson is responsible for ensuring that conflicts of interest are declared in advance. A member of the THDC, who is a member of any Unit or has a role in relation to any team or Unit involved in a THDC hearing, must stand down from the THDC adjudicating the proceedings until the case is completed. Such THDC member cannot appear before the same THDC in any Unit representative capacity.

### **1.3 CORRESPONDENCE**

- a) Notifications of hearing/ investigative/ disciplinary meetings must be issued by the relevant THDC Secretary to the relevant Unit secretary and/or where appropriate to the individual concerned.

Correspondence relating to transfers is an exception to this procedure. Correspondence relating to a transfer must be administered in accordance with the Official Guide Section 31.

- b) Correspondence to U18s should be sent via the parents or guardians of the underage player, in accordance with the Code of Best Practice in Youth Sport When Working with Underage Players, *Our Game Our Code*.
- c) Decisions/outcomes of any hearing/investigation/ disciplinary hearing must be issued by the THDC Secretary to the individual(s) called to the THDC hearing and to relevant Unit secretaries (club, county, provincial secretary, education council or Ard Stiúrthóir) taking account of the need to observe confidentiality in the case of sensitive and/or personal information.
- d) The THDC Secretary must copy relevant correspondence to the relevant Unit secretary (county, provincial secretary, education council or Ard Stiúrthóir), taking

account of the need to observe confidentiality in the case of sensitive and/or personal information.

### **1.4 DISCIPLINARY TIMEFRAMES**

Timeframes for dealing with disciplinary matters are as follows: Executive Committee referral to the Transfers, Hearings and Disciplinary Sub-Committee within **three days** of suspected breach being brought to their attention.

The Transfers, Hearings and Disciplinary Sub-Committee must initiate a hearing and/or investigation within **seven days** of receiving referral.

The Transfers, Hearings and Disciplinary Sub-Committee must issue its final decision to the party or parties no later than **21 days** from the original notification of the breach. (Section 44 and Rule 45 of the Official Guide Part I re penalties).

### **1.5 FEES**

Fees for objections and appeals are as follows:

- To a County Board (THD Committee) €100
- To a Provincial Council (THD Committee) €200
- To National THD Committee €250
- To National Appeals Committee €250
- To a College Council (HD Committee) as per their bye laws
- Appeal for Clemency €300



# 2

## Conducting a Transfer Hearing

**Transfers must be dealt with by the relevant THDC, in accordance with Section 31 of the Official Guide Part I.**

County or Provincial bye laws, that limit the time within a given year when transfer applications can be considered, are in order and are not contrary to rule.

- a) It is at the discretion of the THDC whether or not to engage with the player/club representative when considering a transfer request.
- b) Where a transfer is not granted it may be refused on one or several of the grounds outlined in Section 31.3.1 of the Official Guide Part I.

These are not mandatory grounds but are considerations that are at the discretion of each THDC.

Each THDC has discretion to consider other grounds as the basis for not granting a transfer.

The 'home club' rule, Official Guide Rule 4.1 must be a central consideration for each THDC in adjudicating transfer requests.

- c) For the purposes of Official Guide Part I Rule 31.3 a player is considered 'ordinarily resident' if the following conditions apply:

- The home of one or both parents/guardians where the player has resided for at least one year is located nearer to the newly established camogie club than the player's current camogie club

or

- The player's home, or family home, where the player has resided for at least one year is located nearer to the newly established camogie club than the player's current camogie club.

- d) Transfer decisions can be appealed to the next higher body.

For details on how to submit an appeal please see 'Section 5 Appeals' in this document.

- e) A member/Unit has only one right of appeal on any one decision.



# 3

## Conducting a THDC Hearing into an infringement of the Official Guide

THDC hearings related to Official Guide infringements usually arise in one of two ways:

- a) Incidents Reported in a Referee's Report (see 3.1 below)
- b) Alleged breaches of the Official Guide other than those covered in a Referee's Report (see 3.2 below).

### 3.1 HEARINGS RELATING TO INCIDENTS REPORTED IN A REFEREE'S REPORT

The Official Guide Part I Sections 39, 41, 42, and 43 deal with control of matches and duties and powers of the Referee, goal and line umpires.

A Referee's Report (CC5) may disclose an incident that arose during a game (most commonly relating to an alleged breach of the Playing Rules, Official Guide Part II).

From time to time, a Referee's Report may also disclose an incident related to a game which may allege other breach (es) of the Association's Official Guide and its constituent parts.

All such reported incidents may give rise to a hearing whereby the person(s)/Units against whom the allegation is made, and other relevant parties, may be called to a THDC hearing.

#### 3.1.1 WAIVING RIGHT TO A HEARING; TIMEFRAMES; INITIATION OF HEARINGS PROCEDURES

In the case of a player reported by the Referee as being dismissed from the field of play, Official Guide Part I Rule 41.9 d stipulates that a player stands suspended until she appears before a THDC disciplinary hearing which will decide on the action to be taken.

Please refer to Sections 27 and 44 of the Official Guide Part I and their sub Sections as these are also relevant.

Official Guide Part I Rule 44.1.1 also applies whereby a player stands suspended until the decision of the THDC is advised to her as per Rule 1.4.

Official Guide Rule 44.1.1.a (i) and (ii) and (iii) set out exceptions to Rule 44.1.1. These provide for a player/official/mentor waiving her/his right to a disciplinary hearing if accepting the mandatory penalty or the conditions under which a dismissal from the field of play is restricted to dismissal for the duration of the game only.

Rule 1.4 outlines the timeframes for dealing with disciplinary matters including those reported in a Referee's Report. This is summarised as follows:

- a) Executive Committee referral to the Transfers, Hearings and Disciplinary Sub Committee – within 3 days of suspected breach being brought to their attention by receipt of Referee's Report CC5.

The THDC must first consider if the Referee's Report is compliant with rule and then consider if it wishes to conduct a hearing. The decision to convene a THDC hearing must be taken by a majority vote of the THDC. A formal record of this decision must be minuted and retained by the THDC Secretary.

- b) Initiation of hearing by Transfers, Hearings and Disciplinary Committee – within 7 days of receiving referral from Executive Committee.

Please note that the phrase in Official Guide Part IV 1.4 'must initiate a hearing/investigation' means that a date for the hearing is set and notification is issued to relevant parties. Also see 3.1.2 (d) below re 7 day notice period for request to attend a hearing.

- c) A THDC final decision to issue to the party/parties no later than 21 days from the original notification of the breach to the Executive Committee.

There is a two-stage process for dealing with alleged breaches of the Official Guide, as reported in a Referee's Report, i.e. initial hearing and a disciplinary hearing.

However, it is acceptable and usual for a THDC hearing to incorporate both stages in one THDC meeting i.e. initial hearing followed by disciplinary hearing.

During the playing season, this approach facilitates the administration of the games' programme and players'/clubs availability to participate in it.

The person/Unit called to the THDC hearing must be advised that the two stage process will be conducted in one sitting of the THDC and must agree to this in advance of the THDC hearing.

