



SEVERN MOTOR YACHT CLUB

Disciplinary & Appeal Procedure

General

Disciplinary matters, applying to all matters of Severn Motor Yacht Club (further referred to as the Club), will be dealt with by the Elected Officers of the Club in the first instance and if necessary, subsequently by an elected officer followed by appeals being heard by a minimum of 3/4 Committee unless dates and times do not allow or there is a conflict of interest by relevant committee members. All members of the Club agree to fully comply with this code of conduct and Club Rules be bound by its terms as under noted.

Disciplinary action against Club members, including expulsion without notice, revoke of mooring or caravan hardstanding privileges, may be taken for offences of misconduct or breach of Club's rules. However it is recognised and accepted that every member:-

- Has the right to expect fair and consistent treatment
- Has the right to adequate notice from the Club
- Has the right to appeal against the Club Secretary's judgement or Committee's decision in all disciplinary matters.
- Has the right to representation (1 representative at meetings)
- No Member or Committee member who has had any involvement in the incident(s) leading to the disciplinary procedure being invoked will be involved in the disciplinary process relating to the issue(s) in question.

1. Offences Leading to Disciplinary Action

The under noted actions by members may be interpreted by the Committee to fall within this Code. However, the lists are not to be considered as fully inclusive or covering all possible offences.

"Misconduct" is the carrying out of an offence considered to be of a minor nature (unless frequently repeated) and will normally incur a written warning from the Elected Officers together with a demand for full and appropriate corrective action. Examples of offences that may be considered misconduct include: –

- Break of Severn Motor Yacht Club rules and bye laws
- Discourteous, crude, offensive behaviour, slander regarding members or the club
- Conduct of an unsafe nature
- Offensive disregard for equipment or property
- Failure to remove property from Severn Motor Yacht Club after notification served.
- Any other actions of similar gravity to the above, at the discretion of the Elected Officers.

Repetition of the above offences or failure to comply with any demands made in writing by the Elected Officers may result in further action by the Elected Officers involving a disciplinary hearing.

"Serious Misconduct" is the carrying out of an offence of such gravity that in the opinion of the Elected Officers it warrants a Severn Motor Yacht Club disciplinary hearing. Examples of offences, which may be considered as serious misconduct include: –

- Misconduct offences above if specially grave or repeated



- Deliberate or consistent breaches of Club rules
- Any attempt to achieve gains or advantage over others by unfair or unscrupulous means
- Theft or misappropriation
- Use of threatening or abusive behaviour
- Malicious interference with equipment or property
- Disregard for one's own or other people's safety
- Any other action, which in the opinion of the Club Officers may Severn Motor Yacht Club into disrepute, or which left unpunished, may result in the detriment of the Club or its members.

“Gross Misconduct” is action of such seriousness that the Elected Officers will require the immediate expulsion of the offender from the Club. The Elected Officers may by means of an executive decision summarily expel such an offender without invoking a disciplinary hearing. The expelled member will have the right to a disciplinary hearing as soon as this can be arranged but will remain expelled until and unless such a hearing overturns the executive decision. Examples of gross misconduct are:-

- Reckless disregard of safety and basic safety rules
- Being convicted of criminal offences involving physical violence or abuse
- Other acts that are considered to be of an extremely serious nature perpetrated against the Club, its members or any other party.

2. Disciplinary Procedure

On receipt of a written complaint from a member or any other party the Elected Officers with advice from a Legal Advisor should they so wish, will decide whether the complaint falls within the scope of this disciplinary code. If in their opinion it does, then the Elected Officers will decide as to the type of offence as per (section 1) above.

If the offence is considered to be one of simple misconduct, the Club Secretary will write to the offender with a formal written warning including the demand for an apology or other corrective action the Elected Officers may deem appropriate. The Elected Officers will also attempt to obtain approval for their action from the complainant.

