
**COMPLAINTS, OBJECTIONS, DISCIPLINARY AND APPEALS
RULES**

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INTRODUCTION

Following a review of how complaints, objections, disciplinary and appeals (*CODA") matters are handled, the Association revised the rules and procedures relating to CODA matters.

This has been divided into (i) Rules and (ii) Procedures.

The Rules section clarifies for members who are the subject of an CODA action, what act or omission can give cause to an CODA action, and what sanction can be imposed on a Unit.

The Procedures section is an explanatory section to clarify the stages of the CODA process from start to finish. This is a guideline for Members, Clubs, Schools, Colleges, County Boards, Provinces and Central Council as well as Complainants and Respondents as to how the process for an CODA matter commences and finishes.

All persons who are involved in the administration of these Rules shall not be liable to any claim whatsoever, legal or otherwise.

Definitions

Affected Party: means any party affected by an Investigation, Objection, Complaint of Disciplinary matter.

Ageism: means prejudice or discrimination based on a person's age.

Appeal: means an appeal validly made to the Appeals Committee, of a decision of a lower committee.

Appeals Committee: means the three persons appointed to hear an appeal of a Decision of a Hearings Committee regarding an Objection, Complaint or Disciplinary matter at County Board, Schools, Colleges, provincial council and central council

Appeals Panel: means the persons appointed from which the Appeals Committee shall be constituted. The Appeals panel shall consist of a minimum of 5 persons.

Appellant: means the person appealing a Decision

Applicant: means the phrase for the person making an Objection, Complaint or Appeal.

Bullying: means the use of strength or power to threaten, frighten or hurt

Chair: means Chairperson of the Hearings Committee or the Appeals Committee.

Club: means any Club as defined in the Association's Constitution.

Club Disciplinary Matter: means any misconduct which occurs on the grounds of the Club but outside any competition or which occurs outside the grounds of the Club where the Member was representing the Club.

Club Disciplinary Officer: means the disciplinary officer appointed by the chair of a Club as and when required to investigate or process and address any Complaint or Club Disciplinary Matter within the Club and who shall report to the Club executive committee. The Club Disciplinary Officer shall not be a current member of the executive committee.

Club Hearings Committee: means a three-person hearings committee appointed by the chair of a Club on a case by case basis to hear a Complaint or Club Disciplinary Matter.

Code of Ethics: means the Association's Code of Behavior (Underage)

College: as defined in the Official Guide.

Complainant: means the person making the Complaint.

Complaint: means a complaint of a personal nature made by one Member against another Member or Club, County Board, Province or Central Council or any committee thereof in the form prescribed under the Rules.

Complaints, Objections and Disciplinary Officer ("CODA"): means the Member or Members (maximum of 3 persons) appointed by the executive committee of each county, province or Central Council to receive investigate and process: Objections; Complaints and Disciplinary Actions, and Appeals, appointed for a period of three years.

Counter Objection: means an Objection made by the Affected Party in receipt of an Objection from the Objector.

County Board: as defined as the Official Guide.

Decision: means any decision of the Hearings Committee or Appeals Committee

Disciplinary Action: means any hearing arising from an on-field offence or off-field misconduct

Disciplinary Report: means the Referee's Report or a completed disciplinary report completed by an Official of that Unit as set out in Appendices [9] herein.

Dispute Resolution Authority: means the Gaelic Games independent body which maintains a panel of arbitrators from which it appoints arbitrators to decide on disputes referred to it.

Event: means any LGFA sanctioned event which means any training session, match or competition.

Fresh Hearing: means a new hearing as if the original hearing before the Hearings Committee did not take place.

Hearing: means a hearing of first instance before a Hearings Committee of the County Board level or higher Unit.

Hearings Committee: means the three persons appointed to hear an Objection, Complaint or Disciplinary matter at County Board, Schools, Colleges, provincial council and central council. Club Hearings Committee shall mean Hearings Committee in the procedures of these rules where jurisdiction allows it.

Hearings Panel: means the persons appointed from which the Objection, Complaints and Disciplinary Committee shall be constituted. The hearings panel shall consist of a minimum of 5 persons.

Inappropriate Language: means an offensive or obscene word or phrase

Inappropriate Conduct: means conduct that falls below the standard ordinarily expected of a reasonable person in the circumstances.

Informal Dispute Resolution: means a flexible and informal approach to resolving a Complaint in conjunction with/out a children's officer.

Intimidation: means behaviour intended to frighten, coerce or cause fear of harm.

Investigation: means a process whereby information and facts are sought and clarified by an investigator(s) who are usually the CODA or Club Disciplinary Officer.

LGFA: means the Ladies Gaelic Football Association (the "Association").

Mediation: means an informal, without prejudice method of resolving a dispute (but not an Objection or Disciplinary Action) through the use of a neutral third party, called a Mediator.

Mediator: means a professionally accredited, neutral, independent third party trained in assisting parties to reach a settlement through Mediation.

Member: means a Member of the LGFA as defined in the LGFA Constitution.

