

Stratford Upon Avon Boat Club Grievance and Disciplinary Procedure

The object of these procedures is to ensure that any grievance/ disciplinary matter is dealt with at the appropriate level in a fair and timely manner. They also provide a framework within which the Club can work with its members to maintain satisfactory standards of conduct and to encourage improvement where necessary.

Before any formal complaint is made to the Club Executive it should, **in the first instance, be dealt with by the relevant squad VC who must attempt to resolve it as part of their duties. All complaints except welfare should be made directly to the relevant VC for resolution.**

However, where a formal disciplinary/ complaint process is invoked, the following shall apply:

Complaint Process (see Complaint Process High Level Flow Chart)

- Any formal complaint must be made in writing (including email) and be addressed to the Chair/Vice Chair. The club Welfare Officer may issue a complaint on behalf of one or more people who have been subject to bullying. Ideally the complaint would include reason for the complaint, date the subject of the complaint occurred, contact details (email or address and phone number).

Within 5 days of receiving the written complaint The Chair/Vice Chair

 - will confirm firstly with the Welfare Officer that the complaint is not welfare related. If it is deemed to be welfare related then the Welfare Officer will undertake the investigation.
 - will provide an acknowledgement to the complainant and advising that the complaint will be referred to the club Executive(Exec)
 - Will refer the complaint to the Exec
- The Exec will then determine if the complaint is merited. If not, the complainant is notified accordingly. If the complaint is merited, a formal complaint process is organised. The Executive will provide a response to the complainant within 10 days.
- If the complainant is not satisfied with the Exec response (they must notify the Exec within 5 days) or where a formal complaint process has been agreed. the Exec will immediately appoint two senior members of the club (with over two years continuous membership) and not previously involved in the dispute to investigate the case ("Case Officers").
- The Case Officers will try to resolve the issue informally in the first instance if appropriate. This stage may clarify misunderstandings or help to fully identify the issues in the dispute and may serve to resolve the issue before moving to a formal hearing. Within 10 days, the Case Officers will speak to and advise each party separately to inform them of the procedure and seek information.
- The Case Officers will arrange a meeting with the complainant and the responder within 15 days. The meeting will be attended by the Case Officers, plus in the case of a junior/vulnerable adult the parents/guardians and Club Welfare Officer. The club may also send the Club Secretary or other note taker. The minutes of the in-person meeting shall promptly be passed to the complainant and responder.

- The Case Officers will present their report and conclusions to the Executive. The Executive will make a decision and recommend an action “Outcome” based on the meeting. This will be made in writing by the Executive and issued to the complainant and respondent within 15 days
- The decision of the Executive is final, and not subject to further appeal. See Potential Outcomes Section.
- The Club Secretary will manage the timescales and notify all parties of progress throughout.

Formal Disciplinary Procedure (see Formal Disciplinary Procedure High level flow chart)

Where the club wishes to formally discipline an individual or organisation who has contravened the organisations rules or code of conduct, or who is deemed to have brought the Club or sport organisation into disrepute, a similar framework will be adopted as the Grievance Procedure. This framework lays out the principles required to ensure a fair and transparent process is followed and natural justice is done. The club reserves the right to immediately suspend or prevent access for the person(s) to the Club or Club equipment, if it is felt by the Club that the matter is sufficiently serious, pending any formal investigation.

Mediation

- The Club may wish first to endeavour to resolve the matter by mediation. An independent person (a Mediator from outside of the Club) is sought to moderate this meeting.
- The disciplinary case should be set out by the Executive, including where possible details of any rules or agreements that have been deemed contravened.
- The Mediator, should advise the terms of the procedure and who attends the meeting which must be held within 15 days.
- Following the meeting a written outcome is provided to both parties within 10 days. This stage may resolve the situation, clarify any misunderstandings, help identify the issues in dispute or agree an outcome that is acceptable to both parties
- If both parties are satisfied with the outcome (or fail to provide written objections to the Mediator or Club Secretary within 10 days of being notified of the outcome), it shall become binding and not subject to a hearing
- The outcome of the mediation stage may be referred to in any subsequent hearing or appeal as may any failure or refusal to participate in such proceedings.

