

CHARLESTOWN ROWING CLUB

GRIEVANCE AND DISCIPLINARY PROCEDURE



1. PURPOSE

This Grievance and Disciplinary Procedure is to:

- 1.1 Ensure good practice with regard to any individual who may have a complaint or feel that they have been unfairly treated as a Member of Charlestown Rowing Club.
- 1.2 Support the Constitution and Code of Conduct and Policies of Charlestown Rowing Club and maintain the highest standards of behaviour among Members, in the interests of the Club and its reputation
- 1.3 Promote fair and consistent treatment for all Members.

2. INFORMATION

- 2.1 The General Committee is responsible for managing the affairs of the Club and shall appoint a Grievance and Disciplinary Sub Committee consisting of three Members of the General Committee. The Chairman of the Club and the Welfare Officer shall not be members of the Grievance and Disciplinary Sub Committee. The Sub-Committee shall appoint one of its Members as its Chairperson.
- 2.2 Dependent upon the issues raised or the individuals involved, and only at the request of the Chairperson of the Grievance and Disciplinary Sub Committee. The Club Chairperson may substitute other Members of the General Committee for Members of the Grievance and Disciplinary Sub Committee for the case in hand.
- 2.3 The Members of the Club are expected to support the Club by observing the Club Constitution, the Code of Conduct and the Operational and Safety Policies. Members who fail to do so may be subject to disciplinary action. In addition to this

the Club must promote fair and consistent treatment. Members of the Club may feel aggrieved by actions of others within the Club and may wish to raise a Grievance.

- 2.4 In any case where an individual who is raising a grievance or is the subject of a disciplinary action is a young person under the age of 18 years it is mandatory that the parents or legal guardians of that young person must be informed and that the individual is accompanied during any mediation, hearing or appeal. In a situation where the parents / guardian choose not to accompany, the young person may nominate a friend or another person (over the age of 21 years) or in default the Club Welfare Officer will accompany.

3. GRIEVANCE PROCEDURE

- 3.1 All Grievances raised should be in writing to the Club Chairperson.
- 3.2 On receipt of a notice of a Grievance the Club Chairperson shall appoint an independent Mediator in consultation with the complainant. The Mediator should normally be a Member of the Club Committee or, if appropriate, a member of another CPGA affiliated Club. The Chairpersons decision on this appointment is final.
- 3.3 The Mediator should seek to establish the full details of the matter and consider the substance of the issues raised. This mediation is not binding but may help to resolve the situation, clarify any misunderstandings, or help identify the issues in dispute.
- 3.4 The Mediator shall report to the Chairperson of the Grievance and Disciplinary Sub Committee who shall seek to resolve the Grievance. The outcome of the mediation stage is not binding but may be referred to in any subsequent hearing or appeal.
- 3.5 Should the Mediator conclude that the matter should be more appropriately dealt with under the Clubs Disciplinary procedures then this matter shall be referred to the Chairperson of the Grievance and Disciplinary Sub Committee for a decision.
- 3.6 If the complainant is not satisfied with the outcome of the mediation he / she must set out in writing the reasons for that position and request a hearing. This hearing,

before the Grievance and Disciplinary Sub Committee, should be held within a reasonable timescale which generally should not exceed one month.

3.7 The complainant and the party complained about must be given at least fourteen days notice of the Grievance hearing in writing. This notification will include:

- a) Details of the Grievance raised,
- b) Date, time and location of hearing
- c) The fact that both parties have the right to attend to state their case and may be accompanied by a representative or friend.

3.8 The Grievance Hearing shall:

- a) Outline the Complaint
- b) Consider the Mediators report and the issues involved. If considered necessary the Sub Committee may call witnesses
- c) Allow each party or their representative (but not both) to state their case.
- d) Decide on the merit of the complaint and if necessary seek to agree a means to resolve the Grievance
- e) Should the Grievance and Disciplinary Sub Committee find that a breach of Constitution and/or Code of Conduct and /or other Club policy has occurred, such that disciplinary action is appropriate then the Grievance procedure shall be terminated and a Disciplinary action commenced. This Disciplinary action must be in accordance with paragraph 4 of this policy.

3.9 If either party chooses not to attend the hearing, the Sub Committee has the right to proceed with the hearing based on written submissions.

3.10 The result of the hearing and sufficient reason to explain the decision must be communicated to both parties within 14 days and the Chairperson of the Grievance

and Disciplinary Sub Committee shall report the outcome of the Hearing to the next available meeting of the General Committee.

