

Disciplinary, Grievance and Appeals Policy

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Foreword

The Club and members should always seek to resolve disciplinary and grievance issues arising out of conducting or engaging in GAA Club or related activities. *Note that the handling of disciplinary matters arising out of actual play are covered by the GAA Disciplinary handbook and related chapters within the GAA Official Guide – Chapter 7 for example.* Where this is not possible, the Club and members should consider using an independent third party to help resolve the problem. The third party need not come from outside the organisation but could be an internal mediator, so long as they are not involved in the disciplinary or grievance issue. In some cases, an external mediator might be appropriate like a representative from the County.

Many potential disciplinary or grievance issues can be resolved informally. A quiet word is often all that is required to resolve an issue. However, where an issue cannot be resolved informally then it may be pursued formally. This policy sets out the basic requirements of fairness that will be applicable in most cases; it is intended to provide the standard of reasonable behaviour in most instances.

The Club would be well advised to keep a written record of any disciplinary or grievance cases it has to deal with.

The Club will wish to deal with issues involving child protection under a separate policy.

The Policy

Introduction

1. This Policy is designed to help the Club, members and their representatives deal with disciplinary and grievance situations arising from engaging in activities in and around the Club and including scenarios where the member is representing the Club.

- Disciplinary situations will generally arise from misconduct.
- Grievances are concerns, problems or complaints that members raise with the Club. The Policy does not apply to concerns around child abuse, which has a separate policy nor issues arising from dealing with public complaints that will be dealt with by the executive committee.

2. Fairness and transparency are promoted by developing and using rules and procedures for handling disciplinary and grievance situations. These should be set down in writing, be specific and clear. Members should be encouraged to read this policy and provide feedback if necessary to aid in the development of these rules and procedures. It is also important to help the Club and members understand what the rules and procedures are, where they can be found and how they are to be used. Currently, all Club policies and forms are to be found on the Club's web site.

3. Where some form of formal action is needed, what action is reasonable or justified will depend on all the circumstances of the particular case. Appeal panels will take the size and resources of the Club into account when deciding on relevant cases and it may sometimes not be practicable for the Club to take all of the steps set out in this policy.

4. That said, whenever a disciplinary or grievance process is being followed it is important to deal with issues fairly. There are a number of elements to this:

- The Club and members should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.
- The Club and members should act consistently.
- The Club should carry out any necessary investigations, to establish the facts of the case.
- The Club should inform members of the basis of the problem and give them an opportunity to put their case in response before any decisions are made.
- The Club should allow members to be accompanied at any formal disciplinary or grievance meeting.
- The Club should allow a member to appeal against any formal decision made.

Discipline: Keys to handling disciplinary issues

Establish the facts of each case

5. It is important to carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case. In some cases this will require the holding of an investigatory meeting with the member before proceeding to any disciplinary hearing. In others, the investigatory stage will be the collation of evidence by the Club for use at any disciplinary hearing.

6. In misconduct cases, where practicable, different people should carry out the investigation and disciplinary hearing.

7. If there is an investigatory meeting, this should not by itself result in any disciplinary action. Although not always necessary, the Club will allow a member attending an investigatory meeting to be accompanied by a companion.

8. In cases where a period of suspension of play (separate to actions necessary under the GAA Discipline Handbook), attendance to the premises or Office bearing is considered necessary, this period should be as brief as possible, should be kept under review and it should be made clear that this suspension is not considered a disciplinary action.

Inform the member of the problem

9. If it is decided that there is a disciplinary case to answer, the member should be notified of this in writing. This notification should contain sufficient information about the alleged misconduct and its possible consequences to enable the member to prepare to answer the case at a disciplinary meeting. It would normally be appropriate to provide copies of any written evidence, which may include any witness statements, with the notification.

10. The notification should also give details of the time and venue for the disciplinary meeting and advise the member of their right to be accompanied at the meeting.

11. The meeting should be held without unreasonable delay whilst allowing the member reasonable time to prepare their case.

12. The Club representatives, member and if required, their companion should make every effort to attend the meeting. At the meeting the Club should explain the complaint against the member and go through the evidence that has been gathered. The member should be allowed to set out their case and answer any allegations that have been made. The member should also be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. They should also be given an opportunity to raise points about any information provided by witnesses. Where the Club or member intends to call relevant witnesses they should give advance notice that they intend to do this.

Allow the member to be accompanied at the meeting

13. It is reasonable to expect members to ask to be accompanied by a companion where the disciplinary meeting could result in:

- a formal warning being issued; or
- the taking of some other disciplinary action
- the confirmation of a warning or some other disciplinary action (appeal hearings)

14. Members may also alter their choice of companion if they wish. As a matter of good practice, in making their choice, members should bear in mind the practicalities of the arrangements. For instance, a member may choose to be accompanied by a companion who is suitable, willing and available on site rather than someone from a geographically remote location.

15. Members should make a reasonable request to be accompanied by a representative. What is reasonable will depend on the circumstances of each individual case. A request to be accompanied does not have to be in writing or within a certain

timeframe. However, a member should provide enough time for the Club to deal with the companion's attendance at the meeting. Members should also consider how they make their request so that it is clearly understood, for instance by letting the Club know in advance the name of the companion where possible.

