

## **WSC Disciplinary Procedure** (adopted by General Committee 1st June 2020)

### **Introduction**

Where disagreements arise between Members, the expectation is that in the vast majority of cases they will be resolved informally. This procedure is for the rare occasions when informal resolution is not possible.

The Club's disciplinary procedure applies to all Members of the Club and aims to ensure that all Members are treated fairly and consistently in regard to their conduct. The procedure may be reviewed and amended by the Committee from time to time to meet any change in requirements.

In these regulations 'Committee Member' means any Member of the Committee as set out in rule C1 (a)(b)(c) and (d). Otherwise, definitions in the Club Rules Book apply to these regulations.

### **Principles**

- No disciplinary action will be taken until an investigation has been undertaken by a person/persons, appointed by the Commodore. The investigator will not be a member of any disciplinary panel relating to the matters he or she investigates.
- Disciplinary matters will be concluded without undue delay.
- Disciplinary matters will be treated confidentially and only those directly involved in the procedure will be informed.
- Disciplinary matters will normally be heard by the Committee.
- The Committee will normally appoint a smaller panel (usually 3 Members) to conduct the hearing, with a right of appeal to a further panel of Committee Members who have not been involved in the original hearing.
- A Member who is the subject of disciplinary action will be advised in writing of the nature of the complaint against them, will be allowed sufficient time to prepare for a disciplinary hearing, and will be given the opportunity to state their case.
- The Member will have the right to be accompanied by a fellow Member, or by another representative (but not a legal representative) at the discretion of the panel.
- The Member will have the right to appeal against any sanction or penalty imposed, and for that appeal to be heard by a panel of Committee Members not involved in the original disciplinary hearing.
- A proper record will be kept of any disciplinary decision, taking into account the need for confidentiality.
- A complainant will be informed of the result of the disciplinary procedure when the matter is concluded.

Examples of misconduct offences include but are not limited to the following:

- Failure to comply with Club rules, byelaws, regulations, policies or codes of conduct, including health and safety and safeguarding policies.
- Failure to pay Membership subscriptions, boat fees or other monies owed to the Club within a reasonable time.
- Theft or misappropriation.
- Deliberate damage to the property of the Club or a Member.
- Assault on or deliberate injury to a Member, guest or employee.
- Foul, abusive or discriminatory language or behaviour or harassment.
- Harming or placing at risk of harm a child or young person aged under 18 or a vulnerable person.
- Conduct, whether within or outside the Club, which might bring it into disrepute by association.

## **Procedure**

### **Receipt of complaint**

1. A complaint is received by the Club and passed to the Commodore and acknowledged.
2. The Commodore informs the Committee that a complaint has been received and appoints a Committee Member to investigate it excluding any Member who is related to either the complainant or the Member who is the subject of the complaint, and any Member who has been involved in a previous disciplinary action involving the same Member. If the complaint is against the Commodore, then the Vice Commodore or Rear Commodore carries out the actions required of the Commodore in this procedure.
3. If the presence at the Club of the Member who is the subject of the complaint may put others at risk, their Membership and/or attendance may be temporarily suspended pending the investigation and the outcome of any subsequent disciplinary hearing.

### **Investigation**

4. The matter is investigated; this may include speaking to the complainant and gathering statements from any witnesses. In the case of failure to make a payment, it may involve checking the club's financial records
5. If, during the course of the investigation, it appears that the Member may have committed a criminal offence, this may be reported to the Police and the internal disciplinary procedure will be put on hold until any Police investigation and subsequent prosecution has been concluded.

### **Hearing**

6. If appropriate the Commodore appoints three Committee Members to make up a Disciplinary Committee, (the Member who conducted the investigation may be asked to present the case on behalf of the club), excluding any Member who is related to either the complainant or the Member who is the subject of the complaint, and any Member who has been involved in a previous disciplinary action involving the same Member.
7. The date, time and venue for the disciplinary hearing are decided, allowing sufficient time for the Member to prepare their case.
8. The Member is informed in writing of the nature of the complaint, is asked to attend the disciplinary hearing, informed of their right to be accompanied and provided with copies of this procedure, any relevant documents and witness statements.
9. If the Member is unable, for good reason, to attend on the appointed date, the Disciplinary Committee should endeavour to agree a suitable alternative date. If the Member is unable to agree a mutually acceptable date within a reasonable period, the hearing may take place in their absence.
10. The disciplinary hearing takes place.
11. No witnesses or statements should be introduced at the hearing without prior notice and copies of all written evidence must be produced for consideration prior to the hearing, to be available in advance to the parties.
12. The Disciplinary Committee may adjourn the hearing to allow further evidence to be referred to if the Disciplinary Committee considers it fair to do so.

### **Decision**

13. The Disciplinary Committee decides whether misconduct has taken place, and if so decides on an appropriate and proportionate sanction or penalty.
14. After the Disciplinary Committee has reached a decision, the subject of the complaint will be notified in writing of such decision and informed of any penalties within 7 days of the decision being reached, penalties will be effective from the date of the decision. If relevant, the Member should be informed of his right of appeal and the timescales involved.
15. A confidential record is made of the disciplinary decision. This record is held by the Secretary.

### **Appeal**

16. If the Member appeals, the matter is referred to a further panel of Committee Members who were not involved in the original hearing. The appeal hearing may uphold the original decision, reverse it, or reduce the penalty but may not increase it.
17. The appeal decision is final.

### **Conclusion**

18. The complainant is informed that the matter has been concluded.

### **Appeals:**

An appeal may be made on the following grounds:

- the Club has failed to follow a fair process; and/or
- the Member feels that the sanction is disproportionate to the offence

If an appeal is to be made, then written notice of appeal by way of first-class recorded delivery post to the Secretary must be given by the Member, within 28 days of being notified of the decision. No appeal will be valid or considered after that period has elapsed. The Member must give full written grounds for the appeal, stating exactly what is being appealed against and the reasons for this.

An appeal hearing will be convened as soon as practicable and will consist of an Appeal Committee normally of three Committee Members who did not take part in the first hearing and who will elect their own chairperson (who will have the casting vote).

New evidence cannot be presented at the appeal hearing. The Appeal Committee shall have the power to uphold the original decision, reverse it, or reduce the penalty but may not increase it. The decision of the Appeal Committee is final and binding on the parties.