

Grievance and Disciplinary Procedures

1.1 The Party and its members commit themselves to the highest standard of conduct and governance in their activities relating to the Party and adherence to the Party's Code of Conduct.

1.2 Party members are subject to the disciplinary procedures set out in this document and as supplemented by such Standing Orders as may be adopted from time to time by the Executive Committee.

1.3 The Executive Committee shall appoint a confidential recipient who may receive a complaint from any Party member and may advise said party member as how best to proceed in relation to any such complaint. Where a member so wishes, the confidential recipient may make a complaint on behalf of the member and the confidential recipient shall not disclose any identifying information regarding the member making the complaint unless expressly authorised to do so by the member making the complaint.

1.4 Where a complaint relates to matters exclusively within a branch, it shall primarily be the function of the chairperson of the branch to investigate and resolve the complaint.

1.5 Where a complaint relates to matters exclusively within a branch, the chairperson, treasurer or secretary of that branch may act as the confidential recipient. In the alternative, the branch may appoint a confidential recipient to act on behalf of the branch. Any person acting in the capacity of confidential recipient shall refer the member making a complaint to the confidential recipient appointed by the Executive Committee where it is not possible or appropriate for the matter to be resolved exclusively within a branch. The highest level of confidentiality shall be accorded to any member making such a complaint by the confidential recipient or and person acting in such a capacity.

1.6 Where it is not possible or inappropriate for the chairperson of the branch to satisfactorily address a complaint, the chairperson, the individual making the complaint or the confidential recipient may refer the complaint to the Secretary General who will then appoint a suitable person to investigate and resolve the complaint.

1.7 Where a complaint relates to matters not exclusively within the province of a branch, such a complaint shall be investigated and resolved by a suitable person appointed by the Secretary General.

1.8 Should the Secretary General, a suitable person appointed by the Secretary General to investigate and resolve a complaint or the branch chairperson be of the view that it is not appropriate, just or reasonable to investigate and resolve the matter without recourse to formal hearing, the Executive Committee shall be advised by the Secretary General to appoint a suitable person as Convenor to organise and conduct an oral hearing. It shall be the responsibility of the Convenor to ensure that the rules of the party Constitution, fair procedures and the principles of natural and constitutional law are adhered to at all times.

2. Disciplinary Hearings

2.1 At any oral hearing in relation to disciplinary matters all parties to the proceedings shall be entitled to be represented. All hearings shall take place *in camera*. The Convenor shall have the authority to receive oral and documentary evidence and oral and written submissions on behalf of

the parties. This documentation includes but is not limited to party documentation, minutes of meetings, correspondence and electronic communications.

2.2 Any factual determinations made by the Convenor shall be communicated in writing and distributed to the parties to the hearing and the Executive Committee. The Convenor, the parties to the hearing and the Executive Committee may not disclose to any other person the contents of such a factual determination.

2.3 Based upon the factual findings made by the Convenor, the Convenor shall recommend to the Executive Committee what, if any, appropriate disciplinary measures should be taken in respect of a party or parties to the hearing. The Executive Committee may, where necessary, seek further information from the Convenor.

2.4 Should the Executive Committee wish to add, remove or substitute any recommendation of the Convenor, the Executive Committee shall give reasons, in writing, for such a decision. Such a decision and the reasons for same shall be distributed to the Convenor, the parties to the hearing and, where relevant, the Appeals Tribunal. The decision of the Executive Committee may not be distributed to third parties. For the avoidance of doubt, this does not inhibit the dissemination of relevant information by the Executive Committee in order to give full effect to any disciplinary measure or measures imposed.

2.5 Where any party to the proceedings wishes to appeal the factual determination of the Convenor or the disciplinary measures adopted by the Executive Committee, the Secretary General must be informed in writing of the intention to appeal within 14 days of the communication of the factual determination and disciplinary measures to the relevant parties.

3. Appeals

3.1 The Appeals Tribunal shall be appointed annually by the National Executive and shall act for a period of one year which may be renewed. A member of the Appeals Tribunal may not be a member of the National Executive or hold any other senior position within the party. There shall be three members of the Appeals Tribunal. Members of the Appeals Tribunal shall be of sufficient knowledge, experience and good character to ensure the credibility of the appeals process. One member of the Appeals Tribunal shall act as Chairperson. It shall be the responsibility of the Chairperson of the Appeals Tribunal to ensure that the rules of the party Constitution, fair procedures and the principles of natural and constitutional law are adhered to at all times. The decisions of the Appeals Tribunal must be a simple majority.