Disciplinary Hearing

If a satisfactory resolution is **not** reached the Club must set out in writing the details of the disciplinary case including, where possible, details of any rules or agreements that have been deemed contravened and sent to the person accused in writing within a reasonable timescale. This

notice should contain details of the disciplinary procedure, including timescales, and the right of appeal.

- A hearing panel is set up of a minimum of the Chair and two independent members from other, outside organisations and not previously involved, one of whom may have relevant 'expert' knowledge. All panel members must declare any conflicts of interest.
- The individual or organisation against whom the disciplinary action is being taken should signify agreement to the constituted panel within five days. The panel will only be changed where there is clear **evidence** that the panel is not independent.
- The panel must give a fair and independent hearing to both sides of the dispute within an appropriate and agreed timescale.
- The individual or organisation against whom the disciplinary action is being taken has the right to be accompanied at the hearing by one person.
- If either party chooses not to attend the hearing, the panel, if properly constituted, has the right to proceed with the hearing based on written submissions.
- Discussions should be well recorded with written minutes.
- The result of the hearing, with sufficient reason to explain the result, must be communicated in writing to both parties within 15 days of the date of the hearing.
- The panel and both parties should be aware of the possible outcomes of the disciplinary hearing in line with the Club's constitution.
- The panel may wish to call on 'expert' witnesses for advice.
- If the outcome of the hearing is unacceptable to either party, they have the right to appeal.

The Club Secretary will manage the timescales and notify all parties of progress throughout.

Appeal Procedure

If either party wishes to appeal against the outcome of the disciplinary hearing, they should set out the grounds on which they wish to appeal in writing. This letter should be sent to the Chair of the hearing within 10 days of the outcome of the initial hearing being known.

An appeal should only be granted where there is a "**strong arguable case**" that either:

- a) relevant information was ignored or not considered by the original panel;
- b) or the disciplinary process was tainted by unreasonable bias or conflict of interests;
- c) or the provisions of the disciplinary procedure were not adhered to;
- d) or the original panel exceeded its jurisdiction;
- e) or the findings of the original panel were irrational or otherwise exhibited an error of general law.

- The Club must appoint an independent appeal panel of three individuals to consider the appeal, none of whom have had any prior involvement in the matter. The panel may be drawn from other British Rowing affiliated clubs in the region.

- The chair of the appeal panel should convene a hearing of the appeal panel in a timely manner and, in consultation with the other panel members, will decide the conduct of the proceedings. If appropriate he may request written submissions and the appeals panel may or may not require the parties to be attend. If they do attend the accused has the right to be accompanied by one person.

- Discussions should be well documented with minutes in writing.

- The outcome of the appeal panel, with sufficient reason to explain the outcome, will be communicated to both parties within 15 days of the appeal panel hearing.

- The outcome of the appeal will be final

The Club Secretary will manage the timescales and notify all parties of progress throughout.

Potential Outcomes

The Case Officers and or Exec may

a. Require the parties to enter into a form of mediation, or settlement discussions at any time (since saying sorry often bypasses a lot of process and ill feeling and this is a sports club not a court) and may take any non-compliance or further bad behaviour into account in the outcome or hearing outcome;

b. Take into account prior conduct, disciplinarys and sanctions (particularly if a “last warning” type warning was given before);

c. As part of the outcome impose any of the following sanctions (or a combination thereof):

i. no action

ii. verbal warning (more minor)

iii. written warning (more serious)

iv. suspension from competition;

v. suspension from use of some club facilities, or bans on attending club events (e.g. social events or training camps);

vi. full suspension from the Club;

vii. (in the case of non-members, such as parents) exclusion from Club premises;