Objection: means an objection to the award of a game, or the transfer or eligibility of a player.

Objector: means the person(s) making the Objection.

Officer: means the role as defined in the Association's rules.

Official: means match officials and any officers of the Association.

Parent: means the parent or guardian of a child.

Participant: means any Member or person who participates in activities organised or sanctioned by the LGFA in any capacity, including but not limited to player, coach, manager, doctor, physiotherapist, match official or spectator.

Procedures: means these Objections, Complaints, Disciplinary and Appeals Procedures.

Racism: means prejudice, discrimination, or antagonism directed against someone based on racial difference.

Referees Report: means the official report completed by the referee of a match.

Respondent: means the person responding to or the subject of an Objection, Complaint or Disciplinary Action

Sanction: means any fine, penalty, disqualification or suspension, including the sin bin or other form of limitation imposed on any Member of the Association as set out in Schedule 1.

School: means any post primary school in the island of Ireland.

Sexism: means prejudice, stereotyping, or discrimination based on gender.

Team: means any team established within any club, county, province, school or college.

Underage Player: means any Member under the age of 18.

Unit: means any:

- (i) Club
- (ii) County Board,
- (iii) Provincial Council
- (iv) Central Council
- (v) School
- (vi) College

Or any committee or subcommittee thereof

PART 1 – RULES

1. JURISDICTION

1.1 GENERAL

It is the right of a Unit to bring an Objection to the result of a game or the transfer of or eligibility of a player.

It is the right of a Member to make a Complaint against any other Member or Unit.

It is the right of any Unit to take Disciplinary Action against a Member, a Team(s) or any Unit below it.

1.2 STRUCTURE

CODA

The executive committee of each Unit, except a Club, shall appoint an Complaints, Objections, Disciplinary and Appeals Officer(s) (“CODA”).

Club Disciplinary Officer

In the case of a Club, the chairperson of the Club shall appoint a Club Disciplinary Officer to carry out Investigations, process and address Complaints and Club Disciplinary Matters that occurs within the Club.

Hearings Committees

The executive committee of each Unit other than Club shall appoint a Hearings Panel from which a Hearings Committee shall be selected to hear an Objection, Complaint or Disciplinary Matter at that level. for a period of 3 years.

Club Hearings Committees

In the case of a Club, the chair of the Club shall appoint a Club Hearings Committee to hear any Complaint which is not resolved by the Club Disciplinary Officer or any Club Disciplinary Matter.

Appeals Committees

The executive committee of each County Board, Provincial Council or Central Council shall appoint an Appeals Panel from which an Appeals Committee shall be selected to hear appeals against decisions of the Hearing Committee of Objections, Complaints or Disciplinary Action from the lower Unit for a period of 3 years.

Investigations

Each Unit has the right to investigate any matter, such investigation to be carried out by a CODA or Club Disciplinary Officer.

Objections

The Hearings Committee of any Unit, other than a Club, has jurisdiction to hear an Objection.

Complaints

Club

Where a Complaint cannot be resolved informally by the Club Disciplinary Officer then that Complaint shall be heard before the Club Hearings Committee.

County

Where a Complaint cannot be dealt with in Club or where the Complaint does not involve persons outside a County, then the Complaint shall be received and processed by the CODA for that County.

Schools/ Colleges

Where a Complaint occurs in the context of any schools or colleges competitions then those respective Units' CODA shall receive and process that Complaint.

Provincial

Where a Complaint cannot be dealt by a County CODA within a province and where the Complaint arises in the context of a provincial competition then that Complaint shall be received and processed by the provincial council CODA.

Central

Where a complaint cannot be dealt with by a provincial council CODA or where the Complaint arises in the context of an interprovincial competition then that Complaint shall be received and processed by the central council CODA.

Hearings

A Complaint which cannot be resolved informally or by mediation at that level shall be heard by the Hearings Committee at that level.

A Club Disciplinary Matter shall be heard by the Club Hearings Committee.

A Disciplinary Action that occurs between two or more clubs within a County shall be heard by that County's Hearings Committee.

A Disciplinary Action that occurs between two or more clubs from more than one County shall be heard by that provincial or central Hearings Committee.

A Disciplinary Action that occurs between two counties within one province shall be heard by that provincial council Hearings Committee.

A Disciplinary Action that occurs between two counties from two provinces shall be heard by the central council Hearings Committee.

A Disciplinary Action that occurs between two provinces shall be heard by the central council Hearings Committee.

Appeals

An appeal from a decision of the Club Hearings Committee shall be made to the County Board Appeals Committee.

An appeal from a decision of the County Board Hearings Committee/ Schools Hearings Committee/Colleges Hearings Committee shall be made to the provincial council Appeals Committee.

An appeal from a decision of the provincial council Hearings Committee shall be made to the central council Appeals Committee.

An appeal from a decision of the central council Hearings Committee shall be made to the central council Appeals Committee.

Generally

Every Decision can be appealed to the Appeals Committee at next highest Unit.