### 3.1.2 CONDUCTING A THDC HEARING INTO AN INCIDENT REPORTED IN A REFEREE'S REPORT

#### Stage One

- a) In the case of a *Unit* appearing before a THDC hearing, the Unit will be represented by up to two of its full members as per Official Guide Part I Rule 4.2. Both members have full speaking rights.

Proceed to c) below to continue procedure re conducting a THDC hearing.

- b) In the case of a *member/person* appearing before a THDC hearing, s/he, as the person accountable for her/his actions, must personally attend the THDC hearing.

This person must speak on his/her own behalf at the THDC hearing and respond to allegations of rule breaches.

This person may be accompanied by one full member of her/his Unit. The speaking rights at the hearing of the accompanying person are at the discretion of the THDC Chairperson, taking account of fair procedure and due process.

For members/persons aged under 18, in accordance with Official Guide Part I Rule 27.6, the THDC Secretary must inform the parents or guardians of the member/

person aged under 18 of the alleged rule infringement and hearings' procedure.

Persons aged under 18 must be accompanied by an adult to THDC hearings. Such accompanying person is not required to be a member of the Camogie Association.

The under 18 person may also be accompanied by a club member or in the case of an inter-county or provincial player by a member of the relevant county board or province.

The speaking rights at the hearing of the accompanying persons are at the discretion of the THDC Chairperson, taking account of fair procedure and due process.

- c) As per Official Guide Part I Rule 27.5, failure to appear before the hearing will warrant an automatic suspension until such time as the invited person(s)/Unit(s) agree to appear before the THDC.

In these cases, the 21 day timeframe within which a final THDC decision must be made (as outlined in 1.4) commences from the date that the THDC is advised of the person(s)/Units(s) agreement to appear before it.

- d) Person(s)/Unit(s) requested to attend a hearing will be given 7 days prior written notice of the date, time and venue of the hearing to be heard by the relevant THDC.

Person(s)/Units(s) are free to waive this notice period by notifying in writing and, within 7 days of the game, the Unit Secretary who will immediately notify the THDC Secretary.

In the event of the date of the hearing not being mutually agreed on the first occasion, the THDC will set another date. This date will be scheduled no later than 5 days of the original meeting date.

In these cases, the 21 day timeframe for within which a final THDC decision must be made (as outlined in 1.4) re-commences from the date that the THDC is advised of the person(s)/Units(s) agreement to appear before it.

The correspondence requesting attendance to the THDC hearing must set out the alleged rule infringements e.g. provision of the relevant extract of a Referee's Report and/or quotation of rule(s) allegedly breached.

A person is entitled to see information from a Referee's Report that directly pertains to her/him. There is no entitlement to see the full Referee's Report.

- e) Sometimes a Referee's Report may not contain sufficient detail or may have ambiguities in it. The THDC Secretary may request the Referee to provide written clarification and such clarification becomes part of the Referee's official Report. This should be provided to the defending party as soon as possible after receipt of the clarification and in advance of the date of the THDC hearing.
- f) Person(s)/Units(s) may introduce a maximum of two witnesses. The names of the proposed witnesses must be submitted in writing to the THDC Secretary at least two days prior to the date of the hearing.
- g) Legal representation at THDC hearings is not allowed.



h) The sequence of events to be followed in a hearing are as follows:

- i. The Chair of the THDC first invites in the defending party/accompanying person to the THDC hearing and asks attendees to introduce themselves.
- ii. The Secretary of the THDC advises that s/he will keep minutes of the hearing.
- iii. The THDC Chair reads out the allegation/extract from the Referee's Reports and/or introduces any other additional evidence (see Section 3.4 on Rules of Evidence).
- iv. The defending party or Unit representative presents its own evidence. The defending party then leaves the hearing and invites its witness(es) to present their evidence. Each witness will present his/her evidence privately before the THDC.
- v. The THDC may separately invite back in the defending party/and/or witnesses and may ask questions separately of each.
- vi. When the presentation of evidence/questioning is completed, the defending party is invited to make a closing statement.
- vii. On conclusion of this, the THDC Chair requests the defending party and/or witnesses to leave the hearing. They may be asked to wait in a separate room.
- viii. The process above is repeated for any other persons(s)/Unit(s) requested to attend the hearing who were party or witness to the reported incident.
- ix. The defending party and accompanying person and/or witnesses may be re-invited back by the THDC for clarification or further questioning, based on new facts or information that conflicts with that previously presented at the hearing.
- x. The THDC considers, in private and in an impartial manner, all the evidence and decides if a charge is to be made against parties. If there is a charge to answer, the case proceeds to Stage Two – the disciplinary hearing.

If there is no charge to answer, the THDC Secretary follows the procedure, outlined below, on notification of outcomes.

#### **Stage Two - Procedure if Stages One and Two are administered in a single sitting of the THDC**

- xi In private and in an impartial manner, the THDC considers the charge arising from the Stage One process. It considers all the evidence; adjudicates on disputed facts or interpretation in dispute and decides whether or not if the defending party is guilty of a rule infringement.

#### **Situation if defending party deemed 'not guilty'**

- xii If the THDC decides that the defending party is not guilty, the THDC calls in the defending party and accompanying person to the hearing. The THDC verbally advises the defending party of the outcome and that no sanctions apply. The THDC Secretary then follows the procedure, outlined below, on notification of outcomes.

#### **Situation if defending party deemed 'guilty'**

- xiii If the THDC decides that the defending party is guilty, the THDC decide what the appropriate penalty is, in accordance with rule and taking account of Section 3.5 below on Disciplinary Actions and Official Guide Part I Section 44 and Rule 45.

It invites in the defending party and accompanying person and verbally advises the defending party of the charge; the penalty to be imposed and the appeals process (see Section 5), as appropriate.

The THDC Secretary then follows the procedure, outlined below, on notification of outcomes.

#### **Notification of Outcomes at the End of Stages One or Two**

- xiv The THDC decision must be confirmed and officially notified by the THDC Secretary to the person(s)/Units called to the hearing and to the relevant Unit secretary(ies) within five working days of the decision being made, taking account of the need to observe confidentiality regarding sensitive and/or personal information.

#### **Procedure if Separate Stage One and Two Hearings are Undertaken**

If the THDC and the defending party previously agreed that the THDC hearing process is to be held over two meetings, the Stage One process is the same as above. The Stage Two process disciplinary hearing process is also the same as above except:

- (i) a separate date is convened for the THDC meeting to administer the Stage Two Disciplinary Hearing
- (ii) the THDC conducting the Stage Two Hearing must be comprised of completely different THDC members to those who were involved in the THDC Stage One Hearing. A THDC member involved in a Stage One Hearing cannot be involved in a Stage Two Hearing
- (iii) If charges are made, the notification of charges is included in the written correspondence notifying parties of the date of the Stage Two Disciplinary Hearing.

## **FIGURE 1: Summary of Key Steps in Case of Incident Reported in a Referee's Report (this is not a substitute for rule or procedure of the Official Guide).**

**1. REFEREE REPORT** reporting incident submitted within 6 days of game to Executive Committee via CC5 Referee's Report form

**2. WITHIN 3 DAYS** of receipt of Referee's Report, Executive Committee must refer Referee's Report to THDC (21 days timeframe commences at this point)

**3. WITHIN 7 DAYS** receipt of the Referee's Report, THDC must decide to initiate a hearing and issue correspondence notifying the defending party of the hearing date, time, venue and alleged rule infringements. 7 days notice must be provided (defending party can waive notice).