3.2 The General Sec. shall convene a meeting of the Appeals Tribunal for the purpose of determining the manner in which the appeal should be conducted. The Appeals Tribunal shall allow for the making of written and oral submissions. Appeals shall be conducted *de novo*, however the Appeals Tribunal shall be entitled to consider all documentation furnished to the Convenor, the factual determinations of the Convenor and such disciplinary measures imposed, if any, by the Executive Committee.

3.3 The findings of the Appeals Tribunal and such disciplinary measures imposed, if any, shall be final and imposed by the Executive Committee without further review by the Executive Committee. Such a decision and the reasons for same shall be distributed to the Convenor, the parties to the hearing and the Executive Committee. The decision of the Appeals Tribunal may not be distributed to third parties. For the avoidance of doubt, this does not inhibit the dissemination of relevant information by the Executive Committee in order to give full effect to any disciplinary measure or measures imposed.

4. Disciplinary Measures

4.1 The disciplinary measures which may be recommend by the Convenor, imposed by the Executive Committee or imposed by the Appeals Tribunal are as follows:

1. Permanent Dismissal from the Party and return of the annual subscription for the year within which the determination was made
2. Suspension of membership of the party for a period not greater than one year
3. Suspension of entitlement to participate in any party activities for a period not greater than 6 months
4. Suspension of the capacity to hold office within the party for a period not exceeding one year
5. Suspension of voting rights within the party for a period not exceeding one year
6. Suspension of entitlement to attend specified party events for a period not exceeding one year
7. An injunction preventing engagement in specified conduct at party events for a period not exceeding one year
8. A formal written warning, effective for a period not exceeding two years
9. An informal warning
10. An advisory letter of concern
11. No action

4.2 Regarding the advisory letter of concern, it shall be open to the National Executive or Appeals Tribunal as the case may be to include in such a letter what matters are deemed appropriate to the dispute.

4.3 These disciplinary measures are not exclusive and it shall be open to the National Executive or Appeals Tribunal as the case may be to impose one or more of the measures set out above. Further it is open to the National Executive or Appeals Tribunal to suspend the imposition of disciplinary measures for a period not exceeding twice the duration of the maximum duration of any sanction, where the sanction is ordinarily time-limited.

4.4 For the avoidance of doubt, where a confidential recipient or any other person acting in an official capacity on behalf of the party is in receipt of information the substance of which gives rise to a reasonable belief that a criminal offence has occurred in the course of party activities, that confidential recipient or official shall report the relevant information to a member of an Garda Siochana or other external authority charged with the investigation of such matters on behalf of the State.

4.5 Failure to do so shall be a matter subject to sanction within the rules of this constitution.

5. Matters Subject to Disciplinary Action

5.1 The members of the party, agreeing that their conduct must at all times be conducive to the advancement of the aims of the party, undertake not to act or fail to act in a manner which brings the party into disrepute.

5.2 The following shall be taken into account when determining whether an act or omission ought to merit disciplinary action:

1. The position the person occupies or has occupied within the party;
2. The act or omission;
3. The circumstances giving rise to the act or omission;
4. Any steps taken to remedy the act or omission;
5. The extent to which the act or omission did or threatened to bring the party into disrepute;
6. The connection between the party and the act or omission;
7. Any other relevant information.

5.3 The following acts or omissions, due to their serious nature, shall be referred to a Convenor for disciplinary hearing:

1. Financial mismanagement;
2. Unauthorised making of statements on behalf of the party or a section thereof;
3. Breach of the *in camera* rule in respect of certain meetings;
4. Misuse of party resources, including data held by the party;
5. Harassment;
6. Failure to report a suspected criminal offence carried out by a person acting for or on behalf of the party or a section thereof;
7. The failure to report a suspected offence, information about which was obtained while acting in an official capacity within the party;
8. Bringing the party into disrepute;

5.4 Further, the Executive Committee may from time to time adopt Standing Orders governing the conduct of members of a specific group thereof and stipulate that certain acts or omissions constitute a breach of party discipline.

ENDS