16. If a member's chosen companion will not be available at the time proposed for the hearing by the Club, the Club must postpone the hearing to a time proposed by the member provided that the alternative time is both reasonable and not more than five working days after the date originally proposed.

17. The companion should be allowed to address the hearing to put and sum up the member's case, respond on behalf of the member to any views expressed at the meeting and confer with the member during the hearing. The companion does not, however, have the right to answer questions on the member's behalf, address the hearing if the member does not wish it or prevent the Club from explaining their case.

Decide on appropriate action

18. After the meeting, decide whether or not disciplinary or any other action is justified and inform the member accordingly in writing.

19. Where misconduct is confirmed or the member is found to be behaving unsatisfactorily it is usual to give the member a written warning. A further act of misconduct within a set period would normally result in a final written warning. Breach of the final written warning within a specified time window may lead to the termination of their Club Membership.

20. If a member's first misconduct is sufficiently serious, it may be appropriate to move directly to a final written warning. This might occur where the member's actions have had, or are liable to have, a serious or harmful impact on the Club or any of its members.

21. A first or final written warning should set out the nature of the misconduct or poor behaviour and the change in conduct or

improvement in behaviour required (with timescale). The member should be told how long the warning would remain current. The member should be informed of the consequences of further misconduct, within the set period following a final warning. For instance that it may result in dismissal or some other penalty such as denial of Club services.

22. A decision to dismiss should only be taken by the executive who have the authority to do so. The member should be informed as soon as possible of the reasons for the dismissal; the date on which membership will end and their right of appeal.

23. Some acts, termed gross misconduct, are so serious in themselves or have such serious consequences that they may call for dismissal without notice for a first offence. But a fair disciplinary process should always be followed, before dismissing for gross misconduct.

24. Disciplinary rules should give examples of acts, which the Club regards as acts of gross misconduct. These may vary according to the nature of the organisation and what it does, but might include things such as theft or fraud, physical violence, gross negligence or serious insubordination.

25. Where a member is persistently unable or unwilling to attend a disciplinary meeting without good cause the Club should make a decision on the evidence available.

Provide members with an opportunity to appeal

26. Where a member feels that disciplinary action taken against them is wrong or unjust they should appeal against the decision. Appeals should be heard without unreasonable delay and ideally at an agreed time and place. Members should let Clubs know the grounds for their appeal in writing.

27. The appeal should be dealt with impartially and, wherever possible, by a Club Officer panel that have not previously been involved in the case.

28. Members can be accompanied at appeal hearings.

29. Members should be informed in writing of the results of the appeal hearing as soon as possible.

Special cases

30. Where disciplinary action is being considered against a member who is an Officer of the Club, the normal disciplinary procedure should be followed.

31. If a member is charged with, or convicted of a criminal offence this is not normally in itself reason for disciplinary action. Consideration needs to be given to what effect the charge or conviction has on the member's relationship with the Club and wider membership and the Club's reputation.

Grievance: Keys to handling grievances

Let the Club know the nature of the grievance

32. If it is not possible to resolve a grievance informally, members should raise the matter formally and without unreasonable delay with a Club Officer who is not the subject of the grievance. This should be done in writing and should set out the nature of the grievance.

Hold a meeting with the member to discuss the grievance

33. The Club should arrange for a formal meeting to be held without unreasonable delay after a grievance is received.

34. The Club representatives, member and their companion should make every effort to attend the meeting. The member should be allowed to explain their grievance and how they think it should be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary.

Allow the member to be accompanied at the meeting

35. The Club is sympathetic to the position a member might feel they are in by raising a grievance and as such, the member may be accompanied by a companion at a grievance meeting.

36. Members may also alter their choice of companion if they wish. As a matter of good practice, in making their choice, members should bear in mind the practicalities of the arrangements. For instance, a worker may choose to be accompanied by a companion who is suitable, willing and available on site rather than someone from a geographically remote location.

37. Members should make a reasonable request to be accompanied by a representative. What is reasonable will depend on the circumstances of each individual case. A request to be

accompanied does not have to be in writing or within a certain time frame. However, a member should provide enough time for the Club to deal with the companion's attendance at the meeting. Members should also consider how they make their request so that it is clearly understood, for instance by letting the Club know in advance the name of the companion.

38. If a member's chosen companion will not be available at the time proposed for the hearing by the Club, the Club must postpone the hearing to a time proposed by the worker provided that the alternative time is both reasonable and not more than five working days after the date originally proposed.

39. The companion should be allowed to address the hearing to put and sum up the member's case, respond on behalf of the member to any views expressed at the meeting and confer with the member during the hearing. The companion does not, however, have the right to answer questions on the member's behalf, address the hearing if the worker does not wish it or prevent the Club from explaining their case.

Decide on appropriate action

40. Following the meeting decide on what action, if any, to take. Decisions should be communicated to the member, in writing, without unreasonable delay and, where appropriate, should set out what action the Club intends to take to resolve the grievance. The member should be informed so that they can appeal if they are not content with the action taken.

