

Colchester Piscatorial Society Disciplinary Policy and Procedure

General

Disciplinary matters, applying to all matters of **Colchester Piscatorial Society** (hereinafter referred to as the Club), will be dealt with by the Chairman of the Committee of the Club in conjunction with not less than two and not more than four other members of the Committee of the Club (hereinafter referred to as the Disciplinary Committee)

All members of the Club agree to fully comply with the Club's rules.

Disciplinary action against members, including expulsion without notice, 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 Disciplinary Committee
- Has the right to representation before the Disciplinary Committee
- All disciplinary actions taken by the Disciplinary Committee will be duly recorded and placed on file for reference at a future date.

1. Offences Leading to Disciplinary Action

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

"Misconduct" is the commission or omission of an offence considered to be of a minor nature (unless frequently repeated) and will normally incur a written warning from the Disciplinary Committee together with a demand for full and appropriate corrective action.

Examples of offences that may be considered misconduct include: –

- Discourteous, crude or offensive language or behaviour directed to another Club member or any landowner on whose land that member is fishing
- Conduct of an unsafe or dangerous nature
- Offensive disregard for equipment or property belonging to other members or any landowner on whose land that member is fishing
- Refusal to carry out reasonable instructions given by the Chairman, Vice Chairman, General Secretary or Club Bailiff or the owner of land on whose land that member is fishing
- Failure to comply with or adhere to the Club's rules
- Any other actions of similar gravity to the above, at the discretion of the Disciplinary Committee.

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

“Serious Misconduct” is the carrying out of an offence of such gravity that in the opinion of the Disciplinary Committee warrants a disciplinary hearing.

Examples of offences, which may be considered as serious misconduct include: –

- Offences which would ordinarily fall within the description of “misconduct” but which are especially grave or is a repeat of an act or omission of “misconduct”.
- Deliberate or consistent breaches of Club rules
- Theft or misappropriation of equipment or property belonging to the Club, other members or any landowner on whose land that member is fishing
- Use of threatening or abusive behaviour toward another member or the owner of land on whose land that member is fishing
- Participating in the sport whilst on Club property whilst under the influence of drugs or alcohol
- Malicious interference with equipment or property belonging to the Club, other members or any landowner on whose land that member is fishing
- Disregard for the member’s own safety or the safety of others whilst on Club property
- Any other action, which in the opinion of the Disciplinary Committee, may bring the the Club into disrepute, or which, if left unpunished, may result in the detriment of the Club or its members.

“Gross Misconduct” is action of such seriousness that the Disciplinary Committee will require the immediate expulsion of the offender from the Club.

The Disciplinary Committee may, by means of an executive decision summarily expel a member, without first convening a disciplinary hearing.

The expelled member will have the right to a disciplinary hearing, if requested by that member, as soon as this can be arranged but will remain expelled unless and until such a disciplinary hearing may overturn the executive decision.

Examples of gross misconduct are:-

- Physical violence, serious threatening, intimidating or forceful behaviour towards other persons, whether members of the Club or not, on any Club property or at a Club event or related activity
- Reckless disregard by the member for his/her own safety when on Club property or for the safety of another member or the owner of land on whose land that member is fishing
- Other acts and omissions that are considered to be of an extremely serious nature perpetuated against the Club, its members or the owner of land on which the Club has been given permission to fish.

2. **Disciplinary Procedure**

In the event of the Club receiving a written complaint regarding the conduct of a member, whether from another member, the owner of land on which the Club has been given permission to fish or a member of the public in respect of the attendance of that member at a Club event or related activity, a Disciplinary Committee will decide whether the complaint falls within the scope of this disciplinary code.

If in the opinion of the Disciplinary Committee such complaint does, then the Disciplinary Committee will decide upon the gravity of the offence as per 1 above.

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

A disciplinary record will be kept by the Club Secretary 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 conclude the process unless any of the parties involved object strongly to the decision of the Disciplinary Committee in which case they may appeal directly to a Disciplinary Committee, which shall comprise the Club's President and not less than two and not more than four alternative members of the Committee of the Club who were not involved in the decision making of the original Disciplinary Committee, for a final decision.