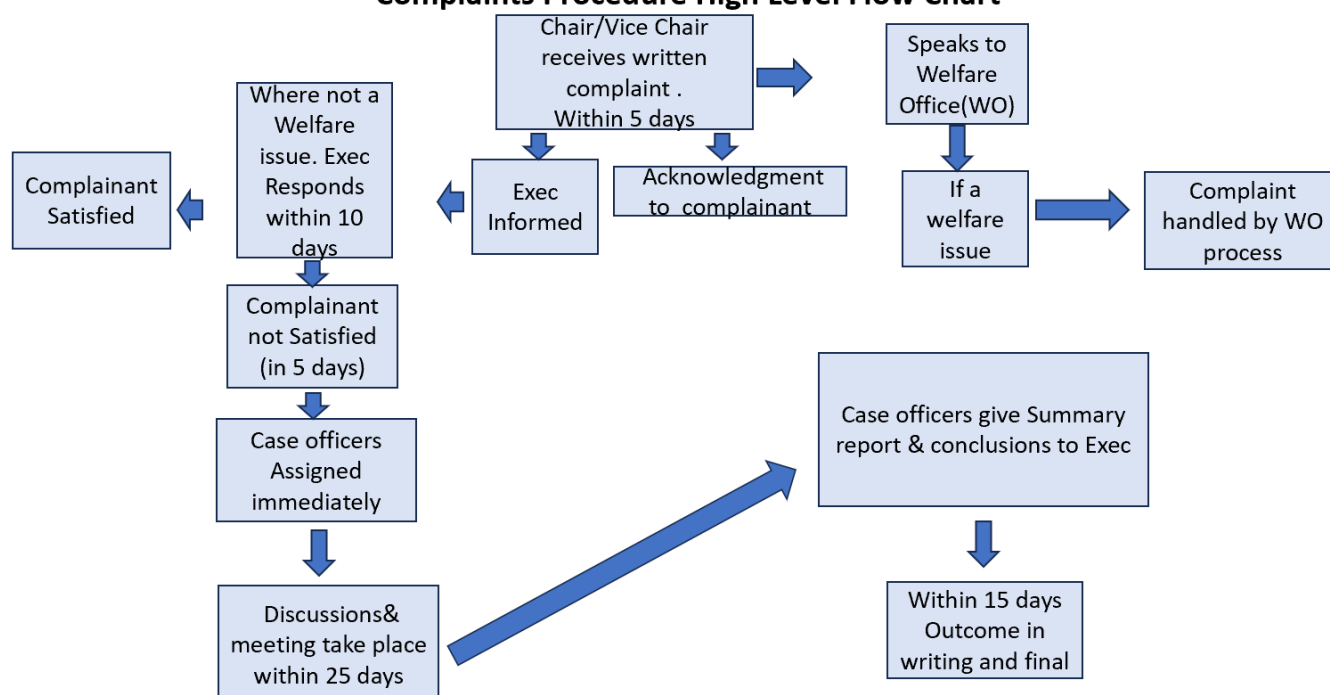
viii. expulsion from membership (appeal outcome only, per Club Constitution

9. In all cases:

- a. The Case Officers, Mediator, Executive and hearing Panel are acting as experts not arbitrators and no rights of appeal to the courts apply;
- b. The admissibility of evidence is up to the Case Officers, Mediator and/or hearing panel;
- c. Minutes recorded by the Club will be sent to the participants of the meeting for comment, but in the event of disagreement the Secretary's decision is final;
- d. The complainant and respondent shall not require the Case Officers or any Club official to give evidence in court; and
- e. The parties' consent to all correspondence being distributed as set out in this policy. The Club may edit any submissions which are defamatory, obscene or which it otherwise reasonably regards as unfit for transmission, or may require the party to resubmit the same.
- f. Hearings must not contravene the Human Rights Act 1988 or any other policies of the club or British Rowing.

10. The Secretary will manage the timescales and notify all parties of progress throughout

Complaints Procedure High Level Flow Chart



Formal Disciplinary Procedure High Level Flow Chart