**4. IF DEFENDING PARTY** is unable to attend the hearing a further attempt is made to convene a hearing within 5 days of the original hearing date. The 21 day rule outlined in Official Guide Part IV 1.4 is re-set when party indicates agreement to attend the THDC hearing. Failure to attend a hearing results in suspension until the defending party appears before a THDC.

**5. IN EVENT OF THE DATE** being agreeable the THDC conducts the hearing. The investigative and disciplinary phases of the hearing may be conducted in one sitting.

**6. AT LEAST 2 DAYS** prior to the hearing, parties may request permission from the THDC to introduce up to two witnesses. At least 5 days prior to the hearing, parties may request permission to introduce more than two witnesses.

**7. THE DECISION OF** the hearing is usually verbally notified at the hearing. Within 5 working days of the hearing, the THDC Secretary will notify in writing the persons/Units and Secretary of the relevant Units of the decisions made and the appeals process, as appropriate.

### 3.2 THDC HEARINGS PROCESS FOR DEALING WITH ALLEGED BREACHES OF THE OFFICIAL GUIDE, OTHER THAN THOSE REPORTED IN A REFEREE'S REPORT

There is a two-stage process for dealing with alleged breaches of the Official Guide, other than breaches reported in a Referee's Report. These two Stages are now outlined.

#### 3.2.1 INITIATING A THDC STAGE ONE HEARING

- a) For a THDC to deal with an alleged rule breach that relates to a game – other than an incident reported in a Referee's Report – e.g. team composition or any aspect of a fixture, other than an objection or an appeal, a written request for a THDC hearing must be submitted by the Unit concerned within 5 days of the fixture in question, to the Secretary of the committee in charge of the competition.
- b) For a THDC to deal with any other alleged rule breach, other than objections and appeals, the alleged breach must be notified to the Unit secretary.
- c) In the cases of a) and b) above, the decision to refer an alleged breach of the Official Guide to a THDC hearing must be taken by a majority decision of the Executive Committee of the Unit referring the breach. This decision should be minuted and retained by the Executive Committee Secretary.
- d) Unit Executives may take a decision to initiate Stage One of the process if they become aware of a breach of the Official Guide, even if no objection/appeal has been initiated by any party.
- e) The THDC will then carry out by a Stage One Hearing.

#### 3.2.2 CONDUCTING A STAGE ONE HEARING

- a) In the case of Unit appearing before a THDC hearing, it will be represented by up to two of its full members as per Official Guide Part I Rule 4.2. Both members have full speaking rights.
- b) In the case of a member/person appearing before a THDC hearing, s/he, as the person accountable for her/his actions, must personally attend the THDC hearing.

This person must speak on his/her own behalf at the THDC hearing and respond to allegations of rule breaches.

This person may be accompanied by one full member of her/his Unit. The speaking rights at the hearing of the accompanying person are at the discretion of the THDC Chairperson, taking account of fair procedure and due process.

For members/persons aged under 18, in accordance with Official Guide Part I Rule 27.6, the THDC Secretary must inform the parents or guardians of the member/person aged under 18 of the alleged rule infringement and hearings' procedure.

Persons aged under 18 must be accompanied by an adult to THDC hearings. Such accompanying person is not required to be a member of the Camogie Association.

The under 18 person may also be accompanied by a club member or in the case of an inter-county or provincial player by a member of the relevant county board or province.

The speaking rights at the hearing of the accompanying persons are at the discretion of the THDC Chairperson, taking account of fair procedure and due process.

- c) As per Official Guide Part I Rule 27.5, failure to appear before the hearing will warrant an automatic suspension until such time as the invited person(s)/Unit(s) agree to appear before the THDC.

In these cases, the 21 day timeframe within which a final THDC decision must be made (as outlined in the Official Guide Part IV 1.4 Disciplinary Procedure Timeframes) re-commences from the date that the THDC is advised of the person(s)/Units(s) agreement to appear before the THDC.

- e) Person(s)/Unit(s) requested to attend a hearing will be given 7 days prior notice of the date, time and venue of the hearing to be heard by the relevant THDC.

Person(s)/Units(s) are free to waive this notice period by notifying the Unit Secretary who will immediately notify the THDC Secretary.

In the event of the date of the hearing not being mutually agreed on the first occasion, the THDC will set another date. This date will be scheduled no later than 5 days of the original meeting date.

In the event of a date not being agreed and/or any other reason for failure to appear before the hearing, the person/unit called to the hearing is automatically suspended until such time as the relevant party(ies) agree to appear before the THDC.

In these cases, the 21 day timeframe within which a final THDC decision must be made (as outlined in Official Guide Part IV 1.4 Disciplinary Procedure Timeframes) re-commences from the date that the THDC is advised of the person(s)/Units(s) agreement to appear before the THDC.

- f) The correspondence requesting attendance to the THDC hearing must set out the alleged rule infringements i.e. quotation of rules(s) allegedly breached.

Person(s)/Units(s) may introduce a maximum of two witnesses. The names of the proposed witnesses must be submitted in writing to the THDC Secretary at least two days prior to the date of the hearing.

- g) Legal representation at THDC hearings is not allowed.

- h) The sequence of events to be followed in a hearing is as follows:

- i. The Chair of the THDC asks attendees, including witnesses and/or accompanying person, to introduce themselves.
- ii. The Secretary of the THDC advises that s/he will keep minutes of the hearing.
- iii. The THDC Chair reads out the alleged rule infringement and/or introduces any other additional evidence (see Section 3.3 on Rules of Evidence).

- iv. The member/Unit representative/person responds, presents its/her/his own evidence and/or invites witness (es) to do similarly. Each witness will present her/his own evidence privately before the THDC.
- v. The THDC may ask questions of the member/Unit/person and/or witnesses.
- vi. When the evidence has been given the THDC may separately invite back in the member/Unit/person/witnesses and may separately ask questions of each.
- vii. When the presentation evidence/questioning is completed, the member/Unit/person called before the THDC is invited to make a closing statement.
- viii. On conclusion of this, the THDC Chair requests the member/Unit/person to leave the hearing. They may be asked to wait in a separate room.
- ix. In the case of there being other parties to the alleged rule infringement, the above process may be repeated.
- x. Following this, the member/Unit/person/witnesses may be re-invited back by the THDC for clarification or further questioning, based on new facts or information that conflicts with that previously presented by the member/Unit.
- xi. The THDC considers, in private and in an impartial manner, all the evidence and decides if a charge is to be made against parties and the case proceeds to a disciplinary hearing.

**xii. Situation if no charge is brought**

If no charge is to be brought the THDC may verbally notify this to all parties attending the THDC hearing. The THDC decision must be confirmed and officially notified in writing by the THDC Secretary to the person(s)/Units called to the hearing and to the relevant Unit secretary(ies) within five working days of the decision being made, taking account of the need to observe confidentiality regarding sensitive and/or personal information.

