

**The Hearings Committee:** You are the Decision-Makers in the system. Where Management or the Competitions Control Committee charges the Defending Party and the Defending Party maintains his innocence, you decide on the basis of evidence before you whether the Defending Party is innocent or guilty of the infraction alleged. If you decide that he is guilty of it, you decide what the appropriate penalty in accordance with Rule is to be. You are also responsible for ensuring that the Rules and Procedures are properly followed. Ideally a Hearings Committee should consist of experienced past and present members (excluding current Members of the Management and Competitions Control Committee), of the relevant Council or Committee and it may be helpful if one of them has legal experience.

**The Defending Party:** You have been accused of an infraction of the Rules. The Disciplinary Code is designed to ensure (a) if you are innocent of the breach alleged against you, that you are cleared of it; and (b) if you are guilty of it, that you receive a penalty that is reasonable and appropriate for that infraction, as prescribed in Rule.

**The Management Committee:** You have the same role in relation to Discipline as the Competitions Control Committee but not in relation to matters arising from Competitions and Games. As most infractions arise out of Games, you will not be involved in Disciplinary Matters as often as the Competitions Control Committee.

**The Competitions Control Committee:** You have the general authority to organise Games and, in the context of Discipline, you have the role of ensuring that breaches of Rule are detected and that those guilty of infractions are made accountable. You process Referees' Reports and complaints of breaches of Rule arising from Competitions and Games; you investigate allegations of breaches of Rule; you charge those accused of breaches of Rule; you notify them of their rights; you ensure that all relevant evidence is available for any Disciplinary Hearings; and you record all breaches of Rule and penalties imposed. In short, your duty is to ensure that the provisions of the Official Guide are upheld in relation to Competitions and Games. Your **Secretary** will carry out a number of the procedural tasks assigned to you.

**WHAT ROLE DO YOU PLAY ?**

Words importing the masculine gender only, also include the feminine or Units, as applicable.

Sometimes this Handbook will give an opinion as to the manner in which compliance with the Official Guide might be achieved in some circumstances, and it may be useful to consider that view. However, once you are operating within the bounds of the Rules, you should allow enough flexibility to be both efficient and fair.

Disciplinary Procedures are governed by the Enforcement of Rules portion of the Official Guide. They are not governed by this Handbook. This Handbook has been prepared to assist in understanding the Rules concerned and putting them into practice.

**MEANING AND EFFECT OF THIS HANDBOOK**

**Part I**

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*http://www.vespa.org/rules  
 24.01.2005  
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***The Secretary of the Hearings Committee:*** Where a Hearing before the Hearings Committee is required, you shall play a role in setting up the Hearing and ensuring that communications between the parties are in order.

A Provincial Council must have a Competitions Control Committee. This is to be appointed by the Provincial Council and in essence replaces what was previously known as the Games Administration Committee. It maintains its role in relation to which do not arise from Competitions or Games.

A Management Committee is a statutory Sub-Committee of the Provincial Council. It will remain as is but will have specific functions in relation to Disciplinary Matters

### PROVINCIAL LEVEL

The County Hearings Committee may deal with all disputed Disciplinary Matters within the County. Alternatively, it is open to a County to have a Bye Law to provide that its Divisional and other Sub-Committees have their own or shared (with other Sub-Committees) Hearings Committees. In a large County, this allows for a geographical spread and limits the workload on the County Hearings Committee.

Every County Committee must have a Hearings Committee, to be appointed by the County Committee. This must have at least five members. It should be noted that the members of the County Hearings Committee do not all have to be current members of the County Committee itself. This allows the County Committee to draw upon expertise of former Chairpersons, former Secretaries, or other persons with relevant experience. Current members of the Management and Competitions Control Committee are not eligible.

The Divisional Sub-Committees and other Sub-Committees formed under Rule 60 will also each have to maintain a Competitions Control Committee of at least five members.

County Committees must have a Competitions Control Committee. This is to be known as the Games Administration Committee. It maintains its role in relation to fixtures but now has a number of specific functions relating to Discipline arising from Competitions and Games.

