

The purpose of this Policy is to set out the process for hearing and resolving any disputes or complaints a club member may wish to raise, and for addressing any breach of the code of conduct. This process will be followed before any disciplinary action is taken against a club member. It does not supersede British Rowing's Disciplinary and Grievance Regulations [1]. Whilst all reasonable endeavours will be made to follow this process, there may be instances where deviations may need to occur and the justification for these deviations will be documented.

Section 10.B.i of the Constitution determines that, by resolution of the Committee, a member may be suspended or expelled from the club on the grounds of violating its rules and regulations, or by being adjudged guilty of unsatisfactory conduct.

The principle of the process is that every effort will be made to resolve the issue informally, without having to move to a formal process that may result in suspension or exclusion. The exception is where the offence is judged to be Gross Misconduct, in which case the sanction is immediate expulsion.

1 Informal

Where minor breaches of behaviour and conduct have occurred, or for minor complaints and grievances, club members are encouraged to have the conversation directly with the person responsible for the breach (ideally with a witness present). If they do not feel comfortable confronting the individual whose behaviour was in breach, they may choose to raise the issue with a coach or committee member (e.g. a squad rep or welfare officer) who would have a conversation with the individual whose behaviour was of concern. These instances will not be formally recorded, but multiple breaches or grievances should be escalated to a formal complaint, which will be resolved through the formal process.

Every effort will be made to resolve issues informally through mediation, including exploring all reasonable options and giving the member adequate time to improve.

Such discussions do not form part of the disciplinary procedure. The club secretary should be informed of informal discussions via email, but these will not be kept on record. In the event that a matter escalates and is dealt with under the Formal Procedure, any informal discussions that have occurred may be referred to.

2 Formal

2.1 The formal Disciplinary Procedure will be invoked when a formal complaint has been raised.

If any member of the club feels that a more significant breach of the code of conduct has occurred, they should raise a verbal or written complaint with their coach, with their squad representative or with any member of the committee, as appropriate. A formal complaint can also be raised if the informal process has failed to lead to improvement or resolution of the issue.

A club member can raise a complaint or a grievance against any ordinary member of the club, against a coach or against a member of the committee.

Such a complaint should be logged by the person to whom it was reported via an email the club secretary and the welfare office at the earliest opportunity.

2.2 Investigation

- If a complaint is made against a coach, the committee will appoint an investigating officer who chairs a hearing panel (composed of 2 committee members and a member from the relevant squad).
- If a complaint is made against an ordinary member, the committee will appoint an investigating officer who chairs a hearing panel (composed of 2 committee members and a member from the relevant squad).
- If a complaint is made against a committee member, the committee will appoint an investigating officer who chairs a hearing panel (composed of 2 senior officers and another committee member).

The investigating officer will investigate the complaint by gathering evidence, requesting statements and ensuring that interviews with involved parties take place where appropriate. The aim of this process is to review the evidence that both supports and challenges the complaint in an unbiased manner. The welfare officer will support all parties through the process. The club secretary can provide guidance on policy and process.

2.3 Hearing

A hearing will take place as soon as reasonably possible after the complaint has been made, allowing the investigating officer and hearing panel time to gather and consider the evidence (ideally within 14 days).

The person against whom the complaint has been raised will be asked to attend a hearing, ideally with 48 hours' notice, unless the severity of the complaint requires immediate action. The person against whom the complaint has been raised has the right to request a support person be present during the hearing, providing they do not interfere with proceedings. During the hearing, the individual against whom the complaint has been made should be informed of the alleged misconduct and be given the opportunity to respond. Whilst the nature of the alleged misconduct should be made clear, the panel may choose not to disclose the person or persons who have raised complaints or contributed statements.

If further investigations or interviews are required, the investigating officer will arrange for these to take place before the panel makes a recommendation on the outcome of the investigation. The recommendation should be endorsed by at least two out of the three panel members. The panel shall come to a decision as soon as reasonably practicable after the hearing.

