

ROA ISLAND BOATING CLUB Ltd DISCIPLINARY and GRIEVANCE PROCEDURE.

Section 1. Disciplinary and Grievance Procedure

- 1 All complaints regarding the behaviour of members shall be made to the RIBC Council in writing.
- 2 The RIBC will investigate the complaint to verify the details and collect any statements and evidence.
- 3 In cases of gross misconduct, it is recommended that the member concerned be suspended from the Club immediately a complaint or information about such is received and substantiated.
- 4 Written confirmation of the decision to suspend the member while the matter is investigated will be sent to the member within 7 days. This suspension does not imply or infer any disciplinary action.
- 5 A disciplinary hearing will be convened within 14 days. Any member invited to attend such a hearing, shall be entitled to be accompanied by a colleague or other representative. The letter will state the time, date and place of the hearing, the nature of the allegation, the possible disciplinary outcome and contain copies of all relevant reports, documents and witness statements.
- 6 The Disciplinary procedure allows for the hearing to proceed in the absence of the member, their colleague or other representative. A failure to attend without an acceptable explanation may result in the hearing taking place in their absence.
- 7 Should any member have a conflict of interest, be biased or prejudiced in any way regarding the outcome of a disciplinary hearing or appeal, they will take no part whatsoever in any of the hearings, and must not attempt to influence the outcome of a hearing in any way whatsoever.
- 8 Written confirmation of the disciplinary decision will be sent to the member by the Club Secretary within 7 days of the hearing and contain the following information:
 - a. The disciplinary decision and the reasons for the decision.
 - b. Any time limits after which the warning or suspension may be ignored for disciplinary purposes.
 - c. The right of appeal.

Section 2. Penalties , Suspension and Termination of Membership

- 1 If the RIBC Council finds the misconduct proved, they shall have the following powers:
- 2 To issue a written warning for improved conduct. *Active for 6 months.*
- 3 To issue a Final written warning were conduct is relatively serious or conduct has not improved. *Termination of Membership may follow a failure to comply with the warning. Active for 12 months.*
- 4 To suspend membership of the RIBC for a specified period. *Termination of Membership may follow a failure to comply with the warning. Active for 12 months.*
- 5 To terminate membership, if thought appropriate, should the conduct constitute gross misconduct.
- 6 The Roa Island Boating Club will record all written warnings. These records will be kept confidential and retained in accordance with the Data Protection Act 1998. Once the time limits have elapsed, the warnings will be disregarded in any further disciplinary proceedings.

Section 3. Appeals Procedure

- 1 The member shall have the right of appeal to the RIBC Council for a review of the findings of the Disciplinary Hearing and or of the penalty or penalties imposed. Such appeals must be lodged within 7 days of the member being informed of the disciplinary decision.
- 2 The appeal is to determine whether the RIBC followed its disciplinary procedure correctly in arriving at its decision and that the penalty administered was justified and fair, it is not a for a second disciplinary hearing, unless new evidence has been produced.
- 3 The member lodging the appeal may be accompanied by a colleague or representative, any of whom will be allowed to explain their grounds for appeal and why the disciplinary decision is disputed.
- 4 In the event of a refusal or termination of membership, the decision of the RIBC Council in all cases shall be final and binding.
- 5 Written confirmation of the decision, and an explanation of it, will be sent to the member by the Club Secretary within 7 days of the Appeal Hearing.
- 6 Failure or refusal of the member to accept the outcome reached under the Disciplinary Procedure shall be deemed a separate offence of gross misconduct.

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FURTHER INFORMATION

Minor Misconduct

In cases of minor misconduct it is recommended that an informal meeting be held with the member or members to try and resolve the issue amicably.

Definition of Misconduct

Conduct, which is sufficiently serious that it requires disciplinary action. In order to warrant termination of membership, misconduct must be extremely serious, or repeated on more than one occasion.

Definition of Gross Misconduct

Acts that constitute gross misconduct are those resulting in a serious breach of RIBC Rules, Bye-Laws or Articles of Association.

They may include but are not limited to the following:

- 1 Theft, fraud or the use of social media or otherwise to damage the reputation of the RIBC.
- 2 The use of offensive language
- 3 Actual or threatened Physical violence
- 4 Serious bullying or harassment
- 5 Vandalism and or the misuse of RIBC equipment and facilities.
- 6 Serious incapability brought about by alcohol or illegal drugs.
- 7 Gross negligence.
- 8 Endangering the safety of others by breaching Health and Safety Laws.

Recording

The Roa Island Boating Club will record all written warnings. Any disciplinary action taken will be disregarded after a specified period of time. The normal practice is that severity of the action taken will take different periods of time before they are disregarded.

- 1 Warnings for minor offences may be valid for up to six months
- 2 Final warnings may remain in force for 12 months or more.

Once the time limits have been passed, warnings will be disregarded in any further disciplinary proceedings. These records will be kept confidential and retained in accordance of the disciplinary procedure and the Data Protection Act 1998, which requires the release of certain data to individuals on their request.

Appeals

The opportunity to appeal against a disciplinary decision is essential to natural justice. Appeals will be dealt with as promptly as possible. The time limit usually set for lodging appeals is 7 days. Members should be informed of arrangements for appeal hearings and also of their right to be accompanied. The member should be informed of the result of the hearing as soon as possible and this should be confirmed in writing.

What can you appeal against?

Depending on what's happened, when you appeal against the decision you can:

- 1 **Challenge the way the disciplinary action was taken against you.**
For example, if the RIBC Ltd did not follow their own disciplinary policy or the Acas Code of Practice.
- 2 **Challenge the evidence on which the RIBC Ltd based their decision.**
For example, if they believed something to be true without evidence or without enough evidence to support it.
- 3 **Challenge the decision the RIBC Ltd took.**
For example, if they have acted differently in the past in similar cases or the disciplinary action they're proposing is too harsh.
- 4 **Give new evidence or reasons why disciplinary action shouldn't be taken.**
For example, you may want to point out your clean disciplinary record, length of membership and any significant contribution you have made to the running of the Club.