There is only one right of appeal to any Decision.

An Appeal hearing is a Fresh Hearing.

Any Decision can be challenged, once all internal avenues of appeal have been exhausted, limited to grounds: (i) the legality of the decision made or (ii) the procedures used, before the Disputes Resolution Authority.

1.3 The following natural and legal persons agree to and are subject to these rules:

- (i) Member
- (ii) Participant
- (iii) Unit

1.4 EXCLUSIONS

- (i) Employment and quasi employment contractual disputes.
- (ii) Allegations of child abuse. Such Complaints shall be referred to the statutory authorities by the children's officer without prejudice to exercising the powers as specified in these Rules.
- (iii) Criminal matters. Such Complaints shall be referred to the statutory authorities.
- (iv) Anti-doping matters. Such Complaints shall be dealt with in accordance with the Irish Anti-Doping Rules.
- (v) Competition Administration.

2. OFFENCES

Offences can be distinguished into the following categories:

2.1 OBJECTION

- (i) Fielding a player who is underage or overage;
- (ii) Fielding a player who is not eligible to play for that Club, County, School, College or Province;
- (iii) Fielding a player who is suspended or expelled from playing;
- (iv) Transfer of a player contrary to Rule.

2.2 COMPLAINT

- (i) Bullying;
- (ii) Intimidation;
- (iii) Inappropriate Language;
- (iv) Inappropriate conduct;
- (v) Racism;
- (vi) Sexism;
- (vii) Ageism;

2.3 DISCIPLINARY MATTER

- (i) Breach of any rules, regulations and Codes of Ethics of the Association;
- (ii) Verbal abuse;
- (iii) Physical abuse,
- (iv) Insulting behavior to other competitors, match officials and/or any LGFA Officials;
- (v) Violation of instructions and directives from match officials and/or LGFA officials;
- (vi) Abuse or discrimination on the grounds of colour, race, disability, gender, sexualorientation, religion or ethnic origin;
- (vii) Foul play i.e. use of excessive force

- (viii) Serious foul play inciting a brawl or violence
- (ix) Match fixing;
- (x) Forgery or falsification;
- (xi) Improperly influencing the outcome of a game for financial gain
- (xii) Bringing the Ladies Gaelic Football Association into disrepute;
- (xiii) Alcohol or substance abuse by minor Members at an Event;
- (xiv) Criminal investigation for indictable offences;
- (xv) Criminal conviction likely to bring the LGFA into disrepute;
- (xvi) Mischievous or vexatious Complaints;
- (xvii) Participation at an Event without the permission of the LGFA;
- (xviii) Purporting to represent the LGFA without the permission of the LGFA;
- (xix) Taking part in a competition organised by a club or committee not affiliated to the LGFA with the exception of those sanctioned events listed in the Rules.

3. SANCTIONS

See Schedule 1

3.1 SANCTIONS

- 3.1.1 The Hearings Committee or Appeals Committee has sole jurisdiction to impose a Sanction(s)
- 3.1.2 In circumstances where it is not possible to identify the perpetrator(s) of an offence, the relevant Team or Unit can be sanctioned.
- 3.1.3 A Sanction may be imposed for offences which have escaped the match official's attention.
- 3.1.4 A Sanction may be imposed on a Member, Unit, Team or Participant.
- 3.1.5 A Sanction may only be imposed by a Hearings Committee or Appeals Committee following a decision on foot of an oral hearing, unless otherwise prescribed in these rules.
- 3.1.6 Any Sanction imposed shall be effective throughout the LGFA from the date of oral or written (whichever is the earlier) notification until the sanction period has expired, save for automatic playing bans.

4. MITIGATING AND AGGRAVATING FACTORS

4.1 A Hearings Committee and Appeals Committee shall take into account mitigating and aggravating factors once a decision on culpability is reached but prior to the imposition of a sanction.

4.2 The following factors shall be taken into account: -

- (i) Age
- (ii) Cooperation

- (iii) Prior warnings
- (iv) Repeat offences
- (v) Apology made
- (vi) Remorse
- (vii) Provocation
- (viii) Gravity of offence
- (ix) Effect on victim
- (x) Vulnerability of victim
- (xi) Recklessness of offence
- (xii) Offence completed or was it attempted
- (xiii) Any other factor deemed relevant

PART 2 – PROCEDURES

INTRODUCTION

These procedures are to be followed by all parties involved in a Complaint, Objection or Disciplinary Action or any Appeal.

These procedures explain how a Complaint, Objection or Disciplinary Action or any Appeal shall be conducted, from start to finish.

The CODA shall be the first and only point of contact for any Complaint, Objection or Disciplinary Action or Appeal.

In a Club, the Club Disciplinary Officer shall be the first and only point of contact for a Complaint or Club Disciplinary Matter, but not a Disciplinary Action or Objection.

The procedures for an Objection, Complaint or Disciplinary Action differ. Flexibility is required to resolve a Complaint, unlike an Objection or Disciplinary Action. For that reason, the CODA can direct the parties of a Complaint to informal resolution or Mediation.

