



Mapleton Bowls Club

Disciplinary Policy

Issued: 21/06/2022

Last reviewed: 18/08/2022

Responsibility: Management Committee

Relationship to the constitution: Section 48, Code of Conduct; Section 49, Disciplinary Provisions

Relationship to other club policies: All policies

Relationship to external policies: Bowls Queensland Member Protection Policy

Purpose

This Disciplinary Policy is to be considered in conjunction with the club's constitution and the Bowls Queensland Member Protection Policy. The club endorses the principles of equality and actively supports the core values of fairness, justice, respect, and equity.

The purpose of this policy is to describe the approach the club will take to deal with any persons associated with the club whose conduct and/or behaviour breaches the club's code of behaviour, brings the club or the game of bowls into disrepute.

NB: Whilst the management committee has discretion to undertake investigation of breaches of acceptable behaviour without having regard to a written complaint, it is generally the case that investigations of this nature will arise from a 'formal' written complaint.

Acceptance of an offer of membership, as defined in the constitution, and continuation of membership of the club is understood to be an acceptance of the club's constitution, its bylaws, policies, and the rules governing the playing of bowls in Queensland and Australia.

The management committee has the right to expel members without warning or refund for breaches of these codes where the member's behaviour is of such magnitude that the welfare and safety of other members or visitors is at risk.

Scope

This policy applies to all ordinary members, life members, junior members, temporary members, social members and honorary members, and visitors (including contractors) to the club.

Making a Complaint

Any person may report a complaint if they can't or don't feel confident approaching the other person to discuss the issue and try to resolve the issue directly. All complaints should be reported to a member of the management committee.

The club official should discuss the issue with the complainant confidentially and discuss options that are available to address the concern. If necessary, they can help mediate or find someone who can act a mediator to help address the concern informally (if appropriate). If after discussion with the club official, the complainant wishes to decide the matter through a formal process, they must make a formal written complaint or notice of charge. The club official must also decide as to whether the complaint requires automatic notification to the management committee, bowls authorities, the police if required to do so by law or another external agency as appropriate.

A formal complaint or notice of charge must be made in writing and addressed to the club secretary (see Written Notice of Charge). All complaints must be dealt with promptly, seriously, sensitively,

and confidentially. The club will ensure that the complainant is free of unfair repercussion or victimisation following the lodging of a complaint.

If it is discovered that a complainant has made a complaint knowing it to be untrue, or the complaint is deliberately malicious or intended to cause distress to the respondent, the matter may be referred to the disciplinary committee and action may be taken against the complainant.

Mediation

Complaints will most often be resolved by agreement between the people involved with no need for disciplinary action. This may not always be sufficient or appropriate. In these circumstances mediation may be required.

Mediation is a process that seeks to resolve complaints with the assistance of an impartial person – the mediator. The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to discuss the issues and seeks to facilitate a mutually agreeable solution.

Mediation is a confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions. This can be done before or after an investigation of a complaint.

Some situations may not be appropriate for mediation e.g.

- when the people involved have completely different versions of the incident
- when one or both parties are unwilling to attempt mediation,
- when there is a real or perceived power imbalance between the people involved,
- or matters that involve serious allegations.

The Disciplinary Committee

The disciplinary powers of the club's management committee to investigate and deal with a complaint will be delegated and exercised by a sub-committee known as the Disciplinary Committee. This committee will be made up of not less than 3 committee members comprising:- the men or women's president as appropriate, the club secretary and the club treasurer (or alternatively appointed committee members as needed should the 3 first named members).

(It is implicit within this Policy that no complainant or witness may sit in adjudication of the alleged offender or take part in any appeal that may follow except when called upon to offer evidence by the disciplinary committee chairperson. Where the complainant or witness would by virtue of office be expected to sit on the disciplinary committee or management committee hearing, these facts shall be recorded, and a replacement nominated. In all cases the disciplinary and the appeals procedure shall be strictly adhered to.)

The disciplinary committee will not pre-determine whether the charge or complaint is substantiated or not but will adopt and abide by the principles of natural justice.

The role of the disciplinary committee is to:

- (a) investigate the suspected breach.
- (b) determine whether any breach of the club's code of conduct (bylaws and policies) has occurred.
- (c) inform the member as to the disciplinary committee decision; and
- (d) advise the management committee on its decision.

It is recognised and accepted that every member has the right to:

- (a) expect fair and consistent treatment.
- (b) adequate notice from the club about an alleged breach of the clubs' rules.
- (c) appeal against the classification of the incident or disciplinary committee's decision in all disciplinary matters.
- (d) representation.

No member will be expelled for the first breach of the club's rules except in cases of "gross misconduct" as determined by the disciplinary committee where the welfare and safety of other members and guests are at risk.

