

Halifax Canoe Club

Disciplinary Policy and Procedures

1 Introduction

The objective of this policy is to ensure that all disciplinary matters are dealt with in a fair and consistent manner.

The policy is designed to state clearly the method and the circumstances in which the club may take disciplinary action against a member.

The Chairman (or deputy) of the club shall be informed as soon as possible of any incidents which may lead to disciplinary action and any subsequent disciplinary action will be authorised by a normally constituted Canoe Club Committee.

2 Establishing the facts

When an incident has occurred a nominated Committee member/instructor should first carry out a thorough investigation to establish the facts promptly before recollections fade.

Where appropriate and without undue pressure, written statements should be made by any available witnesses and the member concerned should be given an opportunity to discuss the circumstances and state her/his case.

The process should in most cases take no more than 28 days.

3 Rights of member

At every stage a member has the right to be represented by a friend not acting in a legal capacity, or a trade union representative.

Where a member under the age of 18 years is involved their parent /guardian will be notified and invited to attend any meeting or hearing

4 Suspension

Suspension is not a disciplinary act and does not imply that there has been any misconduct, nor that there is any suggestion of guilt. It is a neutral act enabling the individual to be released pending an investigation of allegations made.

5 Counselling

It is in everybody's interest to avoid the need to invoke disciplinary procedures and formal counselling may be appropriate to discuss standards required in order to help prevent future disciplinary action. It is a Committee member/ instructors responsibility to help the member to meet the require standards during any formal counselling and review session.

Any such meeting should be conducted in an atmosphere which encourages the member to make the most of the opportunity for improvement given to her/him

6 Disciplinary procedures

The disciplinary procedure consists of a cumulative hierarchy of procedures which are invoked according to the nature and seriousness of the allegations.

6.1 Oral warning

If following informal counselling a member's performance or conduct is not of the required standard, the member shall be interviewed by a Committee member or instructor and informed that if, following an oral warning, she/he fails to respond formal disciplinary action may follow. A note should be made by the Committee member/instructor and a time agreed when it will end.

At the formal stage of the procedure a disciplinary hearing will be set up normally consisting of two appropriate Committee members/instructors. The hearing should take place within a month of the investigation being completed unless there are exceptional circumstances. (The format and membership is outlined in appendix B)

6.2 If an oral warning has been given and there is no improvement in performance or conduct, or if the offence is more serious, a formal hearing may take place.

6.3 The Committee member/instructor will investigate, interview the member and review the evidence. If there is a case to answer, a formal disciplinary hearing will be convened. Any statements relating to the alleged misconduct will be made available to all parties 5 days in advance. The panel will hear the case and if appropriate will recommend to the Committee the issuing of a disciplinary penalty which may be:-

6.3.1 First written warning

6.3.2 Final written warning

Warnings will normally stay on file for no more than twelve months

Nothing in the above procedure should prevent the panel from recommending to the Committee, at any stage, other appropriate actions such as a requirement for training or the temporary withdrawal of certain privileges

6.3.3 Dismissal from the club

The decision of the Committee will be notified in writing to the member within seven days of the Committee meeting.

It should be recognised that there will be occasions when it will be necessary, because of the seriousness of the offence, for the disciplinary action to begin at any stage of the procedure, and not necessary for each stage to be worked through. (whilst not exhaustive, an indication of the type of offence dealt with under these procedures is Appendix A)

7 Police or Legal proceedings

The club reserves the right to take appropriate action in the circumstances where there are police or legal proceedings

8 Witnesses

Witnesses for either party may be called to support the case. The responsibility for arranging the attendance of a witness will fall upon the party concerned.

9 Right of appeal

A member who is aggrieved by formal disciplinary action has the right to appeal. The appeal should be sent in writing to the chairman of the club within twenty one days of the issuing of the written notice of disciplinary action, stating the grounds of the appeal.

9.1 Appeal hearing

The club will arrange an appeal hearing as soon as possible after receipt of the application to appeal, but no later than eight weeks after receipt except in exceptional circumstances.

The appeal panel will consist of two members of the Committee who have not been involved in the circumstances leading to the disciplinary action.

9.2 Findings of an appeal hearing

The panel will hear the case and make recommendations to the Canoe Club Committee.

The decision of the Committee will be notified in writing to the member within seven days of the Committee meeting.

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Appendix A

Types of offences that may be dealt with under this policy

- Time keeping; Absence; Health and safety; Abuse of facilities; Discrimination/ Harassment/ Victimisation, Misconduct; Contravening of codes of practice; Contravention of BCU or other official drugs testing policies or procedures.

- Gross misconduct e.g.
Theft; Fraud; Deliberate falsification of records; Fighting; Assault on another person; Deliberate damage to Club property; Serious contravention of drugs policies; Serious negligence which causes unacceptable loss, damage or injury; Serious acts of insubordination,

This list contains only some examples and is by no means exhaustive

Appendix B

Membership and procedure of disciplinary hearings and appeal hearings

Membership of a disciplinary hearing panel

The disciplinary panel will comprise two members who will be nominated by the Committee. At least one member shall be member of the of the Halifax Canoe Club Committee the second member could be either an instructor or a Committee member.

One member will act as chairman of the panel, this person must be a Committee member.

One member will act as secretary and record the details of the hearing. In a complex case a separate minute secretary may be present.

By agreement of the panel the services of a specialist advisor may be used.

The members of the panel shall not include any member who has been involved in the circumstances leading to the disciplinary hearing.

Membership of an appeal hearing panel

The disciplinary panel will comprise two members of the Halifax Canoe Club Committee nominated by the Committee. Neither member will have been a member of the disciplinary hearing panel.

One member will act as chairman of the panel.

One member will act as secretary and record the details of the hearing. In a complex case a separate minute secretary may be present.

By agreement of the panel the services of a specialist advisor may be used.

The members of the panel shall not include any member who has been involved in the circumstances leading to the disciplinary hearing.

Procedure at a disciplinary or appeal hearing

- a The hearing will take place in private.
- b The investigator shall state the case in the presence of the member and their representative and may call witnesses.
- c The member and representative shall have the opportunity to ask questions of the investigator and witnesses.
- d The members of the panel shall have the opportunity to ask questions of the investigator and witnesses.
- e The investigator shall have the opportunity to cross - examine the witnesses on any matters referred to in the hearing.
- f The member and their representative shall put their case in the presence of the investigator and may call witnesses.
- g The investigator shall have the opportunity to ask questions of the member, representative and witnesses.
- h The members of the panel shall have the opportunity to ask questions of the member, representative and witnesses.
- I The member and representative shall have the opportunity to cross - examine the witnesses on any matter referred to in the hearing.
- j The investigator and the member/representative shall have the opportunity to sum up their case. The member/representative shall have the right to speak last. In summing up neither party may introduce any new matter.
- k Nothing in the foregoing procedure shall prevent the panel from questioning witnesses to clarify issues or seek supplementary information.
- l The panel may, at its discretion, adjourn in order that further evidence may be produced. Both sides will be given the opportunity to test any new evidence.
- m The investigator, member, representative and witnesses shall withdraw.
- n The panel shall deliberate in private, only recalling both parties to clear points of uncertainty on evidence already given. If recall is necessary, both parties shall return.
- o The recommendation of the panel will be presented to the next appropriate Canoe Club Committee and the decision of the Committee will be conveyed to the member in writing.

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