The primary function of the CODA is to process and if necessary investigate Objections, Complaints and Disciplinary Action.

The primary function of the Club Disciplinary Officer is to investigate Complaints and Club Disciplinary Matters where necessary and to resolve Complaints informally and process Complaints and Club Disciplinary Matters formally.

The primary function of the Hearings Committee is to hear evidence in respect of an Objection, Complaint or Disciplinary Action and then decide whether to impose a Sanction.

The primary function of the Appeals Committee is to hear any appeal as a fresh hearing and so hear evidence in respect of an Objection, Complaint or Disciplinary Action and then decide whether to impose a Sanction.

The primary function of the Disputes Resolution Authority (DRA) is to hear any legal challenge to the Decision of the Hearings Committee and/or Appeals Committee.

1. GENERAL

1.1. LIABILITY

No person involved in the administration of Objections, Complaints and Disciplinary Action shall be liable to any Person in any way, in relation to acts done or omitted to be done in good faith in connection with these Rules.

1.2. UNDERAGE PLAYERS

- 1.2.1 Any Member under the age of 18 shall be accompanied by their Parent at a hearing.
- 1.2.2 Any Member under the age of 18 who is a Complainant, or a Respondent is obliged to attend any hearing and where appropriate, by video link.
- 1.2.3 In all cases, but particularly where the subject of the Complaint is under 18, steps should be taken to ensure the fair treatment of both parties, and advice should be sought if necessary from the relevant Unit and relevant child protection officer.
- 1.2.4 The Hearings Committee and Appeals Committee shall ensure a Children's Officer is present at a hearing where the matter concerns an under 18-year-old Member. The Children's Officer may be invited to make submissions on behalf of the child at the hearing.

1.3. COSTS/EXPENSES

- 1.3.1 Any costs or expenses incurred by a Member (or any of their witnesses but not including the CODA and/or the Hearings Committee or Appeals Committee) in relation to any matter under these procedures will be the sole responsibility of that Member. Neither the Hearings Committee nor the Appeals Committee shall have authority to make any award for costs.
- 1.3.2 There is a cost for each Unit and the Association in administering the Objection, Complaints and Disciplinary process. Accordingly, Members when making a Complaint only will be obliged to pay an administration fee. Where an Objection, Complaint or Appeal is upheld, the administration fee will be reimbursed.

1.4. CRIMINAL CHARGES

- 1.4.1 The Hearings Committee and Appeals Committee shall have the right to suspend a Member where that Member is subject to a criminal investigation or charge where that charge has the potential to bring the Association into disrepute. Once the matter has been dealt with by the statutory authorities, the Hearings Committee reserves the right to take further action as appropriate.
- 1.4.2 In the event of criminal charges being initiated in relation to the alleged misconduct of a Member, who is the subject of the Complaint received, then the Member may be suspended pending the outcome of the charges. Once the appropriate statutory authorities have dealt with the matter, even if the Member concerned is not eventually convicted of the charge, the Hearings Committee shall nevertheless have the right and power to review all circumstances in accordance with this procedure and decide to continue the suspension or expel the Member, if it deems it so necessary in the interests of the Association as a whole.

1.5. NOTIFICATION TO THE ASSOCIATION

The CEO of the Association shall be notified if a Member is suspended or expelled. Notification shall be received in writing from the Hearings or Appeals Committee imposing the sanction stating the sanction imposed.

1.6. SERVICE

1.6.1 All communications shall be made orally or in writing, if in writing, which is encouraged, then by email or post.

1.6.2 Any such communications shall be deemed to be delivered:

- (i) On receipt of a 'read receipt' or email reply acknowledging the email.
- (ii) Within 18 hours of the email being sent.
- (iii) Within 48 hours of posting a letter.

1.7. MEDIATION

The Association recognises the benefits of Mediation as a method of dispute resolution and has provided for it below.

2. OBJECTIONS, COMPLAINTS AND DISCIPLINARY BODIES

(County, Provincial and Central Council)

2.1 OBJECTIONS, COMPLAINTS & DISCIPLINARY OFFICER (CODA)

2.1.1 A CODA shall be appointed by the executive committee of each County, College, Provincial Council and Central Council for a three (3) year term and shall only operate at the level or Unit at which they were appointed.