Written Notice of Charge (formal complaint made in writing)

Save for a charge exercised under the management committee's discretion, a member complaint must be made by serving on the club secretary a written notice of a charge/s which sets out the facts and matters giving rise to the charge/s.

Anonymous, hearsay and oral complaints will not be accepted or considered as formal complaints.

For the avoidance of doubt, unacceptable conduct and inappropriate behaviour includes any behaviour or conduct listed as inappropriate in the club's constitution, bylaws, policies including but not limited to, the Code of Conduct, the Behaviours Policy, the Child Safeguarding policy. These policies detail behaviours such as harassment, unwanted physical contact, unwanted verbal and non-verbal (remarks, comments, gestures, email etc) conduct, bullying, victimisation, direct and indirect discrimination, abuse, interference with club member or visitor belongings, theft, embezzlement, bad sportsmanship.

Process

The club secretary shall, as soon as practicable, but no later than within 48 hours of receiving a written complaint, serve on the accused member a notice in writing informing the accused member of the details of the complaint, setting out the facts and grounds on which the alleged breach is based.

- (a) informing the member that he/she may address the disciplinary committee at a hearing to be held not earlier than 3 days after service of the notice on the member,
- (b) provide a copy of this policy,
- (c) advising the date, place, and time of the hearing,
- (d) informing the member that he/she may do one or more of the following:
 - a. attend the hearing.
 - b. give the disciplinary committee, before the date of that hearing, a written statement regarding the alleged breach.
 - c. that if the member does not attend the hearing and/or provide a written statement prior to the hearing, the hearing will proceed, and the matter will be determined in his/her absence.

The alleged offender shall be called to the meeting to offer any explanation or make representation to the disciplinary committee and may be accompanied by a representative if desired. The alleged offender shall remain in the meeting when the complainant or witnesses give their evidence. The alleged offender will have the right to ask any questions or seek clarification through the chairperson, of any evidence offered by the complainant or witnesses.

The Committee shall then deliberate the evidence to arrive at a conclusion. A simple majority shall decide the verdict.

Minutes of the meeting and all conversations during the investigations shall be recorded and kept for a minimum period of 2 years.

Penalties for Breach

The disciplinary committee shall make its decision in private no later than 24 hours after the conclusion of the disciplinary hearing. The decision of the disciplinary committee will be confirmed by a resolution of the committee no earlier than 14 days after the member and complainant have received notice in writing by registered post of the disciplinary committee decision.

If a complaint is upheld, the disciplinary committee will consider the following factors when considering a penalty:

- (a) the nature and seriousness of the breach
- (b) if the person knew, or should have known, that the behaviour was a breach of the policy
- (c) the person's level of contrition
- (d) the effect of the proposed disciplinary measures on the person, including any personal, professional, or financial consequences
- (e) if there have been any relevant prior warnings or disciplinary action
- (f) the ability to enforce disciplinary measures if the person is a parent or spectator (even if they are bound by the policy)
- (g) any other mitigating circumstances.

The disciplinary committee may impose one or more of the following penalties, depending on the severity of the complaint:

- (a) dismiss the complaint with no action to follow.
- (b) refer the complaint to mediation.
- (c) admonish the member/person and advise on future conduct.
- (d) issue a verbal or written warning regarding conduct.
- (e) suspend the member for a defined period.
- (f) expel and terminate membership of the club.
- (g) any such other sanction or penalty which is considered fit to be reasonably impose.
- (h) notification that the person's registration will not automatically be accepted for the following season and will be subject to review to determine if the player is of proper character to represent the club.

As stated previously, no member will be expelled for the first breach of the club's rules except in cases of "gross misconduct" as determined by the DC where the welfare and safety of other members and guests are at risk.

Appeal Process

Both the complainant and the respondent have a right of appeal against any decision of the disciplinary committee which has been approved by the Management Committee.

The appellant must seek leave to appeal by applying in writing to the club secretary, with reasons for the appeal, within 48 hours of the outcome of the disciplinary hearing having been delivered to the appellant – such delivery to be confirmed by reference to Australia Post's tracking service.

If a properly constituted appeal is received by the club secretary, the management committee must convene a general meeting of the club members within 21 days of the appellant's notice of

appeal.

The decision of the disciplinary committee (as confirmed by the committee) will be passed if two thirds of the members present and entitled to vote affirm the disciplinary committee's decision; otherwise, the decision is revoked.

Notification of Amendments to this Policy

From time to time this policy will be reviewed and updated. It is your responsibility to ensure that you review the clubs' policies regularly. We will notify you of any significant changes to this policy either by email, the club website and/or our Facebook page.

Disciplinary Action

The club may have to take disciplinary action against members who repeatedly or intentionally fail to follow this policy.