

BOLAND FALCONRY CLUB

DISCIPLINARY PROCEDURE

□ **INFORMAL DISCIPLINE (Verbal Warnings)**

Verbal warnings serve to educate and coach club members in correcting or improving any deviant behaviour. The management committee has the discretion to decide how many verbal warnings must be given to a club member before he initiates any formal disciplinary measures, as long as all club members are treated the same.

□ **FORMAL DISCIPLINE (Written and Final Warnings)**

A management committee member may give a formal written or final warning for a breach of other misconduct

⇒ When issuing a written or final warning, the club member must be given the opportunity to state his/her case and he/she must be allowed to call in any witnesses to support his/her case.

⇒ The management committee member must always complete the “Disciplinary Warning Form” and must endeavour to obtain the club member’s signature acknowledging that disciplinary action has been taken. Where geographically its impossible to obtain a signature an email, fax or registered letter or both may be used to serve the warning.

⇒ If the club member refuses to sign, then a witness must be obtained to sign. The club member should be advised of his right to appeal against the decision within five working days. Any club member who has been given a final warning must be advised that any further breaches of discipline within the next twelve months could result in dismissal.

□ **FORMAL DISCIPLINARY ENQUIRIES**

A formal disciplinary enquiry may be held where the breach is one of gross misconduct, negligence or where the breach is such that dismissal may be considered (for example if the club member already has a valid final warning).

A management committee member may initiate a formal enquiry by completing the form Notification of Disciplinary Enquiry. A copy of this form must be given to the accused club member who should sign the document. Where geographically it’s

impossible to obtain a signature an email, fax or registered letter or both may be used to serve the Notification of Disciplinary Enquiry.

⇒ If the member refuses to sign, then a witness must sign. The rights of the club member, which are on the reverse of the document, must also be given to the accused club member.

NB: Before the accused club member is advised of the pending case, the Club Chairman must ensure that a date, time and venue for the intended enquiry are obtained from the Chairman of the disciplinary panel. The club member should be given a reasonable period (at least 24 hours) from when he / she is advised of the pending disciplinary enquiry to the date and time when the enquiry is to take place.

⇒ Before the appointed time of the enquiry, the Chairman must ensure that all the parties to the enquiry have been informed of the date, time and venue of the pending enquiry by reference to the Chairman's checklist.

□ **THE FOLLOWING PROCEDURES MUST BE ADHERED TO AT THE ENQUIRY.**

⇒ The Chairman must introduce everybody and must explain the reason for the enquiry. He / she must also ensure that any witnesses remain outside the hearing chamber until called by an independent person.

⇒ The Chairman must read the club member's rights and ensure they are understood.

⇒ The Chairman must state the charge(s) against the club member, ask whether he / she understand the charge(s) and whether he / she plead guilty or not guilty (see note 1 below).

⇒ The complainant is invited to state his/her case against the club member, who may then be permitted to ask questions of the complainant. The panel may also question the complainant.

⇒ The complainant may call in any witnesses to give their statements after which the complainant, club member and panel may ask questions of those witnesses' statements.

⇒ The club member is then requested to answer to the charge(s) and may then be

questioned by the complainant and panel.

- ⇒ The club member should now be permitted to call in any witnesses who, after having given their statements, may be questioned by the club member, complainant and panel.

- ⇒ Once the Chairman is satisfied that all facts have been heard, he / she may close the enquiry to consider all the evidence prior to giving a verdict. The club member and complainant must be informed when and where they are to return for the panel's decision.
- ⇒ The panel must arrive at a decision (i.e. whether the club member is guilty or not guilty) on its own and neither the complainant nor the club member and his/her representative may be present. Once the decision has been decided on, the enquiry must be reconvened and the parties notified of such decision.
- ⇒ Not guilty - if the club member is found not guilty, the enquiry will be closed and the relevant documentation relating to the case should be destroyed.
- ⇒ Guilty - if the club member is found guilty, then the Chairman should, prior to deciding on the appropriate penalty, take notice of:
 - ⇒ The club member's service record and valid disciplinary record,
 - ⇒ Any mitigating circumstances. The club member is to be invited to state any mitigating factors which he/she may have, and to make suggestions on the penalty,
 - ⇒ Any similar previous cases and the decisions taken in those cases.
- ⇒ The Chairman may now postpone the enquiry to consider an appropriate penalty, or a decision may be made immediately. The club member and the complainant must be present when the decision is communicated and the Chairman must ensure that the action taken is understood by both the club member and the complainant. Explain to the club member the right of appeal within the stipulated time period.
- ⇒ The club member must be requested to sign the document as an acknowledgement of understanding the charge and action taken and of the right of appeal. If the club member refuses to sign, a witness must sign in the club member's presence. Signing of the form does not signify acknowledgement of guilt.

NOTES :

- ⇒ Notwithstanding the fact that the club member may plead guilty to the charge, it is essential that the full enquiry procedure must be followed in its entirety.
- ⇒ The club member's representative should be allowed to participate such as by asking questions of any statements made, conferring with the club member etc.
- ⇒ A detailed record should be kept of all the proceedings. This can be in the form of written minutes, or a tape recording of the enquiry. This record should be kept for a minimum period of six months. Any documentation should in any case always be completed and kept on the club member's file.
- ⇒ The club member may have a copy of the minutes or recording.
- ⇒ If it can be ascertained that the club member's presence at the club may be undesirable for various reasons, then he/she may be suspended until the disciplinary enquiry has been finalised.