**xiii. Situation if charge is brought**

If charges are made, the process moves to a Stage Two (see below). The notification of charges is included in the written correspondence notifying parties of the date of the Stage Two Disciplinary Hearing.

- a) The notification procedure to defending party requiring attendance at a THDC Hearing follows that set out for a Stage One Hearing. Section 3.1.2 d (see above).
- b) The correspondence requesting attendance to the THDC hearing must also set out the charges as found in the Stage One hearing about the alleged rule infringements.
- c) The sequence of events to be followed in a hearing is as follows:
  - i. The Chair of the THDC asks the defending party/ accompanying person to introduce themselves.
  - ii. The Secretary of the THDC advises that s/he will keep minutes of the hearing.
  - iii. The Chair of the THDC reads out the charge of alleged rule infringement, based on the findings of fact from Stage One Hearing. (See Section 3.3 on Rules of Evidence).
  - iv. The defending party or Unit representative responds to the charge and presents its own evidence. The defending party then leaves the hearing and invites its witness(es) to present their evidence. Each witness will present his/her evidence privately before the THDC.
  - v. The THDC may ask questions of the defending party and/or witnesses.
  - vi. When the evidence has been given the THDC may separately invite in the defending party/witnesses and may separately ask questions of each.
  - vii. When the presentation evidence/questioning is completed, the defending party called before the THDC is invited to make a closing statement.
  - viii. On conclusion of this, the THDC Chair requests the defending party to leave the hearing. They may be asked to wait in a separate room.
  - ix. In the case of there being other parties to the alleged rule infringement, the above process may be repeated.
  - x. Following this, the defending party/witnesses may be re-invited in by the THDC for clarification or further questioning, based on new facts or information that conflicts with that previously presented by the defending party/witnesses.
  - xi. The THDC considers, in private and in an impartial manner, all the evidence, adjudicates on disputed facts or interpretation in dispute and decides, or not, on disciplinary action, taking account of Official Guide Part I Rule 45 and Section 3.4 below.

**xii. Situation if defending party deemed 'not guilty'**

If the THDC decides that the defending party is not guilty, the THDC calls in the defending party and accompanying person to the hearing. The THDC verbally advises the defending party of the outcome and that no sanctions apply. The THDC Secretary then follows the procedure on notification of outcomes as outlined below.

**xiii. Situation if defending party deemed 'guilty'**

If the THDC decides that the defending party is guilty, the THDC decide what the appropriate penalty is, in accordance with rule and taking account of the Section 3.4 below on Disciplinary Actions and Official Guide Part I Section 44 and Rule 45.

### 3.2.2 CONDUCTING A STAGE TWO DISCIPLINARY HEARING

The process then moves to the disciplinary hearing phase, convened on a separate occasion.

The THDC conducting the Stage Two Hearing must be comprised of completely different THDC members to those who were involved in the THDC Stage One Hearing. A THDC member involved in a Stage One Hearing cannot be involved in a Stage Two Hearing.

The person/Unit before the THDC is now known as the defending party i.e. the person/Unit that is alleged to have breached the Association's Official Guide.

The THDC invites in the defending party and accompanying person and verbally advises the defending party of the charge; the penalty to be imposed and the appeals process (see Section 5), as appropriate.

The THDC Secretary then follows the procedure on notification of outcomes outlined below.

#### **Notification of Outcomes at the End of Stages One or Two**

The THDC decision must be confirmed and officially notified in writing by the THDC Secretary to the person(s)/Units called to the hearing and to the relevant Unit secretary(ies) within five working days of the decision being made, taking account of the need to observe confidentiality regarding sensitive and/or personal information.

### **3.3 RULES OF EVIDENCE FOR THDC HEARINGS**

Oral evidence, written evidence in particular original correspondence, authenticated copies of original correspondence and minutes of meetings, formally ratified, are the usual types of evidence admissible in hearings.

Each THDC is obliged to weigh up the veracity of such evidence and attach weight or importance to it accordingly.

#### **3.3.1 REFEREE'S REPORTS**

The Referee's Report including any clarification must be considered final proof of what it says (see Rule 41.3 Official Guide Part I) except where it is accepted that the Referee did not referee the game in accordance with the rules. This finding does not automatically render the result of the game null and void.

A person is entitled to see or have quoted directly to her/him, information from a Referee's Report that directly pertains to her/him. The defending party has no entitlement to see the full Referee's Report.

#### **3.3.2 DIGITAL OR MEDIA BASED EVIDENCE**

Unedited digital or other form of media based evidence or other compelling evidence are admissible as evidence in consideration of or in support of alleged breaches of Rule.

If digital or other form of media based evidence is being introduced an advance copy of the evidence must be provided to the THDC and to the defending party at least two days prior to the THDC hearing. The onus to provide this evidence is with the defending party.

#### **3.3.3 OTHER COMPELLING EVIDENCE**

It is not possible to exclusively define what is meant by 'other compelling evidence'. There may be some evidence that is of such persuasion that the THDC accepts it as fact. It could, for example, be a photograph of an incident proving mistaken identity.

Uncorroborated opinion of e.g. spectators/Unit officials/witnesses, on its own, is not considered compelling evidence. Admissions of an infringement by a player other than the named player may not, on their own, be considered as compelling evidence.

### **3.4 DISCIPLINARY ACTIONS ARISING FROM A DISCIPLINARY HEARING**

THDCs have autonomy to take disciplinary action to suspend, fine, debar or disqualify club, individuals or units for breaches of the Rules of the Association or any bye laws made thereunder.

Section 44 of the Official Guide Part I governs penalties for breaches on the field of play. Official Guide Part I Rule 45 empowers THDCs to impose penalties when a penalty is not stated. THDCs can decide to implement the disciplinary actions outlined below.

#### **3.4.1 SUSPENSION**

Except for particular suspensions e.g. match bans, specified in the Official Guide Part I, no member/Unit will be *automatically* suspended.

Except for particular suspensions e.g. match bans, as specified in the Official Guide, suspension of members, Committees or Units under the Rules of the Association or any bye-law thereunder means suspension from all privileges and competitions under the auspices of the Association.

Except for particular suspensions, e.g. match bans, as specified in the Official Guide, persons under suspension are ineligible to participate as members in the affairs of the Association during such suspension. Penalties imposed are operative throughout the Association.

Where a definite period of suspension is imposed by a THDC, reinstatement must take place automatically at the termination of the period.

The term "month" in relation to suspension means a lunar month (four weeks), e.g. when a suspension begins on a Sunday it must end at midnight on a Saturday.

#### **3.4.2 FINES**

Automatic or mandatory fines may be set out in the Official Guide, and/or bye-laws or made by Executive decision and notified in advance to relevant Units e.g. match day regulations.

Otherwise, where no amount has been specified, the THDC has discretion to impose a fine on member/Unit.

#### **3.4.3 DISQUALIFICATION**

THDCs may disqualify a member/Unit/team from entry to a competition or continuation in a competition.

#### **3.4.4 DEBARMENT**

Where appropriate, the THDC can debar an individual/club/unit from specific privileges of the Association identified by the THDC, e.g. playing games, attending games, holding office, handling funds, etc.