Should the complaint be considered by the Disciplinary Committee as one of serious misconduct, then the following procedure will be implemented: –

- The Disciplinary Committee will appoint an officer of the Club to obtain any available evidence and, if possible, to obtain further written evidence, witness statements, etc.
- If necessary the officer will consult all relevant witnesses for supportive evidence.
- The officer will advise the 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, such as Ill-health, threat of or actual violence or intimidation toward the complainant or a relevant witness. In such circumstances a signed witness statement must be submitted to the Disciplinary Committee.
- The officer will contact the member, the subject of the complaint, to advise of the official complaint and request the member to submit a written statement on his/her own behalf and of any relevant witnesses on whom he/she may rely of events.
- In cases of disputes which are of a personal nature as between the complainant and the member, the Disciplinary Committee will attempt to

resolve the situation amicably and to the mutual satisfaction of the parties concerned.

- If settlement of the complaint cannot be agreed between the parties, or if the offence merits it, then a disciplinary hearing will be arranged as soon as possible.
- Contact the Club's Legal Advisor if required and supply copies of all evidence.
- Notify all parties as to the date of the disciplinary hearing 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 hearing will be conducted by the Chairman of the Committee of the Club, who will be appointed Chairman of the disciplinary hearing, and not less than two and not more than four other members of the Committee of the Club. All questions will be addressed through the Chairman, who when appointed, will have the casting vote.
- All relevant witnesses in attendance will be subject to interview and all written evidence will be reviewed at the disciplinary hearing by the members of the Disciplinary Committee to include the signed, written statements of any relevant witness whose attendance has been excused due to extenuating circumstances.
- No additional witnesses may be called or statements introduced at the hearing without prior notice to and copies of all signed, written statements being provided to the other party and the Disciplinary Committee for consideration prior to the hearing.
- The Disciplinary Committee may adjourn the hearing to allow further evidence to be referred to if the Disciplinary Committee considers it fair to do so.
- The decision of the Disciplinary Committee and any penalty to be imposed will be notified to the parties, in writing within 7 days of the decision being reached. Any penalty imposed will be effective from the date of the decision.

4. **Penalties**

In the event a complaint is upheld, the Disciplinary Committee may impose such penalty as it may consider appropriate, including a temporary or permanent expulsion of the member from the Club.

- Any penalty imposed will have immediate effect, notwithstanding the entitlement of the member to appeal against the decision of the Disciplinary Committee or the penalty imposed, in accordance with Section 5.
- In the event of the Disciplinary Committee imposing a penalty of expulsion from the Club, the member being expelled will not be entitled to a refund of any part of membership fee.
- In the event of the member having committed an offence of cheating or being under the influence of alcohol or drugs or involving threats or acts of physical violence, the member will be automatically expelled from the

Club and excluded from taking part in any Club activity as a member of the Club.

- In the event the Disciplinary Committee is of the view the acts or omissions of the member may constitute a criminal offence, the Disciplinary Committee may notify the appropriate authorities, including the police where required.

5. Appeals

If an appeal against the decision of or penalty imposed by the Disciplinary Committee is to be made then written notice of appeal shall be sent by the member by 1st class recorded delivery to the Chairman of the Committee of the Club, within 28 days of being notified of the decision. No appeal may be made after that period has elapsed save in extenuating circumstances.

It will not be sufficient for the member to state "I wish to appeal". The member must set out in writing the full grounds on which he/she wishes to appeal, stating what is being appealed against [the decision and/or the penalty] and the reasons for this.

An appeal hearing will be convened as soon as reasonably practicable before an Appeal Committee.

The Appeal Committee will consist of the Club President and not less than two and not more than four other members of the Committee of the Club, who have not already been involved in the Disciplinary Hearing.

The Club President will be appointed as Chairman of the Appeal Committee, who will have the casting vote.

Evidence which was not put before or heard by the Disciplinary Committee cannot be presented at the appeal hearing.

On conclusion of the appeal the Appeal Committee shall have power to:

- i. Confirm or quash any decision of the Disciplinary Committee;
- ii. Confirm, revoke or amend any penalty imposed by the Disciplinary Committee.
- iii. For the avoidance of doubt the Appeal Committee may impose a greater penalty than that imposed by the Disciplinary Committee.

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