



DISCIPLINARY PROCEDURE

Overview

Where a member's conduct or behaviour is alleged to be sufficiently unacceptable that a complaint needs to be brought, the following procedure shall be followed. The following basic principles shall apply and no disciplinary action shall be taken until the set procedures have been followed.

Any investigation shall be both independent and objective.

At every stage of the procedure, the Respondent shall be advised of the nature of the allegation against him/her and which stage the procedure has reached. Actions required of the Respondent to rectify the situation if appropriate, and the consequences of failing to meet these conditions, shall be clearly stated. There shall be no undue delay in bringing the matter to a conclusion.

Detail procedure

The following procedure shall be followed in handling disciplinary matters.

Stage 1 – Report to Finance & Policy Executive Committee

In the first instance the situation shall be drawn to the attention of the Finance & Policy Executive Committee by the Complainant writing to the Hon Secretary. On receipt of the complaint, one of the Flags (normally the Vice-Commodore) shall write to the Respondent with details of the allegation, requesting the Respondent to reply in writing to him within 7 days. After this period the flag officer shall make such enquiries as needed to establish any supporting evidence and may attempt to obtain a reconciliation between the two parties. Failing any satisfactory reconciliation, the Finance & Policy Executive Committee shall then consider both the complaint and any response and decide on a course of action. Both the Complainant and Respondent shall be advised of that decision in writing. In the event of a minor dispute, the letter shall identify what action the Respondent needs to take to avoid any further action, and shall draw attention to the Club's Disciplinary Procedure. If the allegation is considered at this stage to be gross misconduct, the committee can recommend at this stage to proceed directly to a hearing by the Disciplinary Panel.

The following is an indicative, but non-exhaustive, list of acts that **might** constitute Gross Misconduct:

- Theft from the club,
- Serious verbal abuse of a club member, officer or member of staff.
- Violence, threats of violence, fighting or inciting others to commit these acts.
- Malicious damage to club property or a member's property.
- Committing an illegal act on the club premises.
- Bringing the club into disrepute.
- Conduct prejudicial to the best interests of the Club.

Stage 2 – Report to General Committee

In the event of the Respondent not rectifying their actions, or of a repeat occurrence of the complaint, this shall be reported to the Finance & Policy Executive Committee. A flag officer shall review the situation against the actions the Finance & Policy Executive Committee recommended to the Respondent and can recommend that a further warning be given, in which case any further dispute would return to the Stage 2 process, or he/she can recommend that the case be referred to the Disciplinary Panel for resolution. Under no circumstances shall a recommendation for expulsion, suspension or revocation of rights or privileges be considered without recourse to the Disciplinary Panel. The Respondent shall be informed in writing of the decision taken.

Stage 3 – Hearing by Disciplinary Panel

The Disciplinary Panel shall consist of 3 members of the Club, appointed by the Finance & Policy Executive Committee who in the opinion of the Finance & Policy Executive Committee are considered to be senior and respected Club members. The respondent shall be given 28 days' notice of the hearing, and be offered the opportunity to represent

Portchester Sailing Club

themselves and shall be reminded of the Disciplinary procedures of the club. The principles of the disciplinary hearing shall be as follows: -

The Respondent shall be asked to confirm their acceptance of the Disciplinary Panel members' impartiality and shall not unreasonably withhold it after a choice of Panel membership has been offered. In the event it is not possible to gain acceptance the Respondent's objections shall be noted and the hearing shall be held.

Strict confidentiality shall be maintained throughout the hearing.

An accurate note of the proceedings shall be made. The club may wish to appoint an impartial third party for this purpose, in which case, the appointment shall be to the agreement of all parties. During the hearing the Respondent may be accompanied by a third party (who shall not be a lawyer), except where their presence could prejudice the hearing or where they might have a conflict of interest. The accompanying person shall be permitted to address a hearing but may not answer questions on the member's behalf.

The order of proceeding shall be: -

1. The Complainant shall state their case, if present, or the allegation shall be read aloud.
2. The Respondent shall be allowed to cross-question the Complainant or challenge the details of the allegation.
3. The Respondent shall give their version of events.
4. The Respondent and Complainant may be cross-questioned by the panel.
5. The Respondent and Complainant shall call any supporting witnesses or statements to support their case.
6. The panel may cross-question the witnesses or investigate statements.
7. If present the Complainant may give a closing address. The Respondent shall give a closing address.
8. The Complainant and Respondent, together with any witnesses shall then leave the hearing.

The panel shall consider the verdict on the facts given and recommend any action to be taken to the General Committee. Decisions shall be reached by a simple majority verdict and might comprise,

No action to be taken,

A recommendation to keep the situation under review,

A full or partial revocation of rights or privileges of the Respondent,

A period of suspension from the club, pending further investigations,

Expulsion from the club.

The panel shall produce a brief written resume of the facts, their decision and their reasons for the decision in the event the matter is appealed to a General Meeting of the club.

Upon verification by the General Committee, the Respondent shall be invited to address the General Committee in accordance with rule 10b and then informed in writing of the outcome of the Disciplinary Panel.

Stage 4 - Appeal to a General Meeting in the event of termination of membership

This step shall only be available to a Respondent whose membership has been terminated and who has given the appropriate notice of appeal.

At the appropriate point on the agenda of the General Meeting the order of proceeding shall be: - The resume of the Disciplinary Panel shall be read aloud.

If present the Complainant may give a closing address.

If present the Respondent may give a closing address.

The meeting shall vote by a simple majority to accept or reject the recommendation of the Disciplinary Panel to terminate the Respondent's membership.

Glossary of Terms

General Committee (Gencom)

This is the highest democratically elected decision making body of the club.

Finance & Policy Executive Committee (F&P)

This is the part of the Club Management that deals with legal matters.

Complainant

The person, group or body making an allegation against a member of the club.

Respondent

Person or persons against whom any allegations are made.

Issue 3: Approved by the General Committee on 27th June 2016