Allow the member to take the grievance further if not resolved

41. Where a member feels that their grievance has not been satisfactorily resolved they should appeal. They should let their Club know the grounds for their appeal without unreasonable delay and in writing.

42. Appeals should be heard without unreasonable delay and at a time and place, which should be notified to the member in

advance.

43. The appeal should be dealt with impartially and wherever possible by a Club Officer who has not previously been involved in the case.

44. Members can be accompanied at any such appeal hearing.

45. The outcome of the appeal should be communicated to the member in writing without unreasonable delay.

Overlapping grievance and disciplinary cases

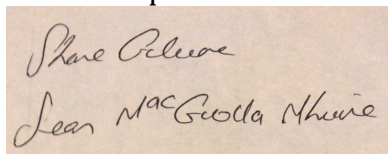
46. Where a member raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

Collective grievances

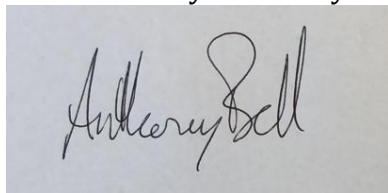
47. The provisions of this policy do not apply to grievances raised on behalf of two or more members and should be handled as a collective grievance process, which invariably is exemplified typically in a motion proposal at either the annual general or an extraordinary meeting. This would be considered the step to pursue if a resolution cannot be achieved through informal means.

The executive committee has approved this policy in July 2020

Club Chairperson - Shane Gilmore

A photograph of a piece of light brown paper with two handwritten signatures in black ink. The first signature is 'Shane Gilmore' and the second is 'Sean MacGiolla Mhuire'.

Club Secretary - Anthony Bell

A photograph of a piece of light blue paper with a handwritten signature in black ink that reads 'Anthony Bell'.

Appendix 1

Typical panel composition for a disciplinary or grievance meeting will comprise the following:

The Chairperson – who will chair the meeting

The Secretary – who shall be secretary

At least two other Club Officers.

If any of the above Officers are implicitly involved in the disciplinary incident or grievance, then they will be replaced with another Club Officer.

Typical panel composition for an appeal meeting will comprise the following:

The Vice Chairperson – who will chair the meeting

The Assistant Secretary – who shall be secretary

At least two other Club Officers.

If any of the above Officers are implicitly involved in the disciplinary incident or grievance, then they will be replaced with another Club Officer.

Appendix 2

The Disciplinary Process

1. The Club is made aware of an issue and reflects on whether this deserves an informal approach or needs further investigation.
2. If further action is deemed necessary, then the Club contacts the person in question and asks for a formal response to the allegation(s).
3. The person presents the facts from their perspective, either in writing or at a face-to-face investigatory meeting.
4. The executive reviews the feedback and decides whether there is a case to answer or not. If there is no case then the executive write out to the person stating the outcome, otherwise the executive activates the disciplinary panel.
5. The disciplinary panel requests a formal meeting and allows the member to have a companion and present their response to the Club's statement.
6. On conclusion of the meeting, the panel deliberate and share their decision with the executive committee, progressing to issuing the relevant warning and sanctions if appropriate.
7. If the person in question is not satisfied with the decision, then they can make an appeal to the executive.
8. On appeal, the executive activates the appeal panel.
9. The appeal panel and person meet and the person is given the opportunity to state their case as to why in their view, the decision is unsatisfactory.
10. The appeal panel deliberate and return their decision.

Appendix 3

The Grievance Process

1. The Club is made aware of a complaint and enquires as to whether this can be resolved informally.
2. If further action is deemed necessary, then the Club contacts the person in question and asks for a formal response from the complainant.
3. The person presents the facts from their perspective, either in writing or at a face-to-face investigatory meeting.
4. The executive then activates the grievance panel.
5. The grievance panel requests a formal meeting and allows the complainant to have a companion and present their case.
6. On conclusion of the meeting, the panel deliberate and share their decision with the executive committee, progressing to writing out their decision to the complainant.
7. If the person in question is not satisfied with the decision, then they can make an appeal to the executive.
8. On appeal, the executive activates the appeal panel.
9. The appeal panel and person meet and the person is given the opportunity to state their case as to why the decision is unsatisfactory.
10. The appeal panel deliberate and return their decision.

Appendix 4

Behaviour and Conduct

Behaviour means the way a person behaves or acts whereas **conduct** means the act or method of controlling or directing.

As an example: “I have to commend you on your excellent conduct during the preparation for today’s awards ceremony John. Despite your behaviour earlier in the day when we were putting out the tables, when you were challenged about this, you then took time to reflect on this and accepted that your behaviour was counter productive and irritating many others. You then conducted the remainder of your involvement in the hall preparation in a very sensible and mature fashion”.

Appendix 4

Examples of Misconduct

Any of the following acts may in the view of the executive constitute an act of gross misconduct. It should be noted that the list is not exhaustive and merely serves to represent the behaviour or misconduct that the Club will not tolerate – theft, fraud, physical violence, gross negligence, serious damage to Club property by whatever means, acts related to banned substances or serious insubordination to a Club official performing a role where there are concerns of health and safety to members, visitors and Club property.