2.1.2 A CODA may be re-appointed for up to two consecutive 3-year terms.

2.1.3 The CODA shall have the following functions:

- (i) Receive an Objection, Complaint, Disciplinary or Appeals Report.
- (ii) Investigate an Objection, a Complaint, a Disciplinary or Appeals Action
- (iii) Investigate an incident which comes to their attention.
- (iv) Determine whether an obvious case has been made in an Objection, Complaint or any incident which comes to the attention of the CODA.
- (v) Dismiss any Complaint where after an investigation, in the opinion of the CODA no clear case is established.
- (vi) In the case of an automatic sending off offence, the CODA has the power to propose a sanction of no more than 4 weeks.
- (vii) Refer an Objection, Complaint or Disciplinary Action to the Hearings Committee.
- (viii) Prepare relevant documents for the Hearings Committee and Appeal Committee.
- (ix) Make all communications to the relevant parties and to communicate at the request of the Hearings Committee and Appeals Committee.
- (x) Provide copies of all relevant documents to the parties in advance of the hearing.
- (xi) Present the case against a Respondent before the Hearings Committee and/or Appeals Committee in respect of Disciplinary Action.
- (xii) Refer a Complaint to the Informal Complaints Procedure or Mediation before any reference to the Hearings Committee.
- (xiii) Maintain a record of decisions of the Hearings Committee and Appeal Committee.
- (xiv) Report to the Board of the relevant Unit, every quarter, with a summary of any objections, complaints, disciplinary or appeals matters.
- (xv) Extend a timeline prior to hearing where there is a just cause.

2.1.4 Where the CODA has any actual or potential conflict of interest, he/she shall stand aside from investigating an Objection/Complaint/Disciplinary Action. In this case another CODA will replace that CODA.

2.1.5 In the event that the CODA does not stand aside, the Chair of that Unit shall be entitled to remove the CODA and appoint another CODA.

2.1.6 The CODA is not obliged to investigate an Objection, a Complaint, Disciplinary or Appeal Action. In an investigation, the CODA may consider and analyse any evidence he/she deems relevant and shall have the right to make enquiries and request information or documents from any Member or Unit in relation to the matter.

2.1.7 Prior to a hearing, the CODA shall provide all parties and the relevant committee with the following documentation:

- (i) Copy of the Objection, Complaint, Disciplinary or Appeal Report

- (ii) Copy of any Counter Objection, Reply to Complaint, Response to Disciplinary Report
 - (iii) Copies of supporting documents relied on by either party
- 2.1.8 Prior to a hearing, the CODA shall provide all parties and the Hearings Committee or Appeals Committee with the following information:
- (i) The procedures involved
 - (ii) The possible sanctions
 - (iii) The rights of the parties at the hearing to call witnesses of fact (whether Member or non-Member), to cross examine, to be accompanied, to deliver submissions
 - (iv) Any other procedural requirements
 - (v) The time, date and venue of the hearing
- 2.1.9 The Club Disciplinary Officer shall have the same powers as the CODA save that the Club Disciplinary Officer shall not have any jurisdiction in respect of an Objection.
- (i) If there is an objection to the Club Disciplinary Officer on the basis of actual or potential bias, then the chair of the Club may appoint another Club Disciplinary Officer in their place.

2.2 HEARINGS COMMITTEE

- 2.2.1 A Hearings Panel of no less than five (5) persons of good standing and experience shall be appointed by the Executive Committee of each County Board, Provincial Council and Central Council.
- 2.2.2 The Hearings Panel shall remain in place for a three (3) year term.
- 2.2.3 Any person on the Hearings Panel may be re-appointed for a maximum of two (2) consecutive three-year terms.
- 2.2.4 The Hearings Committee shall be empowered to delegate any particular function to one member of the Hearings Committee.
- 2.2.5 A Children's Officer may not be a member of the Hearings Panel.
- 2.2.6 On appointment, the Hearings Committee shall appoint a chairperson.
- 2.2.7 Any person selected to sit on the Hearings Committee who has any actual or potential conflict of interest in the outcome of the hearing shall stand aside from hearing the Complaint/Disciplinary Matter. An alternative person shall be appointed from the panel.
- 2.2.8 The Hearings Committee shall act on a simple majority vote in arriving at a decision. No minority or dissenting decisions shall be produced.
- 2.2.9 The Hearings Committee shall have jurisdiction to impose any sanction as set out in these rules.

3. COMMENCEMENT

3.1 OBJECTION

An Objection is started when the Objector delivers:

- (i) A Notice of Objection (see Appendices [1]) fully completed together with:

-
- (ii) Supporting documents;
 - (iii) Payment of a fee of €100.00 made payable to the relevant Unit and copying in the Affected Party;
 - (iv) Within 24 hours of the end of the match being challenged to the relevant CODA.

3.2 COMPLAINT

A Complaint is commenced when the Complainant delivers:

- (i) The Complaint form fully completed (see Appendices [6])
- (ii) Together with any supporting documents; and
- (iii) A payment of €100.00 made payable to the relevant Unit;
- (iv) Within 7 days of the last event complained of.

3.3 DISCIPLINARY ACTION

3.3.1. A Disciplinary Action is commenced when:

- (i) The referee sends a Member off the field of play for a straight red card;
- (ii) The Referee's Report warrants further disciplinary action relating to an incident on or off the field of play;
- (iii) An incident comes to the attention to the CODA that warrants Disciplinary Action;
- (iv) The Referee's Report does not record an incident on the field of play but which incident was witnessed and is recorded on the official match video;
- (v) The CODA on receiving a Disciplinary Report (see Appendices [9]). relating to misconduct off the field of play, received within 7 days of the alleged misconduct occurring.
- (vi) A Club Disciplinary Matter is commenced when the Club Disciplinary Officer starts an investigation of their own initiative or on the prompting of any third party.