Debarment can also be imposed pending the completion of a disciplinary action if the THDC considers the interest of the Association or its members may be compromised following notification of disciplinary action under this disciplinary code.

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#### 3.4.5 EXPULSION

No Unit other than Ard Chomhairle can expel a member or club.

Where a THDC has conducted a disciplinary hearing and is of the opinion that expulsion is the appropriate penalty it must submit its recommendation to the parent Unit having jurisdiction for same.

Where a club is expelled from the Association all of its members are expelled by consequence.

An individual member of the expelled club may apply to Ard Chomhairle to seek permission to become a member of the Association through another club.



**FIGURE 2: Summary of Key Steps in Case of Alleged Breach of Official Guide (other than that reported in a Referee's Report (this is not a substitute for rule or procedure of the Official Guide)).**

**1. EXECUTIVE COMMITTEE**, of a Unit, by majority decision decides to initiate a hearing process to establish findings of fact regarding an alleged breach of the Official Guide

**2. THDC NOTIFIES** relevant persons/ Unit of hearing date, time, venue and alleged rule infringements. 7 days notice must be provided.

**3. IF PARTY UNABLE** to attend the hearing a further attempt is made to convene on hearing within 5 days of the original hearing date.

**4. IN EVENT OF THIS DATE** not being agreed, the party is suspended until a date is agreed and the party appears before the THDC

**5. IN EVENT OF DATE** being agreeable THDC conducts a Stage One hearing. THDC makes findings of fact from the Stage One Hearing and decides if the hearing should proceed to Stage Two. Notification of the charges and details on the Stage Two Hearing issues to the defending party.

**6. HAVING PROVIDED** an opportunity for the defending party to respond to the charge and on review of all the evidence, the THDC decides if disciplinary action is warranted and on the appropriate penalty.

**7. IF POSSIBLE THE DECISION** of the hearing will be verbally notified at the hearing.

**8. WITHIN 5 WORKING DAYS** of the hearing, the THDC Secretary will formally notify the persons/Units and Secretary of the relevant Units of the decisions made and the appeals process, as appropriate.





# 4

## Objection to the awarding of a game

The relevant Unit secretary, on behalf of a team that participated in a game, may lodge an objection to the awarding of a game. An objection/counter-objection may not be made by any other member or third party.

### 4.1 OBJECTION/COUNTER-OBJECTION ACCEPTABILITY

An objection/counter-objection is only acceptable if:

- a) Lodged with the secretary of the Unit in charge of the competition (e.g. county board, provincial council, national education council, Ard Chomhairle) within three calendar days of the date and official starting time of the match.
- b) Lodged together with the appropriate fee as set out in 1.5. In the case of an objection/counter objection submitted by email or by fax, monies or any other enclosure must be actually received by the next working day of the issuing of the email or facsimile by the objecting party.
- c) The exact grounds of the objection are set out. The grounds for an objection must state what rule infringement is alleged to have been made in the awarding of a game. The statement must reference the full text of the rule(s) alleged to have been breached.
- d) If the above conditions are met the Secretary of the Unit in charge forwards, no later than two working days, the objection to the THDC Secretary. An objecting party then has the right to be heard by the relevant THDC.

### 4.2 NOTIFICATION TO PARTIES OF OBJECTION RECEIVED

The THDC Secretary must:

- a) Send a copy of the objection or counter-objection to the defending party or objector (in the case of a counter-objection) within two days of receipt of the objection or counter-objection.
- b) Notify the objector and defending party of the venue, date, place and time of the THDC hearing of the objection/counter-objection (see Section 4.3.c below)

### 4.3 HEARING AN OBJECTION

- a) A Unit that is an objector or defending party will be represented by up to two full members of the Camogie Association.
- b) A member of the THDC who is a member of any Unit or has a role in relation to any team or Unit involved in the hearing must stand down from the THDC adjudicating the proceedings until the case is completed. Such a THDC member may also not appear before the same THDC in any Unit representative capacity.
- c) The objecting and defending parties will be given three days prior notice of the date, time and venue of the meeting by the THDC at which the objection/counter objection is to be heard.
- d) The objection must be heard within 7 working days of receipt of the fee for the objection from the objecting party.

In the event of a hearing date not being mutually suitable within this timeframe the objection/counter objection falls.

- e) Each party may introduce a maximum of two witnesses. Notification of the relevant names must be submitted in writing to the THDC at least one day prior to the date of the hearing.
- f) Legal representation is not allowed at a THDC hearing of an objection.
- g) The sequence of events to be followed in an objection hearing is as follows:

#### **Hearing the objecting party**

- i. The Chair of the THDC first invites in the objecting party (and witnesses) and asks attendees to introduce themselves
- ii. The Secretary of the THDC advises that s/he will keep minutes of the hearing
- iii. The THDC Chair reads out the grounds for the objection and introduces any other additional evidence (see Section 3.3 Rules of Evidence)
- iv. The Unit representatives responds, presents their own evidence and/or invites witnesses to do similarly
- v. The THDC ask questions of the Unit representatives /witnesses
- vi. When the presentation of evidence/questioning is completed, the Unit representatives are invited to make a closing statement
- vii. On conclusion of this, the THDC Chair requests the Unit representatives/witnesses to leave the hearing. They may be asked to wait in a separate room.

#### **Hearing the defending party**

- viii. The THDC Chair then invites in the defending party (and witnesses) and they are asked to introduce themselves.
- ix. The Secretary of the THDC advises that s/he will keep minutes of the hearing
- x. The THDC Chair reads out the grounds for the objection and introduces any other additional evidence (see Section 3.3 Rules of Evidence)
- xi. The defending party responds, presents their own evidence and/or invites witnesses to do similarly
- xii. The THDC ask questions of the defending party/witnesses, including questions/clarifications that draw on the evidence or new facts and information presented to the hearing by the objecting party
- xiii. When the presentation of evidence/questioning is completed, the defending party are invited to make a closing statement
- xiv. On conclusion of this, the THDC Chair requests the defending party/witnesses to leave the hearing. They may be asked to wait in a separate room.
- xv. **The objecting party** and/or witnesses may be invited in by the THDC for clarification or further questioning, based on new facts or information that conflicts with previously presented

- xvi. On conclusion of this, the objecting party and/or witnesses may be asked to wait in a separate room. The THDC considers in private and in an impartial manner, all the evidence, adjudicates on disputed facts or interpretation in dispute or decides or not to uphold the objection (see 4.3.1 below).

#### **4.3.1 REACHING A DECISION ON AN OBJECTION**

A decision will be made following the hearing.

Both the objecting and defending parties withdraw from the THDC hearing.

The THDC decide if the objection should be upheld or dismissed.

The onus is on the objecting party to prove their case beyond reasonable doubt.

If possible the decision will be verbally notified at the meeting. The decision will be confirmed and officially notified in writing by the THDC Secretary to the Secretary of the relevant Unit and to all parties within two working days of the decision being made.

Where an objection or counter-objection is successful the fee paid will be refunded to the successful party.

# 5

## Appeals

Appeals are only acceptable if the criteria in Sections 5.1 and 5.2 are fully met.