4. DISCIPLINARY PROCEDURE

- 4.1 Any complaint against a Member of the Club should be in writing to the Club Chairperson.
- 4.2 On receipt of a complaint notice the Club Chairperson shall appoint an independent Investigating Officer. The Investigating Officer should normally be a Member of the Club Committee or, if appropriate, a member of another CPGA affiliated Club. The Chairpersons decision on this appointment is final.
- 4.3 The Investigating Officer shall seek to establish the full details of the issue and consider if the matter raised would be considered to be a breach of the Club's Constitution, Code of Conduct or any other rules, regulations or policies such that (if proven) the act (or omission) could be deemed misconduct. The investigation must be thorough and impartial and may involve to speaking to all parties and any witnesses. The investigating officer will conclude his/her investigation and report his/her findings to the Chairperson of the Grievance and Disciplinary Sub Committee. The Investigating Officer and may be required produce a written report.
- 4.4 If the Chairperson of the Grievance and Disciplinary Sub Committee considers that there may be a case to answer then the Grievance and Disciplinary Sub Committee shall meet to hear the matter.
- 4.5 The Member involved will be given at least fourteen days' notice of the Disciplinary hearing in writing. This notification will include:
 - a) Details of the allegation,
 - b) Date, time and location of hearing
 - c) The fact that the Member has the right to attend to state his/her case and may be accompanied by a representative or friend.

- d) That the hearing could result in disciplinary action and that any previous warnings will be taken into account when deciding the action to be applied.

4.6 The Disciplinary Hearing shall:

- a) Outline the Complaint
- b) Consider the Investigating Officer's report and the allegation(s) involved. If considered necessary the Disciplinary Sub Committee may call witnesses
- c) Allow the Member or their representative (but not both) to state their case.
- d) Decide on the merit of the complaint

4.7 Should the Grievance and Disciplinary Sub Committee find that a breach of Constitution and/or Code of Conduct and /or other Club policy has occurred, then disciplinary action may be applied. The following disciplinary options are available:

4.7.1 Verbal Warning.–

A Verbal Warning may be appropriate if the act or omission is considered minor misconduct and is unlikely to be repeated. This warning will be noted by the Club Secretary for future reference. Verbal warnings will lapse and be disregarded for any future disciplinary purposes after a period of six months.

4.7.2 Written Warning.

A Written Warning may be appropriate if the matter is judged misconduct or is likely to be repeated, or has occurred whilst a Verbal Warning is still in force. This warning will be noted and retained by the Club Secretary for future reference. Written warnings will lapse and be disregarded for any future disciplinary purposes after a period of one year.

4.7.3 Expulsion.

Expulsion from the Club may be appropriate if the matter is judged gross misconduct that seriously affects the interests and/or good reputation of the

Club, (or is a further misconduct that has occurred whilst a Written Warning is still in force). The Disciplinary Sub Committee may expel the Member from the Club with immediate effect. In the event of an Appeal the expulsion will not be voided, but will remain in place until the outcome of the Appeal, which shall either confirm the expulsion or reinstate the Member.

- 4.8 Written confirmation of the disciplinary decision will be sent to the Member by the Chairperson of the Grievance and Disciplinary Sub Committee within fourteen days of the hearing and contain the following information:-
- a) The decision and reasons for the decision
 - b) In the case of warnings the fact that there is time limit after which the warning may be disregarded for future disciplinary purposes
 - c) The right of appeal and the appeal procedure.
- 4.9 The Chairperson of the Grievance and Disciplinary Sub Committee shall report the outcome of the Hearing to the next available meeting of the General Committee.

5. APPEALS

- 5.1 A member may appeal against a decision of the Grievance and Disciplinary Hearing. The Appeal is to the General Committee of the Club (excluding the Members of the Grievance and Disciplinary Sub Committee and the Mediator / Investigating Officer – if she/he is a member of the General Committee) The Appeal process is NOT designed to hear the case again. It is only designed to ensure that if the Grievance and Disciplinary Sub Committee failed in some way to consider the matter fairly and properly, then a review is available.
- 5.2 The Appeal must be made by written notice to the Club Chairperson within ten days of receiving the Grievance or Disciplinary Hearing decision. The Appeal Notice must state the grounds for the Appeal

- 5.3 An Appeal hearing must only be granted where there is a '**strong arguable case**' that at least one of the following applies:
- a) relevant information was ignored or not considered by the original sub-Committee;
 - b) the process was tainted by unreasonable bias or conflict of interests;
 - c) the provisions of this Grievance or Disciplinary procedure was not adhered to;
 - d) the findings of the original hearing were irrational or otherwise exhibited an error of general law.

If the appellant cannot clearly establish one or more of these criteria then the Appeal must not be allowed. The Club Chairperson will rule if the appeal is valid or not and his / her decision is final.

- 5.4 On receiving the valid written Appeal notice the Club Secretary shall call a Special meeting of the General Committee (subject to 5.1 above) to hear the Appeal.
- 5.5 The Chairperson of the Grievance and Disciplinary Sub Committee will attend the Special Committee meeting to explain the process leading to the decision.
- 5.6 The party(s) involved may be accompanied by a representative and they or their representative (but not both) will be allowed to explain their grounds for appeal and why the Sub Committee decision is disputed. If any party chooses not to attend the Appeal hearing, the Special Committee may proceed with the hearing based on written submissions to hand.
- 5.7 The Special Committee Meeting will vote by simple majority. The decision is final.
- 5.8 Written confirmation of the decision and sufficient reason to explain the outcome must be communicated to all parties within 14 days of the appeal hearing.