4. OBJECTIONS PROCEDURE

- 4.1 The Affected Party shall deliver a Response to Objection (see Appendices 2) and any Notice of Counter Objection (see Appendices 3), together with any supporting documentary evidence within twenty-four (24) hours of delivery to the CODA and the Objector.
- 4.2 Within twenty-four (24) hours of delivery of any Notice of Counter Objection the Objector shall deliver a Reply to Counter Objection (see Appendices [4]) to the CODA and the Affected Party.
- 4.3 The CODA shall then serve a Notice of Hearing on the Hearings Committee and any Respondent (see Appendices 5).

5. COMPLAINTS PROCEDURE

- 5.1 A Complainant shall serve a Notice of Complaint (see Appendices [6]) on the CODA together with any supporting documents and payment of a €100 fee (made payable to the relevant Unit) within seven (7) days of the last incident complained of.
- 5.2 On receipt of a Notice of Complaint, the CODA shall consider the validity of the Complaint and deem it valid or invalid within seven (7) days of delivery of the Notice of Complaint.
- 5.3 If the Notice of Complaint is invalid, the CODA shall notify the Complainant of the invalidity and request that the invalidity be remedied within seven (7) days.

- 5.4 If the invalidity cannot be remedied within seven days or at all then the Complaint will be considered null and void.
- 5.5 Within 12 hours of confirming a Complaint is valid, the CODA shall send the Respondent a copy of the Notice of Complaint together with any supporting documents
- 5.6 Within seven (7) days of receiving the Notice of Complaint, the Respondent shall deliver a Reply to Complaint (see Appendices [7]) together with any supporting documentation on the CODA.
- 5.7 The CODA may then exercise further powers of investigation as he/she considers appropriate.
- 5.8 On completion of any such further investigation, the CODA shall then consider whether there is an obvious and clear Complaint made.
- 5.9 If there is an obvious and clear Complaint made then the CODA shall then consider the means of resolving the Complaint, as set out below.
- 5.10 If in the opinion of the CODA there is no obvious and clear Complaint made then the CODA shall notify that to the parties in writing. The Complaint shall then be considered null and void.
- 5.11 In determining the appropriate method to resolve the Complaint, the CODA shall have regard to any of the following:
- (i) Informal Dispute Resolution by the CODA or other Member;
 - (ii) Mediation by a DRA appointed mediator;
 - (iii) Formal Hearing on payment of €300
- 5.12 Where appropriate, the CODA shall approach both parties to attempt to resolve the dispute on an informal basis within a 7-day period of delivery of the Notice of Complaint on the Respondent. An extension to this 7-day limit may be considered by the CODA in exceptional circumstances.
- 5.13 If the Informal Dispute Resolution procedure is not considered appropriate by the CODA or is not successful in resolving the Complaint, then, the CODA shall, within 28 days of delivery of the Notice of Complaint direct the parties to Mediation on the following basis:
- (i) It shall be mandatory for the parties to the Complaint to participate in Mediation;
 - (ii) The Mediation shall be conducted under the then current mediation procedures of the DRA;
 - (iii) The Mediation shall precede any such Complaint being heard before a Hearings Committee;
 - (iv) The CODA shall request the appointment of a mediator from the, Operations and Planning Manager of the LGFA;
 - (v) On receipt of a such a request from the CODA, the Operations and Planning Manager shall contact the DRA to appoint an independent Mediator to attempt to resolve the Complaint.
 - (vi) The costs and expenses of the Mediation shall be underwritten by the LGFA. Such costs and expenses do not include either party's professional advisors, who are specifically excluded from participating in the mediation.
 - (vii) The initial Mediation session shall be held within seven (7) days after the appointment of the Mediator. The CODA shall have the discretion to extend this deadline where deemed appropriate.

(viii) The parties acknowledge and agree that the Mediation is a “without prejudice” forum, and that any communications made in or documents produced in the Mediation are inadmissible in any subsequent hearing or Arbitration.

5.14 If the Mediation does not result in a binding settlement between the parties then the Complainant may, within seven (7) days of the last day of the Mediation, serve a Request for Hearing (see Appendices [8]) on the CODA and Respondent.

5.14.1 The Request for Hearing must enclose: (i) Notice of Complaint together with any supporting documents; (ii) Reply to Complaint and any supporting documents and (iii) fee of €300 made payable to the relevant Unit.

5.14.2 In the event that the Complaint is upheld by the Hearings Committee and Appeals Committee then the €300 fee will be reimbursed to the Complainant.

5.14.3 On request for such a Request for Hearing, the CODA shall serve the Request for Hearing on the Hearings Committee.