### 5.1 LIMITED GROUNDS OF AN APPEAL

An appeal against a decision of another Unit/THDC of the Association can only be submitted on grounds that the procedure that led to the decision under appeal was:

- not compliant with the Rules or procedures of the Official Guide and/or
- contrary to fair procedure and natural justice.

A member/Unit has only one right of appeal on any one decision.

If a member/Unit disagrees with a Unit decision or with the outcome of a hearings process, there is no *automatic* right of appeal.

There shall be no appeal against:

- a decision of Ard Chomhairle or of any Unit in implementing such a decision
- a decision of Provincial or County Committee or, as appropriate in Rule, of one of its Sub-Committees with regard to:
- Grading of Clubs and Players
- Arrangements for the date and venue of a Game (provided that required notice is given)
- Appointments of Referees, and
- The Administration and Control of County Teams

or

- Against a decision of the National Competitions Management Committee or a Provincial Competitions

Management Committee with regard to arrangements for the date and venue of a game (provided that required notice is given)

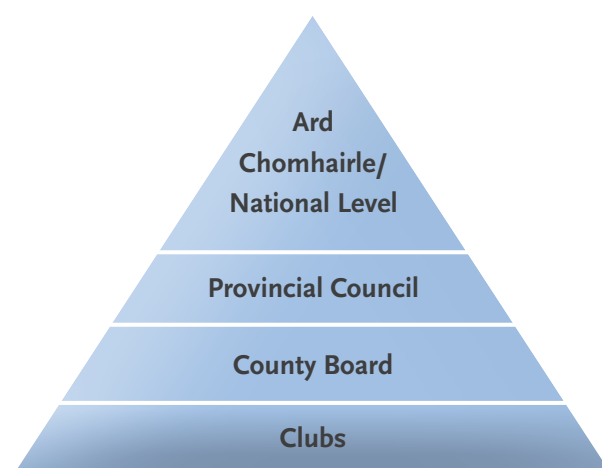
or

- Against a Decision of a Unit or a Sub-Committee of a Unit by that Unit or another Sub-Committee of the same Unit (e.g. a County Committee may not appeal against a decision of its own Hearings Committee, and similarly at provincial and national levels).

### 5.2 ADMISSIBILITY OF AN APPEAL

An appeal must in the first instance go to the committee directly senior to the body against whose ruling the appeal is made (see Figure below).

This is the hierarchical structure of the Association:



Appeals are only acceptable if lodged:

- a) with the secretary of the Unit directly senior to the body against whose ruling the appeal is made (county board, provincial council, national education council, Ard Chomhairle)
- b) within 7 days of receipt in writing of the decision under challenge
- c) where the decision under appeal is not issued in writing (e.g. decision taken at a county board meeting) the appeal must be lodged within 7 days of the date of the decision under challenge
- d) in the case of an appeal to the National THDC or National Final Appeals Committee the appeal must be lodged within ten days of receipt in writing of the decision under challenge or the date the decision is taken where the decision is not issued in writing
- e) lodged together with the appropriate fee as set out in Official Guide Part I Section 1.5. One fee is required per appeal.

In the case of an appeal submitted by email or by fax, monies or any other enclosure must be actually received within 2 calendar days of issuing of the email or facsimile.

- f) The exact grounds of the appeal are set out including:
  - i. The full text of the rule(s) alleged to have been infringed is quoted.
  - ii. The original circumstances of the alleged breach of rule.
  - iii. The penalties that were imposed.
  - iv. A brief outline of any previous appeals and results.

If the above conditions are met an appealing party has the right to be heard by the relevant THDC.

## 5.3 NOTIFICATION OF APPEAL HEARING

The THDC Secretary must:

- Notify all interested parties of the appeal and send a copy of the appeal to the relevant Unit secretary and/or where appropriate to the individual concerned within three days of receipt of the appeal (for example, the Provincial THDC Secretary, on receipt of an appeal from a club against a County THDC decision that also affects another club, must notify the County Board Secretary and the third party club about the appeal).
- Furnish relevant parties with copy extracts of relevant official records or documents on written application which should be included with the appeal. In addition the THDC Secretary/Unit Secretary of the THDC/Unit against which the appeal has been lodged must send a copy of minutes of any relevant hearing to the THDC hearing the appeal.
- Notify the relevant Unit Secretar(ies) and all relevant parties of the results of the hearing.

## 5.4 CONDUCTING AN APPEAL HEARING

- a) In the case of *Unit* appearing before a THDC hearing, it will be represented by up to two of its full members as per Official Guide Part I Rule 4.2. Both members have full speaking rights.
- b) In the case of a *member/person* appearing before a THDC hearing, s/he, as the person accountable for her/his actions, must personally attend the THDC hearing.

This person must speak on his/her own behalf at the THDC hearing and respond to allegations of rule breaches.

This person may be accompanied by one full member of her/his Unit. The speaking rights at the hearing of the accompanying person are at the discretion of the THDC Chairperson, taking account of fair procedure and due process.

For members/persons aged under 18, in accordance with Official Guide Part I Rule 27.6, the THDC Secretary must inform the parents or guardians of the member/person aged under 18 of the alleged rule infringement and hearings' procedure.

Persons aged under 18 must be accompanied by an adult to THDC hearings. Such accompanying person is not required to be a member of the Camogie Association.

The under 18 person may also be accompanied by a club member or in the case of an inter-county or provincial player by a member of the relevant county board or province.

The speaking rights at the hearing of the accompanying persons are at the discretion of the THDC Chairperson, taking account of fair procedure and due process.

- c) As per Official Guide Part I Rule 27.5, failure to appear before the hearing will warrant an automatic suspension until such time as the invited person(s)/Unit(s) agree to appear before the THDC.

In these cases, the 21 day timeframe within which a final THDC decision must be made (as outlined in the Official Guide Part IV 1.4 Disciplinary Procedure Timeframes) re-commences from the date that the THDC is advised of the person(s)/Units(s) agreement to appear before the THDC.

- d) Person(s)/Unit(s) requested to attend a hearing will be given 7 days prior notice of the date, time and venue of the hearing to be heard by the relevant Unit (county board, provincial council, national education council, Ard Chomhairle).

Person(s)/Units(s) are free to waive this notice period by notifying the Unit Secretary who will immediately notify the THDC Secretary.

In the event of the date of the hearing not being mutually agreed on the first occasion, the THDC will set another date. This date will be scheduled no later than 5 days of the original meeting date.

In the event of a date not being agreed and/or any other reason for failure to appear before the hearing, the person/unit called to the hearing is automatically suspended until such time as the relevant party(ies) agree to appear before the THDC.

In these cases, the 21 day timeframe within which a final THDC decision must be made (as outlined in the Official Guide Part IV 1.4 Disciplinary Procedure Timeframes) re-commences from the date that the THDC is advised of the person(s)/Units(s) agreement to appear before the THDC.

- e) Person(s)/Units(s) may introduce witnesses. The names of the proposed witnesses must be submitted in writing to the THDC Secretary at least two days prior to the date of the hearing. In the event of more than two witnesses being introduced, permission must be sought from the THDC by submitting a request to the THDC Secretary at least five days prior to the date of the THDC hearing.
- f) Legal representation at THDC hearings is not allowed.
- g) Usually, all parties to an appeal are asked to wait in separate adjacent rooms.