A Management Committee is a statutory Sub-Committee of the County Committee. It will remain as is but will have specific functions in relation to Disciplinary Matters which do not arise from Competitions or Games.

### COUNTY LEVEL

The roles of those involved in the Disciplinary Process have been discussed in Part I above. It is important that every County Committee, Provincial Council and Central Council sets up its Committees correctly so that the system can be operated properly.

## SETTING UP THE COMMITTEE STRUCTURES

## Part II

The Central Council shall have a Central Hearings Committee, which in essence replaces what was previously known as the Central Disciplinary Committee. The Central Hearings Committee shall deal with all disputed Disciplinary Matters arising at Central Level.

The Central Council shall have a Competitions Committee, which in essence replaces what was previously known as the Games Administration Committee. It maintains its role in relation to Fixtures but now has a number of specific functions relating to Discipline arising from Competitions and Games under the jurisdiction of the Central Council and from Provincial Senior Championship Games.

A Management Committee is a statutory Sub-Committee of the Central Council. It will remain as is but will have specific functions in relation to Disciplinary Matters which do not arise from Competitions and Games.

## CENTRAL LEVEL

The Provincial Hearings Committee shall deal with all disputed Disciplinary Matters within the Provincial Council's jurisdiction. It shall also adjudicate on Appeals arising from Counties within the Province.

Current members of the Management and Competitions Control Committee are not eligible, save the Provincial Secretary in the cases of Appeals.

Every Provincial Council must have a Hearings Committee to be appointed by the Provincial Council. This must have at least five members. It should be noted that the members of the Provincial Hearings Committee do not all have to be current members of the Provincial Council itself. This allows the Provincial Council to draw upon expertise of former Chairpersons, former Secretaries, or other persons with relevant experience.

Fixtures but now has a number of specific functions relating to Discipline arising from Competitions and Games, other than Inter-County Senior Championships.

### Part III

#### COMMENCEMENT OF DISCIPLINARY ACTION

Disciplinary Action commences in one of two ways.

Firstly, where a Referee's Report discloses an infraction arising from a game, which calls for a penalty over-and-above what has been actually imposed on the field (usually arising from a player being ordered off, but potentially also from other incidents), Disciplinary Action is thereby commenced and the Competitions Control Committee must process it.

Secondly, where information comes to the attention of the Competitions Control Committee or the Management Committee by other means, which suggests that a breach of Rule has taken place, Management or the Competitions Control Committee has authority to decide whether or not Disciplinary Action is warranted. Thus, for example, a Member of the Association may have seen an incident at a game or afterwards which was not contained in a Referee's Report, or vandalism of Club premises or some other misconduct, and may notify the Council or Committee having jurisdiction over the matter. The Management Committee or the Competitions Control Committee may in matters arising in their respective spheres make preliminary enquiries and then decide (by means of a collective Committee decision) whether to initiate an investigation. The power to take Disciplinary Action (i.e. to "charge" a Member or Unit) is in the hands of Management/Competitions Control Committee and cannot be appealed.

#### TERMINOLOGY

All references to the Competitions Control Committee below should be taken as applying equally to the Management Committee, where appropriate.

#### INVESTIGATION OF ALLEGATIONS

Where a Referee's Report is concerned, the Competitions Control Committee analyses the Report. Where the Referee's Report contains enough detail about the incident concerned (e.g. "*Player 'A' ordered off for an opponent striking with the fist*"), no further investigation is usually required and the Notice of Disciplinary Action can be sent out with a copy of the Referee's Report (or a portion of it) attached.

Sometimes, a Referee's Report may not contain sufficient detail. For example, serious injuries may have been suffered as a result of an infraction, and some information regarding those injuries may be relevant to the penalty in the event of the infraction being proved or admitted.

Sometimes also, a Referee's Report will have ambiguities in it, and it may be necessary to seek a Clarification. This must be sought in writing. Any Clarification so provided must also be in writing, and becomes part of the Referee's Report.

In other cases, such as in cases arising from a melee at a game or an incident occurring after the game, a fuller investigation may be required. The investigation

does not require any specific formalities or procedures and the Competitions Control Committee has the authority and freedom to conduct it in whatever manner it considers appropriate. This is important because the Competitions Control Committee must carry out its investigation as quickly as possible and charge any relevant parties before it is too late to be effective.