6. DISCIPLINARY ACTION PROCEDURE

6.1 The CODA for that Unit shall receive all Referee’s Reports and Disciplinary Reports within 48 hours of the relevant on-field / off-field incident.

6.2 If the Referee’s Report confirms a straight red card sending off then the CODA shall deliver to the Hearings Committee a copy of the Referee’s Report together with any other evidence, without any further investigation (see Appendices 5).

6.3 If the Referee’s Report warrants further disciplinary action then the CODA may investigate the incident referred to in the Referee’s Report before referring the matter to the Hearings Committee for Disciplinary Action.

6.4 If the Referee’s Report makes no mention of an incident not acted on by the referee during the match, but which has come to the attention of the CODA and which is recorded on video then the CODA shall be obliged to investigate the incident further before referring the matter to the Hearings Committee for Disciplinary Action.

6.5 If the CODA receives a valid Disciplinary Report then the CODA may consider investigating further before referring the matter to the Hearings Committee for Disciplinary Action (see Appendices 10).

6.7 In the event that a Respondent is subject to a straight red card offence, then the CODA shall have the power to propose not more than a 4-week suspension. If the incident merits a greater suspension, then the CODA shall refer the Disciplinary Action to the Hearings Committee.

6.8 In the event that the Respondent refuses to accept the proposed sanction, then the matter shall proceed to Hearing.

7. HEARINGS PROCEDURE

7.1 The Hearings Committee shall activate the hearing’s procedure on receipt of a Request for Hearing or a Notice of Hearing from the CODA.

7.2 The Hearings Committee shall confirm the following to the parties within 48 hours of receipt of the Request or Notice of Hearing (see Appendices [12]):

- (i) A brief summary of the allegation made
- (ii) The relevant rule allegedly breached
- (iii) Offence alleged
- (iv) Composition of the committee

- (v) Declaration that the committee members have no interest in the outcome
 - (vi) Confirmation of documents to hand
 - (vii) Invitation for any further clarification
 - (viii) Rights of the parties to attend, be accompanied, right to call witnesses, produce documents and make submissions
 - (ix) Time, date and venue for hearing
- 7.3 The Hearings Committee shall have discretion to extend the deadline where they deem it appropriate.
- 7.4 The Hearings Committee, in its discretion, may invite other persons (including but not limited to witnesses, officials or experts) to provide evidence or assistance to the Committee in any form.
- 7.5 The parties are entitled at a hearing to: -
- (i) Be accompanied at the hearing, by either a Member of the LGFA, a member of the public above 18 years of age or if the Member is a minor, by a parent or guardian. A parent, guardian or children's officer may make a closing submission. Legal representatives are specifically excluded.
 - (ii) Call witnesses of fact. Such witnesses may only be present to give their evidence and which witnesses may be questioned by the Hearings Committee.
 - (iii) Present evidence.
 - (iv) Make submissions in writing or otherwise.
- 7.6 Where a party exercises any or all of the rights as set out above then that party shall notify the CODA and chairperson of the Hearings Committee and the other party of the names of any persons accompanying and the names of any witnesses not less than 48 hours from the commencement of the hearing.
- 7.7 The Hearings Committee shall conduct the hearing in any manner that it deems necessary. The Hearings Committee shall have the discretion to accept testimony by telephone, Skype, video link or written statement.
- 7.8 The Hearings Committee shall have the power to decide on the admissibility, relevance and weight of any evidence (including the testimony of any witness) and shall not be bound by Court rules.
- 7.9 In the event of non-attendance, without reasonable cause, of a Complainant at a hearing, the Complaint shall be dismissed.
- 7.10 In the event of non-attendance, without reasonable cause, of a Respondent at a hearing, the Hearings Committee will be entitled to proceed to hear the matter in the Respondent's absence and decide the matter based on the information and evidence before it. The Hearings Committee may draw an adverse inference against a Respondent who fails to appear at the hearing after being given reasonable notice of the hearing.
- 7.11 The Hearings Committee may adjourn or rearrange the hearing at its discretion. An adjourned or rearranged hearing shall take place as soon as is practicable, and the suspension of the Member, if already imposed, shall be automatically extended until the rearranged hearing takes place.
- 7.12 In the case of Disciplinary Action, the CODA shall present the case against the Respondent. In the case of a Complaint, the Complainant shall present the case against a Respondent. In the case of an Objection, the Objector shall present the case.
- 7.13 The party making the allegation shall have the burden of proving the allegation. The standard of proof shall on the basis of it being 'more likely than not' to have occurred. Where facts are established by virtue of a Referee's Report or video evidence then the burden of proof falls on the Respondent to disprove the allegation. Video evidence is limited to official match video or broadcast footage only.

