

Wivenhoe Sailing Club – Disciplinary Procedure

This procedure sets out how complaints and concerns about member conduct will be investigated and resolved. It must be read alongside the WSC Code of Conduct and the Club's Constitution (2022).

1 Principles

- **Fair process** – members will be told the case against them and given a reasonable opportunity to respond before any decision is made.
- **Impartiality** – decisions will be taken by people who are not personally involved in the matter.
- **Confidentiality** – complaints and proceedings will be handled sensitively and information only shared where necessary.
- **Proportionality** – sanctions will match the seriousness and frequency of the behaviour.
- **Timeliness** – matters will be handled without undue delay.
- **Accessibility** – complaints may be made verbally or in writing to ensure the process is open to all.

2 Scope

- 2.1 This procedure applies where a member, guest, or visitor is alleged to have breached the **Code of Conduct** or otherwise behaved in a manner unworthy of a member or injurious to the interests of the Club.

3 Making a Complaint

- 3.1 A complaint may be raised by the person affected, by another member or witness who has observed the behaviour, or by the Club itself through the Commodore, Vice-Commodore, Rear-Commodore, or designated Welfare Officer acting on its behalf where the behaviour affects members collectively or risks the Club's reputation. If a complaint is made on behalf of the Club, the Officer handling it must inform the General Committee as soon as possible. The General Committee will be notified but will not be treated as the complainant, so that it can remain impartial in any subsequent disciplinary process.
- 3.2 Complaints may be raised verbally or in writing with the Commodore, Vice-Commodore, Rear-Commodore, or Welfare Officer. These Officers will ensure that complaints are recorded accurately and handled in line with this procedure.
- 3.3 Complaints should include names, dates and a brief description of what happened. They should normally be raised within three months of the incident unless there is good reason for delay.
- 3.4 Safeguarding, violence, intimidation, or suspected criminal matters must be referred immediately for formal action.

- 3.5 Anonymous complaints will not normally be accepted unless sufficient detail allows a fair and confidential investigation.

4 Immediate action

- 4.1 In cases of serious risk (e.g. violence, intimidation, safeguarding, criminal behaviour), any two of the Commodore, Vice-Commodore, and Rear-Commodore acting jointly may suspend a member's access to the Club, activities, or facilities with immediate effect, pending investigation.
- 4.2 Such suspensions are temporary (normally up to 28 days) and must be reported to and reviewed by the General Committee at the earliest opportunity.

5 Informal resolution

- 5.1 Where appropriate, less serious issues should be resolved informally through conversation, mediation, or a facilitated apology. If this is not possible, or if the matter is serious, the complaint will proceed formally.
- 5.2 Either party may request that a complaint be treated formally. In addition, the Officers or General Committee may determine that a complaint should proceed formally where they believe the matter raises serious concerns, even if the complainant indicates satisfaction with an informal outcome.
- 5.3 The Club reserves the right to reject complaints that are frivolous, vexatious, or malicious, with reasons recorded.

6 Investigation

- 6.1 The Honorary Secretary (or another uninvolved Officer) appoints an independent investigator who may be internal to the Club or, where appropriate, external. External appointments must be approved by the General Committee if expenditure is required.
- 6.2 The investigator gathers evidence, interviews parties, and produces a written summary of facts.
- 6.3 If a potential criminal offence is suspected, the Police may be informed and the internal process paused.
- 6.4 The report is shared with both the complainant and the respondent.

7 Disciplinary hearing

- 7.1 If further action is required, the Commodore appoints a Disciplinary Panel (normally 3 uninvolved club members including at least one member of the General Committee).
- 7.2 The respondent will receive:

- At least 14 days' notice of the hearing,

- a copy of all evidence, and
- the right to be accompanied by a fellow member or supporter.

7.3 The complainant and relevant witnesses may also be heard.

7.4 If all parties agree, a hearing could go ahead on written evidence alone.

7.5 The investigator should normally complete their report within 4 weeks of the complaint being referred. The Disciplinary Panel should then aim to conclude hearings and reach a decision within a further 4 weeks of receiving the investigator's report. These timeframes are goals rather than fixed deadlines, but they reinforce the principle of timeliness. Where these timeframes cannot be met, the Honorary Secretary should inform the parties and provide an updated timescale.

8 Sanctions

8.1 If a complaint is upheld or partially upheld, the Disciplinary Panel may impose one or more of the following (short of expulsion):

- Verbal warning.
- Written warning.
- Final written warning.
- Requirement for education, mentoring, or apology.
- Temporary suspension of membership rights (e.g. racing, bar, boats, training).
- Suspension of membership (fixed period).
- Ban on holding Club office or committee roles (fixed period).

Expulsion:

- If the Disciplinary Panel recommends permanent expulsion, the case must be referred to the General Committee. Only the General Committee has the constitutional authority to expel a member, and this requires a three-quarters majority of those present and voting in accordance with Rule 4.7 of the Constitution.
- The General Committee will consider the recommendation of the Disciplinary Panel before reaching its decision.
- The member will be notified and given the opportunity to make representations to the General Committee before a decision is made.
- There is no right of appeal against a decision of the General Committee on expulsion.

9 Appeals (Apart from expulsion cases)

- 9.1 A member may appeal within 14 days of being notified of the decision, on grounds of:
- Failure to follow fair process; or
 - sanction disproportionate to the behaviour.
- 9.2 Appeals will be heard by an Appeal Panel of three uninvolved Committee members (or, if necessary, an external independent person).
- 9.3 The Appeal Panel may uphold, reverse, or reduce the sanction, but may not increase it.
- 9.4 Appeals should normally be heard and concluded within 6 weeks of being lodged. These timeframes are goals rather than fixed deadlines, but they reinforce the principle of timeliness. Where these timeframes cannot be met, the Honorary Secretary should inform the parties and provide an updated timescale.
- 9.5 Appeal decisions are final.

10 Record keeping & confidentiality

- 10.1 A confidential record of complaints, investigations, decisions, and appeals will be kept by the Honorary Secretary. This responsibility is separate from the Honorary Membership Secretaries role in holding general personal data in order to preserve confidentiality of complaints. Where appropriate, the Honorary Secretary may liaise with the Honorary Membership Secretary to ensure records are consistent with data protection obligations.
- 10.2 Complainants will be informed when a matter has been concluded and whether their complaint was upheld. They may also be told, in general terms, that appropriate action has been taken. Specific details of sanctions applied to another member will not normally be shared, to respect confidentiality.
- 10.3 Records will be retained in line with data protection guidance. All other copies of complaint documents must be destroyed once the case concludes.

11 Linked policies

- 11.1 This procedure should be read alongside:
- Code of Conduct
 - Constitution (2022)
 - Safeguarding Policy

- Environmental Policy
- Social Media & Data Protection Policies

Julie-Anne White 30/10/2025

Commodore

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