

## **INVERNESS CYCLE CLUB**

### **DISCIPLINARY PROCEDURE**

#### **SCOPE**

The Disciplinary Procedure will be used only when necessary and as a last resort. Where possible, informal and/or formal counselling or other good management practice will be used to resolve matters prior to any disciplinary action being taken. The procedure is intended to be positive rather than punitive but takes cognisance of the fact that sanctions may have to be applied in some circumstances.

#### **SUSPENSION**

Suspension is not disciplinary action. The purpose of suspension is manifold and can be used when it is necessary to remove a member of the club from the club activities up to and including posting on the club website pending an investigation for example, to allow time for a 'cooling down period' for both parties, for their own or others protection, to prevent them influencing or being influenced by others or to prevent possible interference with evidence. Only the Club Committee have the authority to suspend an individual.

A member suspended from the club will receive confirmation within three days of the suspension of:

- the reason for the suspension
- The date and time from which the suspension will operate.
- The timescale of the ongoing investigation.
- the right of appeal to the club committee should the suspension last more than 7 days

#### **COUNSELLING**

Counselling is an attempt to correct a situation and prevent it from getting worse without having to use the disciplinary procedure. Where improvement is required, the club member must be given clear guidelines as to:

- what is expected in terms of improving shortcomings in conduct or performance
- the time scales for improvement
- when this will be reviewed
- The club member must also be told, where appropriate, that failure to improve may result in formal disciplinary action.

A record of the counselling should be given to the club member and a copy by the club it is imperative that any counselling should be followed up and improvements recognised and recorded. Once the counselling objectives have been met, any record of the counselling will be removed from the club files.

If during counselling it becomes clear that the matter is more serious, then the discussion should be adjourned, and pursued under the formal disciplinary procedure.

#### **PROCEDURE FOR FORMAL INVESTIGATION**

1. Formal investigations should be carried out by the most suitable club committee member who is not directly involved with the incident being investigated. This club committee member may involve others to assist with the investigation process. All the relevant facts should be gathered promptly as soon as is practicable after the incident. Statements should be taken from witnesses at the earliest opportunity. Any physical evidence should be preserved and/or photographed if reasonable to do so.
  2. A report should be prepared which outlines the facts of the case. This should be submitted to club committee who will decide whether further action is required. This report must be made available to the individual and their representative.
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3. In most circumstances where misconduct or serious misconduct is suspected, it will be appropriate to set up an investigatory hearing. This would be chaired by the appropriate club committee member, who would be accompanied by club committee member. The investigating club committee member would be asked to present his/her findings in the presence of the club member who has been investigated. Witnesses should be called at this stage, and the club member (or their representative) allowed to question these witnesses.
4. Following the full presentation of the facts, and the opportunity afforded to the club member to state his side of the case, the hearing should be adjourned, and everyone would leave the room except the club committee member hearing the case, and the other club committee member. They would discuss the case and decide which of the following option was appropriate:
  - take no further action against the club member
  - recommend counselling for the club member
  - proceed to a disciplinary hearing
5. All parties should be brought back, and informed as to which option has been chosen. Should the decision be taken to proceed to a disciplinary hearing, then this may follow on immediately from the investigatory hearing if the following criteria have been met:
  - The club member has been informed by letter that the investigation may turn into a disciplinary hearing.
  - He/she has been told in advance what the nature of the complaint is, and had time to consult with a representative
  - All the facts have been produced at the investigatory hearing, and the club committee member is in a position to decide on disciplinary action.
  - The club committee member should inform the club member that the hearing would now become a formal disciplinary hearing, and invite them to say anything further in relation to the case.
6. Should anyone who is subject to disciplinary action resign during the course of it, the action will cease unless there are extenuating circumstances which require its continuance. The subject of the discipline may also request that the disciplinary action continue.

## **WARNINGS**

### **Examples of Minor Misconduct**

Below are listed examples of misconduct which may warrant either a Verbal Warning or a First Written Warning. It is stressed however that this list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issue of a warning.

- Repeated violation of website club conditions.
- Verbal of physical abuse of club members
- Verbal of physical abuse of other road users
  
- Failure to observe Club regulations and procedures.