There is no Hearing at this stage because no findings of fact are made. The Competitions Control Committee has no power to make findings of fact: that is the job of the Hearings Committee if the case is defended. If the allegation is contested, the Defending Party will have an opportunity to seek a Hearing, and all the necessary rights and protections will be available to that party when the matter comes before the Hearings Committee.

A typical investigation in these circumstances would involve one or more of the Competitions Control Committee speaking with persons who might have witnessed the incident being investigated and taking statements. Sometimes there will be a video. If it was at a game, the Referee's Report should be checked for any references, and all match officials should be spoken to. If somebody was injured, he may be spoken to, and if he is willing to give details of his injuries, a report or a note of these injuries may be taken.

Should the Competitions Control Committee speak with persons who might subsequently be accused of an infraction when carrying out their investigation? There is no fixed answer to this; it will depend on whether the Committee feels it is necessary. As this procedure is not a criminal investigation by the police, there is no right to silence as such, and a "caution" (i.e. a warning that the member may be charged) is not essential.

Where statements are being taken from anybody, it is best practice that two or more members of the Competitions Control Committee attend. This avoids later disputes as regards what was said and to whom etc.

Investigations formerly governed by the old Rule 156 (O.G. 2006), which were carried out as formal Hearings, are no longer provided for in Rule.

On foot of the investigation, a decision to initiate Disciplinary Action may be taken by means of a Collective Committee Decision, and a Disciplinary Report shall be prepared.

## THE DISCIPLINARY REPORT

This is prepared by the Competitions Control Committee or Management, depending on whose investigation it is. The four essential contents of a Disciplinary Report are set out in Rule 144(i) and are:

- The name of the person or Unit accused of an infraction (the Defending Party)
- A brief description of the infraction alleged and the Rule(s) concerned. This means that both a statement of what is alleged to have happened *and* the

The **Proposed Penalty** is what the Competitions Control Committee believes the appropriate penalty, under the applicable Rule(s), to be for the Infraction alleged. The Proposed Penalty can never be less than the minimum applicable. In general, if there

In more complicated cases, a formal Disciplinary Report (with any further documents that are referred to in the Disciplinary Report) will be attached, and a Proposed Penalty will be suggested.

In most cases, the Notice will have a Referee's Report attached and will include any further information needed to make up the requirements (such as the specific Rule provisions), together with a Proposed Penalty.

The Notice must include (either in the letter itself or in the accompanying documents) the four essential provisions of a Disciplinary Report; it must also include a Proposed Penalty; and it must inform the Defending Party of that Party's right to a Hearing by replying within three days of receipt of the Notice, and of that Party's obligation to Reply.

### WHAT MUST THE NOTICE CONTAIN?

- to inform the Defending Party that he is being charged with an Infraction;
- to give him a fair opportunity to dispute the charge brought against him;
- to give him a fair opportunity to admit the charge and accept a suggested penalty; and
- to inform him of his position in the event that he (a) admits or (b) disputes the charge.

The Competitions Control Committee must notify the Defending Party of the Disciplinary Action. The purpose of notification is:

### NOTIFICATION

A formal Disciplinary Report is set out in *Appendix I*. However, it should be noted that in the vast majority of cases, a copy of the Referee's Report with a proper cover letter attached (stating the Rule(s) concerned), will be sufficient without any need for a formal document.

- Copies of all documents and other relevant evidence available to the Competitions Control Committee - this would always include a Referee's Report, where relevant. Also of relevance might be statements taken from witnesses, letters received from witnesses, medical reports (in exceptional cases) or a video tape.
  - A list of witnesses who will be required by the Competitions Control Committee for any Hearing. Where a Referee's Report is concerned, there will usually be no need for any witnesses. The Rules allow for this list to be updated at a later stage if necessary.
- Rule(s) of the Official Guide concerned must be stated. Where a Referee's Report is concerned, the brief description will generally be in the Referee's Report itself, and as long as the Rule is identified in the Notice, a separate statement of what happened will be unnecessary.