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- 7.14 Facts established by a decision of a Court which is not the subject of a pending appeal shall be irrefutable evidence of those facts against a Respondent.
- 7.15 A Referee's Report shall be, until the contrary is established to satisfaction of the Hearing Committee, sufficient evidence of:
- (i) The qualifications and authority of a Referee or match official who has reporting authority; and
 - (ii) The authority of the Referee who signed the Referee's Report.
 - (iii) The facts stated in the Referee's Report.
- 7.16 The party making the allegation may give a brief summary of the allegation at the start, then examine their witnesses and open any documents supporting the allegation. The Respondent shall have a right to cross examine any witnesses and may in turn give a summary of their defence and may call their own witnesses, which witnesses can be cross examined by the CODA/Objector/Complainant. Each party has the right to deliver oral or written submissions at the close of the hearing, but before the Hearings Committee has made its decision.
- 7.17 The Hearings Committee shall have the right to ask any questions of any party that the committee deem necessary and appropriate.
- 7.18 After hearing the evidence of the parties, but before delivering their decision on the Objection/Complaint/Disciplinary Action and imposing any sanction, the Hearings Committee shall invite the parties to make submissions on any aggravating/mitigating factors.
- 7.19 The Hearings Committee may impose a sanction, or any combination of sanctions as set out in Schedule 1.
- 7.20 The Hearings Committee may deliver their decision on the day of the hearing. The oral delivery of the decision shall be considered notification of the decision and any sanctions imposed will take effect immediately.
- 7.21 The written decision of the Hearings Committee shall notify the parties within 48 hours of the hearing, unless the Hearings Committee deem an extension of time necessary. The CODA shall retain the decision on a register.
- 7.22 The Notice of Decision (see Appendices [12]) shall include reference to the parties' right to appeal the decision within three (3) days of the date of the decision.
- 7.23 Pending the appeal, the original sanction imposed by the Hearings Committee shall stand.

8 APPEALS PROCEDURE

- 8.1 A Decision of the Hearing's Committee may be appealed to Appeals Committee of the next highest Unit.
- 8.2 A Notice of Appeal (see Appendices [13]) shall be served on the CODA of the next highest Unit within three (3) days of delivery of the written Notice of Decision of the Hearings Committee together an appeal fee of €300 made payable to the next highest Unit. Such fee shall be reimbursed to the Appellant if the appeal is upheld by the Appeals Committee.
- 8.3 Any appeal to the Appeals Committee of the next highest Unit shall be a fresh appeal as if the first hearing before the Hearings Committee never took place.
- 8.4 A copy of the Notice of Appeal shall be sent to the CODA of the previous Unit, the Hearings Committee, the CODA to the current Unit and the other party to any Appeal.
- 8.5 The procedures as set out in clause [7] in respect of a hearing before the Hearings Committee

shall apply to Appeal Committee hearings.

- 8.6 Following the hearing and after considering the evidence, submissions, documentation and aggravating and mitigating factors the Appeals Committee shall deliver a Notice of Decision of the Appeals Committee (See Appendices [14]) on the parties within 48 hours of the conclusion of the hearing.

9. ARBITRATION

- 9.1 A decision of Appeals Committee and any earlier decision of the Hearings Committee may be challenged by referral to the Disputes Resolution Authority (DRA) arbitration, within seven (7) days from receipt of such decision, for final and binding arbitration in accordance with the Disputes Resolution Authority code.
- 9.2 The DRA arbitration hearing shall be limited to the legality of the procedures used and/or the decision(s) made by the Appeals Committee.
- 9.3 The Applicant shall serve a Notice of Arbitration (see Appendices [15]) in accordance with the DRA Arbitration Code on the secretary of the DRA, the other party, the Appeals Committee and the relevant CODA within seven (7) days of delivery of the Notice of Decision of the Appeals Committee. For more details on the DRA refer to <http://www.sportsdra.ie/>
- 9.4 No Member, Participant or Unit of the Association may issue Court proceedings relating to such dispute in any Court in any jurisdiction.
- 9.5 No Member, Participant or Unit of the Association, shall refer a dispute to DRA Arbitration until all available avenues of appeal have been exhausted.

10. APPENDICES

The following letters/forms will support the process:

10.1 Objection Forms

- A. **Document 1** - Notice of Objection Form
- B. **Document 2** - Response to Objection Form
- C. **Document 3** - Counter Objection Form
- D. **Document 4** - Reply to Counter Objection Form
- E. **Document 5** - Notice of Hearing to Respondent/Hearings Committee

10.2 Complaint Forms

- F. **Document 6** - Notice of Complaint Form
- G. **Document 7** - Reply to Complaint Form
- H. **Document 8** - Request for Hearing Form

10.3 Disciplinary Action Forms

- I. **Document 9** - Disciplinary Report (on / off the field of play)
- J. **Document 5** - Notice of Hearing to Respondent/ Hearings Committee

10.4 Other Forms

- K. **Document 10** - CODA Investigation report form to CEO
- L. **Document 11** - Notification letter from Hearings Committee to Respondent/CODA
- M. **Document 12** - Notice of Hearings Committee Decision
- N. **Document 13** - Notice of Appeal Form
- O. **Document 14** - Notice of Decision of the Appeals Committee
- P. **Document 15** - Notice of Appeal request to Dispute Resolution Authority