



SLYC Disciplinary Procedure

Adopted by the Commodores Committee Monday 21st October 2024

1. General

1.1 The procedure set out in this document shall be observed by the Commodore's Committee when:

- (i) a complaint against a member is made by another member;
- (ii) a complaint against a member is made by a non-member;
- (iii) a complaint is made against a non member who has access to the club.
- (iv) the Commodore's Committee itself deems it appropriate to review the conduct of a member.

1.2 For ease of reference the actions in 1.1(i)-(iv) above shall be collectively referred to in this document as a "Complaint". An individual who is the subject of a Complaint shall be referred to as a "Complainee". An individual who has made the Complaint (per 1.1(i) to (iv) above) shall be referred to as the "Complainant".

1.3 The Commodore's Committee shall at all times abide by the club's Rules and Byelaws, and shall ensure that it acts with procedural fairness at all times. The Commodore's Committee shall have regard to the following three basic rules:

- (i) The behaviour complained of should merit disciplinary Action
- (ii) The decision-makers must be unprejudiced
- (iii) The member should have a full and fair hearing

1.4 A member of the Commodore's Committee who has a conflict of interest may not take any part in disciplinary proceedings.

2. Procedure

2.1 Upon receipt of a Complaint, the following procedure shall be followed:

(i) The Commodore's Committee shall at the earliest convenient committee meeting consider whether said Complaint discloses issues sufficient to warrant an investigation of the Complainee's behaviour. The Commodore's Committee shall decide by a majority vote as to whether an investigation is to be commenced.

(ii) The Committee may exclude the Complainee from the club premises pending the investigation and the outcome of any subsequent disciplinary hearing

(iii) When the Commodore's Committee determines that an investigation into the Complainee's conduct is to be initiated it shall appoint an Investigating Officer to conduct such investigation as he or she deems fit and proper. The Investigating Officer, as he or she sees fit, shall make all relevant enquiries of the Complainant(s) and any other relevant

witnesses, this may include gathering statements from any witnesses. The Investigating Officer may make enquiries of the Complainee.

(iv) If, during the course of the investigation, it appears that the Complainee 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.

(v) The Investigating Officer shall as soon as practicable present his/her findings to the Commodore's Committee. The Commodore's Committee shall then consider those findings and determine by majority vote whether the Complainee has a prima facie case to answer. If the Commodore's Committee determines that there is no prima facie case to answer then it shall take no further action against the Complainee but shall inform the Complainant and Complainee of its determination.

(vi) If the Commodore's Committee determines that the Complainee has a prima facie case to answer, the Commodore shall appoint a minimum of two committee members to make up a Disciplinary Committee. The Investigating Officer should not be a member of the Disciplinary Committee. The Disciplinary Committee shall notify the Complainee of this fact and provide details of the case the Complainee must answer, including any written statements provided by the Complainant and other witnesses. A Complainee shall be given 14 days (or such time as may be agreed with the Disciplinary Committee) from the date of such notification in which to provide the Disciplinary Committee with a written response to the case against him or her.

(vii) Not earlier than 14 days from the date of the notification of the Complainee, (or additional time agreed by the Disciplinary Committee), the Disciplinary Committee shall meet to consider the case against him or her and in particular any evidence validly submitted by him or her. The Complainee shall be offered the opportunity to attend the disciplinary hearing to state his or her case. The Complainee will have the right to be accompanied by a fellow member, or another representative (but not a legal representative) at the discretion of the Disciplinary Committee.

(viii) The Disciplinary Committee shall then decide whether misconduct has taken place and the appropriate and proportionate sanction or penalty. The Disciplinary Committee shall inform the Commodore's Committee of its findings and recommendation as to sanction or penalty. The Commodore's Committee shall, having heard from the Disciplinary Committee, decide by majority vote if further action is required and if it is, the appropriate sanction or penalty.

(ix) If the decision of the Commodore's Committee is to suspend the Complainee, notice of such suspension shall be displayed in the Clubhouse for 15 consecutive days. If the Commodore's Committee decides that good and sufficient cause exists such that the Complainee should be expelled from membership, he or she shall be notified forthwith and notice of his or her expulsion shall be displayed in the Clubhouse for 15 consecutive days.

(ix) After the Commodore's Committee 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. The Complainant shall also be informed of the outcome of their Complaint.

3. Appeal

3.1 If relevant, the Complainee should be informed of his/her right of appeal and the timescales involved.

(i) A Complainee who has been expelled from the Club has a right to appeal to a General Meeting of the membership. The Complainee must notify the Secretary within 7 days of the notification of the Committee's decision of his or her desire to exercise his or her right of appeal.

(ii) The General Meeting to consider the Complainee's appeal shall be chaired by a club member who is not a current member of the Commodore's Committee. The chair shall be appointed by the Commodore's Committee acting in good faith. At the General Meeting the Commodore's Committee shall be entitled to present its case against the Complainee. The Complainee shall be entitled to present his or her case against expulsion. The chair of the meeting shall determine how long each party shall be permitted to present for. Upon the conclusion of the presentations the membership shall be entitled to ask questions subject to the discretion of the chair. The chair shall determine when a vote is to be taken. Members of the Commodore's Committee shall not be entitled to vote. The decision on the appeal shall be that of the majority of those present and entitled to vote.

(iii) Where a Complainee has been suspended they shall have a right of appeal in the same manner as set out in 3.1 (i) and (ii) above.