The sequence of events to be followed in a hearing is as follows:

- i. The THDC Chair asks attendees to introduce themselves.
- ii. The THDC Secretary advises that s/he will keep minutes of the hearing.
- iii. The appellant (the party making the appeal) and witnesses are invited by the THDC Chair to present their case in summary. (The THDC will already have a copy of the written appeal).
- iv. The THDC may ask questions or points or clarification of the appellant and/or witnesses
- v. When the evidence/questioning is concluded the appellant party is invited to give a closing statement
- vi. The appellant is requested to leave the hearing and may be asked to wait in a separate room.
- vii. The process above is repeated for any other parties to the hearing, including the opportunity to clarify, question or draw on evidence submitted by the appellant party(ies).
- viii. The appellant may be re-invited in by the THDC for clarification or further questioning, based on new facts or information that conflicts with that previously presented by other parties to the appeal.
- ix. At the conclusion of questioning, the appellant may be asked to wait in a separate room. The THDC considers, in private and in an impartial manner, all the evidence, adjudicates on disputed facts or interpretation in dispute and decides whether an appeal is upheld or lost.

## 5.5 APPEAL HEARING RULINGS

A THDC can uphold or dismiss an appeal.

### 5.5.1 AN APPEAL IS UPHELD

This means that the decision under appeal was not administered in accordance with rule.

In this case, the THDC may:

- (i) annul the decision appealed against and direct no further action be taken by the decision maker
- (ii) re-mit the matter for re-hearing or re-processing (with or without recommendations as to procedure). The THDC conducting the re-hearing must be comprised of completely different THDC members to those who were involved in the first hearing. A THDC member involved in the first hearing cannot be involved in the re-hearing.
- (iii) substitute its own decision on the matter.

### 5.5.2 AN APPEAL IS DISMISSED

This means that the appellant did not satisfactorily prove/demonstrate that there was a rule breach and the decision being appealed is deemed in order.

### 5.5.3 RULING ONLY ON THE GROUNDS SUBMITTED

A THDC can only rule on the grounds of the appeal as submitted by the appellant. Any other ground cannot be considered by a THDC

### 5.5.4 NOTIFICATION OF OUTCOMES

A decision will be made following the hearing. Where possible the decision will be verbally notified at the meeting.

The decision will be confirmed and officially notified in writing by the secretary of the THDC to all interested parties within five working days of the decision being made

### 5.5.5 FEE REIMBURSEMENT ON SUCCESSFUL APPEAL

Where an appeal is successful the fee paid will be refunded to the successful party.



# 6

## National Committees

Under Official Guide Part 1 Rules 10.5k Ard Chomhairle appoints three Sub Committees, relevant to these THDC procedures, these are the

- National Transfers, Hearings, Disciplinary Committee (NTHDC)
- The National Final Appeals Committee (NFAC) and
- The National Clemency Committee.

The members of each Committee are appointed as each new Uachtarán assumes national office.

The NTHDC and NFAC are obliged to operate in accordance with these Mandatory Procedures and the Official Guide.

In accordance with Official Guide Part 1 Rule 27.3 the NFAC will only hear and decide on cases submitted to the NTHDC and the Hearings and Disciplinary Committees of the National Education Councils as outlined in Rule 27.2 of the Official Guide Part 1.

### 6.1 THE NATIONAL CLEMENCY COMMITTEE

Official Guide Part I Rule 27.4 specifies that the Clemency Committee will hear appeals from members/units only in the event of a period of suspension being of more than twelve months.

The National Clemency Committee terms of reference are downloadable from  
<http://www.camogie.ie/administration/sub-committees>





# 7

## Arbitration and disputes resolution

Official Guide Part I Rule 27.7 sets out the Association's procedure regarding arbitration and disputes resolution as follows:

### Arbitration

- a) In the event of any dispute or difference between any member or Unit of the Camogie Association with any other member or Unit of the Camogie Association, as to the legality of any decision made or procedure used by any Unit of the Camogie Association in pursuance of the Guide Rules and Bye Laws of the Association, which cannot be settled by amicable means within the Guide Rules of the Camogie Association, such dispute may be referred by either party to Arbitration under the GAA Disputes Resolution Code (see [www.sportsdra.ie](http://www.sportsdra.ie)), as initially approved by GAA Congress and from time to time amended by the GAA Disputes Resolution Authority with the approval of GAA Central Council.
- b) Such Dispute Resolution shall be conducted in accordance with that Code and the Arbitration Act 2010 or any statutory modification or re-enactment thereof. The Guide Rules of the Camogie Association, the GAA Disputes Resolution Code and the Laws of Ireland shall govern such Disputes Resolution.
- c) No member of Unit of the Camogie Association may issue proceedings relating to any such Dispute in any Court of Law in any jurisdiction.
- d) No member or Unit of the Camogie Association shall refer such Dispute to Dispute Resolution until all available avenues of Appeal under the Guide Rules of the Camogie Association have been exhausted.
- e) Disputes arising from or concerning doping control under the Guide Rules of the Camogie Association, any rules of the Irish Sports Council or under general law shall not be the subject of any Arbitration under this Rule.
- f) Arbitration shall only apply to Disputes raised by members/Units from Ireland or Britain.

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# APPENDIX A

## Sample Correspondence

The following sample correspondence is for guidance only. Individuals/units are not required to comply with these samples. Non-compliance will not, of itself, invalidate any aspect of the Disciplinary procedures.

<b>DOCUMENT A:</b>	Sample request for an Appeal Hearing
<b>DOCUMENT B:</b>	Sample Notification of an Appeal Hearing Following Submission of Appeal Request
<b>DOCUMENT C:</b>	Sample Notification to Appear Before Investigative or Formal Hearing
<b>DOCUMENT D:</b>	Sample Letter Advising No Further Sanction Following Appearance before a THDC
<b>DOCUMENT E:</b>	Sample Notification of Disciplinary Action
<b>DOCUMENT F:</b>	Sample Notification of Outcome of Appeal

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## DOCUMENT A: SAMPLE REQUEST FOR AN APPEAL HEARING

Date: xxxxxxxxxxxxxxxx

To: The Secretary (of County Board or Provincial Council or Ard Stiúrthóir)

From: Name of person/Unit submitting the appeal (the appellant)

Appellant's address, phone and email details.

If appellant is aged under 18 please provide date of birth.

Contact details of parent/legal guardian (in case of appellants aged under 18)

A chara

I wish to appeal against a decision made by: [name of Unit i.e. club, county, provincial, Ard Chomhailre or National Education Council] on [date of decision/notification of decision].

In my view, this decision breached the following rules/mandatory procedures of the Association: [rule numbers and full text must be quoted from the Official Guide and/or mandatory codes of the Camogie Association]:

1.....

2. ....

3.....

The following facts/evidence support the claim that the above rules were breached:

I enclose the appropriate appeal fee €..... by [cheque/postal order/bank draft].