The results of the investigation, along with the proposed outcome and sanction will be submitted to the Committee for consideration at its next meeting or at an extraordinary meeting held for that specific purpose.

The investigating officer will then confirm the decision in writing to the person against whom the allegation of misconduct was made, ideally within 48 hours of the committee meeting. A copy of the letter should be sent to the club secretary email for the record.

2.4 Stages of NRC's Formal Disciplinary Procedure

Stage 1: Verbal Warning

- For minor breaches of discipline;
- Where informal discussions have not led to desired improvements.

A note of verbal warning discussion will be kept on file for a maximum of six months, then disregarded for disciplinary purposes.

In addition, a member may be asked to undertake reparative or remedial action for the benefit of the club.

Stage 2: Written Warning

- Where a breach of discipline is repeated or there is insufficient improvement following a verbal warning;
- Where there is an accumulation of minor offences;
- Where the offence is deemed to be more serious.

A written warning is kept on file for a maximum of 12 months, then disregarded for disciplinary purposes

Stage 3: Suspension or expulsion from the club

Suspension

In cases where two or more written warnings have been issued in a 12-month period, or the offence is sufficiently serious, the Committee may resolve to suspend the member for a fixed period of time.

During the period of suspension, the member may not access any of the club's equipment or facilities whatsoever. After completion of the suspension period the member may resume normal activities at the club.

The investigating officer and hearing panel may decide to temporarily suspend the member pending investigation, until the final decision has been considered by the committee.

Expulsion

In cases where the offence is sufficiently serious or where there is reasonable evidence of Gross Misconduct, the Committee may move to expel the member from the club. This will take place with immediate effect. After expulsion, the member may not access any of the club's equipment or facilities whatsoever.

The Appendix lists some example offences that are likely to be classed as Gross Misconduct.

Note: the above procedures (suspension and expulsion) may be invoked at any stage depending on the seriousness of the allegations.

Appeal

As set out in the Constitution, a member may appeal the decision of the committee to suspend or exclude them. This should be done within 10 days of receipt of the letter outlining the decision.

Appeals may be made on the following grounds only:

- Relevant information was ignored or not considered by the original panel;
- The procedure was tainted by unreasonable bias or conflict of interest;
- Relevant provisions of any procedures or the Regulations were not adhered to;

- The first panel exceeded its jurisdiction;
- The findings of the first panel would not be reached by a reasonable panel.

Any such appeal will be heard by an independent Appeal Panel composed of three individuals (that may be drawn from the membership of the Club and/or from other clubs in the region) who were not previously involved in the hearing process and chaired by a member of the committee.

The appeal panel will consider the existing evidence collected by the original hearing panel, and evidence provided by the member to justify the grounds for appeal. If appropriate, impact statements from either party may be considered.

Where applicable and where possible, the process for the appeal hearing will follow the process outlined above (section 2.3) for the hearing of the investigative panel.

The appeal panel will reach a conclusion that will either affirm or reject the sanctions that have been imposed.

The appeal panel's decision will then be communicated to the member (as in section 2.3) and to the committee (for information only). A further second appeal may be made to a Regional Rowing Council only on the grounds that the procedural guidelines outlined above were not observed.

References

[1] <https://www.britishrowing.org/about-us/policies-guidance/disciplinary-and-grievance-procedures/>

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Appendix

Gross Misconduct (examples include but are not limited to):
Physical violence or bullying, insulting or discriminating language
Making inappropriate or unwanted verbal or physical sexual advances on others
Deliberate unlawful discrimination, harassment or bullying
Serious wilful breach of health and safety rules
Deliberate and serious damage to property
Theft or fraud
Causing loss, damage or injury through serious negligence
Serious misuse of NRC's property or name
Serious breach of confidentiality
Bringing NRC's reputation into disrepute (including over social media)
Assisting, encouraging or procuring any other member to commit any act which would justify Gross Misconduct
Actions that cause a severe and irreparable breakdown of trust and confidence between the member and NRC