



Durham Amateur Rowing Club
Grievance & Disciplinary Procedure
Revised November 2015

1. SCOPE and PRINCIPLES.

This procedure applies to all Durham Amateur Rowing Club (DARC) members. Employees of DARC should refer to the Grievance and Disciplinary procedures contained within the Staff Handbook. This procedure does not cover complaints made against the club from third parties who should address their complaint to the Club Secretary who will bring the matter to the attention of the Club Officers and Executive.

Minor complaints should be addressed to a Club employee or Official as appropriate or to the Welfare Officer who will take any necessary action. These procedures are for formal complaints and serious disciplinary matters.

The principles used by the club in dealing with formal complaints and when addressing disciplinary matters are as follows:

- all parties being dealt with fairly
- matters will be dealt with confidentially
- the complainant having the opportunity to present the case
- the accused having the opportunity to respond
- matters should be dealt with in a timely manner
- that there will be a right of appeal,
- and a right to be accompanied

Junior members (under 18)

Junior coaches are given the power to temporarily suspend or exclude junior members in certain circumstances. Examples would include fighting or behaviour causing disruption of training. The coach should report such action to the Club Chairman or, in his absence, the Vice Chairman.

The chairman & coach should decide if further action may be required, in which case the matter should be referred as for senior members except that the Club Welfare Officer should be consulted.

Where a complaint is made against a member under the age of 18, a copy of all correspondence will be made available to the parent or guardian. If a complaint results in a hearing, the parent or guardian is entitled to be present.

2. GRIEVANCE PROCEDURE

Making a Formal Complaint

Any complaint or grievance by a member that cannot be resolved informally or by the Welfare Officer shall be made to the Club Chairman, generally within 28 days after the incident to which the complainant refers. (Exceptions would be at the discretion of the Chairman).

If the Chairman is unavailable, then the complaint should be referred to the Vice Chairman. If the complaint is about the Chairman, then the complaint should be referred to the President.

If the complaint is made against another member, the Secretary must inform the member of the complaint as soon as possible and preferably within 7 days of receipt of the complaint.

If the complaint appears to be of a serious nature regarding another member the Chairman may temporarily suspend the member concerned (subject to confirmation by the Executive Committee).

The complaint will be progressed to the Investigation stage except that when the Club Chairman after consulting with the Club Management Committee considers that a member has contravened the Club's rules or Code of Conduct, or who is deemed to have brought the sport or the Club into disrepute, such that a direct reference to a disciplinary hearing is appropriate, the matter will progress directly to Disciplinary Procedure stage. (section 3 below)

Investigation

The purpose of the Investigation is to establish the facts and to advise the club as to whether the matter can best be resolved informally including through mediation and agreement between the parties. The Club Chairman or other Club Officer progressing the complaint will appoint an Independent Person as Investigating Officer who may, or may not, be a member of the Club.

The Investigating Officer has the power to initiate full investigation including gathering information or requesting reports or statements. The aim should be to ensure that every effort is made to resolve the matter by investigation and, where appropriate, mediation.

The Investigating Officer may dismiss the complaint if there is inadequate evidence or a minor breach or accept the complaint in which case it will proceed to a Grievance Panel Hearing. The Investigating Officer will report to the club officer who received the complaint.

If the complaint is dismissed by the Investigating Officer and the person raising the grievance is not satisfied with the outcome, they should submit their reasons in writing to the Club Chairman who, after consulting with the Club Management Committee, may reject or uphold this submission. If the request is upheld the matter will progress to a Grievance Panel Hearing. Any submission should be made within 14 days of receipt of the Investigating Officers report.

Grievance Panel

The Club Chairman shall convene a Grievance Panel comprising an appointed chair and a further two members who shall not have been involved with the matters before the Panel. The club may ask for individuals from outside the club to sit on the panel.

The Grievance Panel will convene a formal hearing of the complainant's case if the matter cannot be progressed by further mediation.

The Grievance Panel has the power to initiate further investigation, if deemed appropriate, including gathering information or requesting reports or statements.

The Grievance Panel shall arrange a hearing in a timely manner, preferably within 14 days of the panel being established.

The complainant shall be informed of the date, time and place of any formal hearing and also be informed of the names of the Grievance Panel members. The complainant should be given copies of all relevant papers.

The Panel must give a fair and independent hearing to the complainant within an appropriate and agreed timescale. The complainant has the right to be accompanied by a person of his or her choosing to any hearing or other meetings in connection with a hearing.

The purpose of the hearing is to hear the claimant's grievance and determine any further action to be taken. The person(s) who is/are subject to the complaint will not be asked to attend the Grievance Hearing.

If the complainant chooses not to attend the hearing in person or by telephone if appropriate, the panel, if properly constituted, has the right to proceed with the hearing in their absence and/or based on written submissions and information available

A formal record will be made of the hearing. The decision of the panel should be made in writing to all parties within 7 days.

Actions by the Grievance Panel may include:

- Accept that there is evidence of a serious breach of Club Rules or Code of Conduct justifying Disciplinary Action and recommend progress to a Disciplinary Hearing.
- Recommend that no further action be taken.
- Recommend appropriate action to be taken by the Club Executive Committee.

