

Hampton Pier Yacht Club

Disciplinary Procedure

September 2024

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Introduction

Hampton Pier Yacht Club's (the Club) disciplinary procedure applies to all members of the Club to ensure that all members are treated fairly and consistently in regard to their conduct. The procedure may be reviewed and amended by the General Management Committee (GMC) from time to time to meet any change in requirements.

The Disciplinary Procedure is driven by 3 basic rules

1. The behaviour complained of should merit disciplinary action
2. The decision makers must be unprejudiced
3. The member should have a full and fair hearing

Principles

1. Disciplinary action will not be taken until an investigation has been undertaken by either the GMC or a Disciplinary Committee appointed by the GMC.
2. Disciplinary matters will be concluded without undue delay.
3. In some circumstances, where there are legal or safety implications, the GMC may impose interim restrictions on a member who is the subject of disciplinary action whilst the investigation is in progress. These restrictions will not prejudice the outcome of the investigation.
4. Disciplinary matters will be treated confidentially and only those directly involved in the procedure will be informed.
5. A member who is the subject of disciplinary action will be advised in writing of the nature of the complaint against them and will be allowed sufficient time to prepare for a disciplinary hearing, and will be given the opportunity to state their case.
6. 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 GMC/Disciplinary Committee
7. A member may appeal any decision or sanction imposed by the GMC/Disciplinary Committee at a General Meeting
8. A complainant will be informed when the matter is concluded, but does not have the right to be informed of the nature of any sanction or penalty imposed.
9. A proper record will be kept of any disciplinary decision, taking into account the need for confidentiality.

Examples of misconduct offences

These include (but are not limited to) the following:

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

Procedure

Receipt of complaint

1. All complaints are managed under section 12, Club Discipline and Complaints of the Club's rules.
2. A complaint is received by the Commodore and acknowledged.
3. The Commodore informs the GMC that a complaint has been received
4. The GMC will make an assessment of the complaint as soon as is reasonably possible, and will decide if a dedicated Disciplinary Committee is necessary or if the GMC will investigate the complaint.
5. 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.
6. 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.
7. 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.
8. Depending on the nature of the complaint and the outcome of the investigation, a formal hearing may be required. The member has the right to demand a hearing.

Hearing

1. If a hearing is held, a Disciplinary Committee of no less 3? full (voting) members is appointed by the GMC to hold the hearing.
2. The date, time and venue for the disciplinary hearing are decided, allowing sufficient time for the member to prepare their case.
3. 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.

4. 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.
5. The disciplinary hearing takes place.
6. 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.
7. 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.
8. Any decision made by the Disciplinary Committee must be approved by the GMC, as per section 12 of the Club Rules.

Decision

1. The GMC decides whether misconduct has taken place, and if so decides on an appropriate and proportionate sanction or penalty.
2. After the GMC 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 their right of appeal and the timescales involved.
3. A record is made of the disciplinary decision.

Appeal

1. If the member appeals, the matter is referred either to the members at a General Meeting. The appeal hearing may uphold the original decision, reverse it, or reduce the penalty but may not increase it.
2. The appeal decision is final.

Conclusion

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