I wish to bring the following witnesses to the appeal hearing: [if applicable, list names and name of Unit]:

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Name of appellant/parent or guardian [as applicable]

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## DOCUMENT B: SAMPLE NOTIFICATION TO AN APPEALLANT(S) OF AN APPEAL HEARING FOLLOWING SUBMISSION OF APPEAL REQUEST

To: [Individual and/or Unit secretary]

Date: xxxxxxxxxxxxxx

Further to your submission of an appeal to the [county/provincial/national] Transfers Hearings and Disciplinary Committee, I wish to advise you that the Appeal Hearing will be held on [date, venue and time].

This hearing is being held in accordance with Section 5 of the Camogie Association's Disciplinary Code and THDC Mandatory Procedures.

**[Text below to be added when persons are aged under 18]**

[Persons who are aged under 18 must be accompanied by an adult to THDC hearings. Such accompanying person is not required to be a member of the Camogie Association. The under 18 player may also be accompanied by a club member or in the case of an inter-county or provincial player by a member of the relevant county board or province.]

Any advice given in advance of the hearing by members or employees of the Camogie Association, on the operation of the Guide Rules, will not form part of the proceedings or will not be relied on to challenge any aspect of the proceedings.

Please confirm your attendance by contacting [name and contact details of THDC Secretary]

A full copy of the Official Guide can be downloaded from [www.camogie.ie/administration](http://www.camogie.ie/administration).

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[name]  
Secretary

Xxxxxx THDC

cc Relevant Unit secretaries and relevant parties

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## DOCUMENT C: SAMPLE NOTIFICATION TO APPEAR BEFORE A THDC HEARING

To: [Name of person/secretary of Unit]

Date:

Dear [name]

You are requested to attend a THDC hearing [date, time and venue].

This THDC hearing is being held in accordance with Section [ref] of the Camogie Association's Disciplinary Procedures for THDC and Disciplinary Code.

The hearing arises from a decision of the [name of Unit executive or THDC] on [date] to commence a hearing process concerning [an alleged breach of Rule xx of the Official Guide or reported conduct in the Referee's Report of [date and game details]].

The following relate to your reported conduct as described in the attached extract of the Referee's Report [or for other alleged breaches of Rule: the points of investigation are as follows...].

This hearing is being held in accordance with Section 3 of the Camogie Association's Official Guide Part IV Disciplinary Code and THDC Mandatory Procedures.

Text to be added in in case of reported conduct in a Referee's Report

**[Text to be added in case of person aged under 18 being called before THDC]**

[You have the option to indicate your preference for the hearings process (Stages One and Two) to be heard in one sitting of the THDC. Please advise the THDC Secretary of your agreement on this matter no later than [date to be inserted in accordance with Official Guide Part IV]

**[Text to be added in case of person aged under 18 being called before THDC]**

[Persons aged under 18 must be accompanied by an adult to THDC hearings. Such accompanying person is not required to be a member of the Camogie Association. The under 18 player may also be accompanied by a club member or in the case of an inter-county or provincial player by a member of the relevant county board or province (see Section 3.2.b of Disciplinary Code and THDC Mandatory Procedures).]

Failure to appear before the hearing will warrant an automatic suspension until such time as you agree to appear before the THDC.

Any advice given in advance of the hearing by members or employees of the Camogie Association, on the operation of the Guide Rules, will not form part of the proceedings or will not be relied on to challenge any aspect of the proceedings.

Please confirm your attendance by [date to be inserted] contacting the [name and contact details of the relevant THDC].

A full copy of the Official Guide can be downloaded from [www.camogie.ie/administration](http://www.camogie.ie/administration).

Le meas

[Name]

Secretary Xxxxxx THDC

cc Relevant Unit secretaries and relevant parties

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## DOCUMENT D: SAMPLE LETTER ADVISING NO FURTHER SANCTION FOLLOWING APPEARANCE BEFORE A THDC

To: [name of person who appeared before the THDC]

Date: [xxx]

Dear [name of person who appeared before the THDC]

Thank you for your and [names of other people who attended the THDC] attendance at the [county/provincial/national]Transfers, Hearings and Disciplinary Committee (THDC) hearing held on [date to be inserted] in [venue to be inserted].

As you know, this was in relation xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx.

I wish to confirm that, on [consideration of the Referee's Report and your submission/consideration of the issues brought before the THDC], the [name of county/province/national THDC] has decided that no further sanction is being applied.

Every good wish for the remainder of the season,

Le meas

[name]  
Secretary

Xxxxxx THDC

cc Relevant Unit Secretar(ies) and relevant parties

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## DOCUMENT E: SAMPLE NOTIFICATION OF DISCIPLINARY ACTION

To: [name of person who appeared before the THDC]

Date: [xx ]

Dear [name of person who appeared before the THDC]

Thank you for your and [names of other people who attended the THDC] hearing held on [xx] in [xx].

I wish to confirm that under Rule [xx] of the Official Guide, the THDC imposed a [cite disciplinary action] with effect from [date (can be date of game as Committee may wish to take account of period spent suspended before THDC appearance) or (date of THDC meeting)] for an infringement(s) of Rule [cite rule number from Official Guide or Mandatory Codes reference].

You have the right to appeal this decision if you consider that this THDC undertook procedures that were contrary to rule or contrary to the Association's Disciplinary Code in dealing with your case.

An appeal must be lodged with the Secretary of [higher body] in accordance with Section 5 of the Association's Disciplinary Code and THDC Mandatory Procedures within 10 days of this notification.

A full copy of the Association's Official Guide can be downloaded from [www.camogie.ie/administration](http://www.camogie.ie/administration).

Le meas

[name]  
Secretary

Xxxxxx THDC

Cc Relevant Unit Secretar(ies) and relevant parties

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## DOCUMENT F: SAMPLE NOTIFICATION OF OUTCOME OF APPEAL

To: [xxx]

Date: [xxx]

Dear X,

Thank you for attending the appeal hearing held on X in X.

Under Section 5.5 of the Official Guide Part IV Disciplinary Code and Mandatory Procedures I wish to advise you of the outcome of hearing.

The appeal was: (select from relevant option(s) below)

- Upheld under Rule xxxx. This means that the decision under appeal was not administered in accordance with Rule(s).... The THDC (or NFAC) has therefore decided:
  - (i) to annul the decision appealed against and no further action will follow or
  - (ii) that that matter is remitted for re-hearing or re-processing (with or without recommendation as to procedure. The THDC conducting the re-hearing must be comprised of completely different THDC members to those who were involved in the first hearing or
  - (iii) [here the THDC may give its own decision on the matter under appeal].
- Dismissed under Rule xxxx. This means that it was not proven at the appeal hearing that Rule xxx was breached and the decision being appealed is deemed in order.
- Ruled out of order on the following grounds [submit grounds here – see Section 5 of the Official Guide Part IV]

You have the right to appeal this decision if you consider that this THDC undertook procedures that were contrary to rule or contrary to the association's Disciplinary Code in dealing with your case.

An appeal must be lodged with X in accordance with Section 5 of Association's Disciplinary Code and THDC Mandatory Procedures within [7 or 10 days as applicable under Section 5.2 of the Official Guide Part IV] of this notification.

Le meas,

[name]  
Secretary

Xxxxxx THDC

cc Relevant Unit Secretar(ies) and relevant parties