### **Verbal Warning**

A Verbal Warning is appropriate when it is necessary for the club committee member in charge to take action against a club member for any minor failing or minor misconduct.

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### **First Written Warning**

A First Written Warning is appropriate when:

- A verbal warning has not been heeded and the misconduct is either repeated or performance has not improved as previously agreed.
- An offence is of a more serious nature for which a written warning is more appropriate.
- The recurrence or accumulation of an offence/offences, if left, will lead to more severe disciplinary action.

### **Examples of Gross – Misconduct**

Listed below are examples of misconduct which may be considered to be Gross Misconduct and may warrant a Final Warning, or Dismissal from the club. It is stressed however that this list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issuing of a Final Warning, Demotion or Dismissal.

- Theft, including unauthorised possession of Club property.
- Breaches of confidentiality, prejudicial to the interest of the Club,
- Being unfit to cycle because of the misuse/consumption of drugs or alcohol.
- Physical assault, breach of the peace or verbal abuse.
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### **Final Written Warning**

A Final Written Warning is appropriate when:

- A club member's offence is of a serious nature falling just short of one justifying dismissal.
- A club members persists in the misconduct which previously warranted a lesser warning.
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### **Dismissal**

Dismissal is appropriate when

- A club member's behaviour is considered to be Gross Misconduct.
- A club member's misconduct has persisted, exhausting all other lines of disciplinary procedure.

### **Time Scales for the expiry of Warnings**

Warnings issued to club members shall be deemed to have expired after the following periods of time.

- Verbal Warnings: 6 months
- First Written Warnings: 12 months
- Final Written Warnings: 18 months (or as agreed and recorded at the hearing)

These time scales remain provided that during that period, no further warnings have been issued in respect of the club member's conduct.

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## LETTER OF WARNING

All Warnings must contain the following information:

- The letter must be issued within 7 days of the date of the disciplinary hearing.
- The nature of the offence and where appropriate, that if further misconduct occurs, more severe disciplinary action will be taken.
- The period of time given to the club member for improvement.
- The club member's right to appeal to the full committee directly above that of the one issuing the warning.
- A copy of the warning and any supporting documentation must be held in club files
- The club members must also receive a copy of the warning which in the case of any written warning will be sent to their home address by recorded delivery if not handed to them in person.
- In the case of a final written warning, reference must be made to the fact that any further misconduct will lead to dismissal, and that the club member has the right of appeal, and to who they can make that appeal.

The letter confirming dismissal from the club will contain the following information:

- The reason for dismissal and any administrative matter arising from the termination of their membership.
- The club members right of appeal and to whom they should make that appeal

## APPEALS

Every club member's has the right to appeal against the outcome of a disciplinary hearing. The basis of an appeal should normally relate to one of the following areas:

- That the Clubs Procedure had not been followed correctly.
- That the resulting disciplinary action was inappropriate.
- That the need for disciplinary action was not warranted.
- that new information regarding disciplinary action has arisen

An appeal should be put in writing to the Club Secretary. The letter of appeal may be constructed by the club member or their representative. The letter should contain the grounds for appeal and should be lodged within 10 days of receipt of the warning / dismissal letter.

An appeal will be arranged within 20 days of receipt of the appeal letter.

### **Appeals against Verbal and First Warnings**

In the case of verbal and first warnings, the appeal will be heard by the full committee

### **Appeals against Final Warnings and Dismissal**

The hearing and determining of appeals against final warnings and dismissal will be heard by the full committee

When dealing with an appeal against a Final Warning or Dismissal written statements of case may be submitted no later than 2 days prior to the date of Appeal Hearing. No additional written evidence will be admitted by the Committee on the date of the Hearing.

Witnesses may be required by either party at an appeal hearing, dependent upon the circumstances and nature of the case. However, there is no specific obligation on either party to produce a witness.

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*Disciplinary Procedure*

Either party must give 5 days prior notice that they intend to call specific persons involved or associated with the case under consideration.

It is the responsibility of the committee representative and for the appellant to each arrange for the availability and attendance of any witness they wish to call.

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