- A disciplinary file will be opened by the Elected Officers in which will be placed copies and records of the original complaint, together with the written warning and any other correspondence.
- The action outlined above will normally finalise the process unless any of the parties involved object strongly to the Elected Officers decision in which case they may appeal directly to the committee for a final decision.
- Should the complaint be considered by the Elected Officers as one of serious misconduct, then the following procedure will be implemented: –
- The Elected Officers will appoint an Investigating Officer who will research evidence presented and, if possible, will obtain further written evidence, witness statements, etc.
- If necessary the Investigating Officer will consult all relevant witnesses for supportive evidence
- Advise complainant that if a disciplinary hearing is called, then the complainant and all relevant witnesses will be obliged to attend and give evidence. (Non attendance at a hearing will only be allowed in extenuating circumstances, i.e. Ill-health, threat of violence or intimidation etc). In such circumstances/instances a sworn declaration must be submitted to the Committee
- Contact the member subject of the complaint to advise of the official complaint and request the member to submit a written statement of events
- In cases of disputes of a personal nature, the Elected Officers will attempt to resolve the situation amicably and to the mutual satisfaction of the parties concerned.



- If settlement cannot be agreed between the parties, or if the offence merits it, then a disciplinary hearing will be arranged as soon as possible.
- Notify all parties as to the hearing date and ensure the parties have all relevant copies of paperwork in good time prior to the hearing, copies to be sent by 1st class recorded delivery

3. Disciplinary Hearing

-The Club's Secretary shall take charge of the hearing and all questions will be addressed through the Secretary.

-Committee will be appointed which will consist of: –

1. the Club Chair person

2. minimum of two members of the Committee

- All witnesses to be interviewed recorded and all written evidence to be reviewed at the hearing.
- The appellant is entitled to be accompanied to the hearing by a friend not acting in a legal capacity.
- The Committee may adjourn the hearing to allow further evidence to be referred to if the committee considers it fair to do so.
- After the Committee has reached a decision, the subject of the complaint to 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.

4. Penalties

Following the hearing, the Committee will apply such penalties as the Committee consider appropriate, including temporary or permanent expulsion of the offender from the club inclusive of revoking mooring or caravan hard standings.

5. Moorings & Hardstanding's

The Clubs committee can revoke moorings and hardstanding's if evidence shows that a member has not used the club in exchange for mooring and hardstanding privileges, not following the rules and by laws or in the case of misconduct. The clubs security will issue a written letter giving a minimum of 7 days notice that the members mooring or hardstanding has been revoked requiring the member to relocate their property at an alternative location. Failure of the member to remove their property within the given time frame from either the mooring or hardstanding will result in a daily visitors charge being applied. The members membership will also be at risk and a hearing called for Misconduct.



- Moorings and/or hard standing storage will be allocated by committee to paid up club members only, who hold family senior or senior membership on an annual basis on March 15th each year, providing that all fees due have been paid and all applicable conditions satisfied.
- The club allocates its moorings as part of the privileges of membership and to foster interest in its activities. The clubs pontoon moorings are at a premium and members enjoy considerable advantages over commercial moorings and marinas.
- In order to utilise these pontoon moorings for the benefit of the club as a whole, in re-allocating moorings the Committee will have regard to the usage and support of the club by the member(s) during the previous 6 months
- Moorings and/or hardstanding's can be revoked at any time throughout the mooring year following review of usage of said members, breach of rules and by laws or misconduct
- The Committee may at its sole discretion decline to re-allocate a pontoon mooring if it is felt that such usage and support has not been in keeping with these objectives.

5. Appeals

If an appeal of the decision or penalty is to be made then written notice of appeal by way of 1st class recorded delivery to the Club Secretary must be given by the offender, within 7 days of being notified of the decision. No appeal will be valid or considered after that period has elapsed. It will not be sufficient to state "I wish to appeal", the offender must give full written grounds for the appeal, stating exactly what is being appealed against and the reasons for this. An appeal together with full and recorded argument may be considered relative to: –

- the decision
- the penalty
- other

An appeal hearing will be convened as soon as practicable and minimum of 3/4 Committee unless dates and times do not allow or there is a conflict of interest by relevant committee members.

Approval of allowing appeals is at the Committee discretion dependant on the severity of the offence in question.

New evidence cannot be presented at the appeal hearing. The Appeal Committee shall have power to amend or revoke any decision made at the previous disciplinary hearing.

The decision of the Appeal Committee is final and binding on the parties and not subject to further appeal.

On receiving an appeal regarding revoking of moorings or hardstanding's, the committee at their discretion can increase the period of stay up to 14 days after the appeal date if the appeal is justified and approved