

Loughborough Boat Club

Grievance and Disciplinary Procedure

Introduction

Arguments and misunderstandings are never a nice experience but unfortunately they do occur. This document describes the grievance and disciplinary procedures followed by Loughborough Boat Club.

Grievance Procedure

Mediation

Loughborough Boat Club on receiving a grievance will appoint an officer of the club, normally the President, as the mediator in agreement with the complainant. The mediator will advise the terms of the procedure, for example who may attend and the conduct of the meeting. Such mediation is not obligatory but may help to resolve the situation, clarify any misunderstandings or help identify the issues in dispute before a hearing is convened. The outcome of the mediation stage is not binding but may be referred to in any subsequent hearing or appeal as may any failure or refusal to participate in such proceedings.

Hearing

If the complainant is not satisfied with the outcome of the mediation he/she should set their grievance out in writing and request a hearing via the club secretary.

A hearing will be convened within a reasonable timescale, which may vary depending on the issue at hand but should not, where possible, exceed three months.

The hearings panel will consist of officers of the club including a welfare officer. At a minimum the hearings panel should comprise a chairman and two officers, one of whom may have relevant 'expert' knowledge. All panel members will be independent of the dispute.

All parties involved should signify their agreement to the constituted panel.

The panel must give a fair and independent hearing to all sides of the dispute within an appropriate and agreed timescale.

The complainant has the right to be accompanied.

Discussions will be recorded and all parties will be given copies of the notes taken.

If any party chooses not to attend the hearing, the panel, if properly constituted, has the right to proceed with the hearing based on written submissions.

The result and sufficient reason to explain the result of the hearing must be communicated to the parties within 14 days.

If the outcome of the hearing is unacceptable to the parties involved they have the right to appeal.

Appeal Procedure

If any of the involved parties wish to appeal against the outcome of the hearing they should set out the grounds on which they wish to appeal in writing. This letter should be sent to the Club President within 14 days of the outcome of the initial hearing being known. An appeal should be granted where there is a "strong arguable case" that either:-

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

Loughborough Boat Club will appoint an independent appeal panel to consider the appeal, none of whom have had any prior involvement in the matter.

The appeal panel should be constituted along the same principles as the hearings panel outlined above and will be similarly recorded.

The chairman of the appeals panel should convene a hearing of the appeals 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 attend.

The outcome and sufficient reason to explain the outcome of the appeal panel will be communicated to the parties within 14 days of the appeal panel hearing.

The outcome of the appeal will be final.

Disciplinary Procedure

This procedure will be used where Loughborough Boat Club wish to discipline an individual or organisation who has contravened the club rules or code of conduct, or who is deemed to have brought the sport or organisation into disrepute. This framework outlines the principles required to ensure a fair and transparent process is followed and natural justice is done.

Mediation

Loughborough Boat Club, when wishing to discipline a member will first endeavour to resolve the matter by mediation. It is advisable that an independent person, normally the President, is appointed to moderate this meeting.

The disciplinary case should be set out by the organisation, including where possible details of any rules or agreements that have been deemed contravened.

The mediator should advise the terms of the procedure, for example who may attend and the conduct of the meeting.

Such mediation is not obligatory but may help to resolve the situation, clarify any misunderstandings or help identify the issues in dispute before a hearing is convened.

The outcome of the mediation stage is not binding but 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 will set out in writing the details of the disciplinary case including, where possible, details of any rules or agreements that have been deemed contravened. This will be sent to the person accused within a reasonable timescale. This notice should contain details of the disciplinary procedure, including timescales, and the right of appeal.

A disciplinary hearings panel will be appointed by the club and will include officers of the club and a welfare officer.

At a minimum the panel should comprise a chairman and two independent members 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 their agreement to the constituted panel.

The panel must give a fair and independent hearing to all parties 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.

If any of the parties chooses not to attend the hearing, the panel, if properly constituted, has the right to proceed with the hearing based on written submissions.

The panel may wish to call on 'expert' witnesses for advice.

Discussions will be recorded and all parties will be given copies of the notes taken.

The result of the hearing, with sufficient reason to explain the result, must be communicated in writing to both parties within 14 days of the date of the hearing.

Possible disciplinary outcomes depending on the severity of the incident and the discretion of the committee are:-

- Racing suspension
- Membership suspension
- Removal of privileges
- Expulsion

The panel will be authorised to act on behalf of Loughborough Boat Club and will not be required to go to the main club committee for authorisation to reach an outcome, including any disciplinary actions. However, a formal statement to the main club committee must be provided of the outcome and any disciplinary outcomes recorded.

If the outcome of the hearing is unacceptable to either party they have the right to appeal.

Appeal Procedure

If any of the parties wish 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 President within 14 days of the outcome of the initial hearing being known. An appeal should be granted where there is a "strong arguable case" that either:-

- a) relevant information was ignored or not considered by the original panel; or

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

Loughborough Boat Club must appoint an independent appeal panel to consider the appeal, none of whom have had any prior involvement in the matter.

The appeal panel should be constituted along the same principles as the hearings panel outlined above and will be similarly recorded.

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

The outcome of the appeal panel, with sufficient reason to explain the outcome will be communicated to both parties within 14 days of the appeal panel hearing.

Possible disciplinary outcomes depending on the severity of the incident and the discretion of the committee are:-

- Racing suspension
- Membership suspension
- Removal of privileges
- Expulsion

The appeal panel are authorised to act on behalf of Loughborough Boat Club and will not be required to go to the main club committee for authorisation to reach an outcome, including any disciplinary actions. However, a formal statement to the main club committee must be provided of the outcome and any disciplinary outcomes recorded.

The outcome of the appeal will be final.

Stuart Ward
Club President
Loughborough Boat Club