If the outcome of the Hearing is unacceptable to the complainant they may appeal, following the Right of Appeal and Appeal Procedure set out at section 4 below.

3. DISCIPLINARY PROCEDURE

Disciplinary Panel

The purpose of the Disciplinary Panel is to determine the action, if any, to be taken against a member subject to a complaint after it has been established that there has been an occurrence requiring formal action by a Disciplinary Panel.

When a Grievance Panel recommend progress to a Disciplinary Hearing or when the Club Chairman after consulting with the Club Management Committee considers that a member has contravened the Club's rules or Code of Conduct, or who is deemed to have brought the sport or the Club into disrepute, such that a direct reference to a disciplinary hearing is appropriate, the Club Chairman shall convene a Disciplinary Panel comprising an appointed chairman and a further two members who shall not have been involved with the matters of the hearing.

The club may ask for individuals from outside the club to sit on the panel.

The Disciplinary Panel has the power to initiate an investigation, if deemed appropriate, including gathering information or requesting reports or statements. There will be no further attempt at mediation at this stage. The Disciplinary Panel shall arrange a hearing in a timely manner, preferably within 14 days of the panel being established.

The member under investigation shall be informed of the date, time and place of any hearing and also be informed of the names of the Disciplinary Panel members. The member who made the complaint shall be informed that the matter is being dealt with but will not be privy to any further details which remain confidential to the person undergoing the disciplinary process.

The panel must give a fair and independent hearing to the member under investigation within an appropriate and agreed timescale. The member under investigation has the right to be accompanied by a person of his or her choosing to any hearing or other meetings in connection with a hearing.

If the member under investigation chooses not to attend the hearing in person or by telephone if appropriate, the panel, if properly constituted, has the right to proceed with the hearing in their absence and/or based on written submissions and information available to them.

A formal record will be made of the hearing. The decision of the committee should be made in writing to the member under investigation within 7 days.

Actions by the Disciplinary Panel can include:

- issuing of a written warning
- suspension of membership
- expulsion from the club
- recommend that no further action be taken

The member subject to the disciplinary procedure may appeal, following the criteria below.

4. RIGHT of APPEAL and APPEAL PROCEDURE.

There is a right to appeal against the outcome of a Grievance or a Disciplinary Panel decision. The appellant should set out the grounds on which they wish to appeal, in writing. This letter should be sent to the club officer who received the original complaint or grievance within 14 days of the outcome of the initial hearing being known. The Appeal will be considered by the Club Chairman in consultation with the Club Management Committee and an appeal may be granted where there is a strong arguable case that either:

1. relevant information was ignored or not considered by the original panel; or
2. the disciplinary or grievance process was tainted by unreasonable bias or conflict of interests;
or
3. the provisions of the disciplinary or grievance procedure were not adhered to; or
4. the original panel exceeded its jurisdiction; or
5. the findings of the original panel/hearing were irrational or otherwise exhibited an error of general procedure.

Where an Appeal is granted the Club Chairman will then appoint an Appeal Panel consisting of three people who were not involved in the original investigations, grievance or disciplinary hearings. It may include persons from outside the club.

The Appeal Panel has the power to initiate an investigation, if deemed appropriate, including gathering information or requesting reports or statements. There will be no further attempt at mediation at this stage. The Appeal Panel shall arrange a hearing in a timely manner, preferably within 14 days of the panel being established.

The member who made the appeal shall be informed of the date, time and place of any hearing and also be informed of the names of the Appeal Panel members and will be provided with a copy of the notes of the first hearing. The panel may consider the matter from written reports, submissions and other information available to them and may call the member making the appeal to present the appeal. Other parties will not attend the appeal hearing.

The panel must give a fair and independent hearing to the party within an appropriate and agreed timescale. The party has the right to be accompanied by a person of his or her choosing to any hearing or other meetings in connection with a hearing.

If the party chooses not to attend the hearing in person or by telephone if appropriate, the panel, if properly constituted, has the right to proceed with the hearing in their absence and/or based on written submissions and information available to them.

A formal record will be made of the hearing. The decision of the panel should be made in writing to all parties within 7 days.

The Appeal Panel has the power to confirm, dismiss, increase or decrease the original findings and will do so in writing within 7 days of the appeal panel being held.

The findings of the Appeal Panel shall be final and binding on all parties.

Durham Amateur Rowing Club
November 2015

5. DEFINITION of ROLES :

1. **Investigating Officer:** to find out the facts behind the complaint or disciplinary allegation and make a report to the Club Chairman or other Club Officer handling the matter with a recommendation as to further action.
2. **Grievance Panel:** To hear a complaint objectively and impartially and recommend action.
3. **Disciplinary Panel:** To set out allegations against a member of the club and hear their response to these impartially and objectively in order to make a decision.
4. **Appeal Panel:** To review the decision or recommendation made by either a Grievance or Disciplinary Panel objectively and impartially and make a decision.
5. **Person Accompanying the Party at a Hearing or Meeting:** To offer support to the member attending the process. Likely to be a family member (especially if a junior), DARC member or friend and whose input is at the discretion of the Chair.