



Helensburgh Sailing Club

STANDARD OPERATING PROCEDURE

Disputes and Disciplinary Procedures

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Contents

1. Purpose: 2
2. INTRODUCTION 2
3. PROCEDURE 2

1. Purpose:

- 1.1. The material which follows is closely based on the guidance published by RYA in 2020. The intention is to ensure that HSC's Code of Conduct (reference Policy HSC P-07) is followed - by office-bearers, committee members and members - and that established procedures are in place via which any actual or perceived deviations from that policy can be addressed in a fair and consistent manner

2. INTRODUCTION

- 2.1. Differences in opinion are human nature but within a club – involving passionate people – such differences can be magnified. Underlying tensions can, if left to fester, become harmful to the wider club. Often this may be due to a lack, or perceived lack, of communications within the organisation. Feedback channels are necessary and face-to-face discussions at an early stage can help to improve understandings and defuse developing divisions.
- 2.2. Social media tools have become important informal channels of communication but have the downside of enabling the promulgation of negativity. Comments can be taken out of context – a written message may be interpreted very differently from spoken comments, and the original detailed understanding of a situation can be distorted or lost. A minor issue can escalate to the extent of bullying, discrimination or worse. Members should NOT use social media to disparage the activities of the club, the committee, or other fellow members.
- 2.3. The Racing Rules of Sailing provide a framework for the resolution of many disputes, and offer channels into the RYA or World Sailing to assist. It should be noted, however, that Rule 69 (misconduct) protests cannot always be fully addressed by a Protest Committee due to time-limitation **and** RRS relate to competitors in a race or series of races and so are not suited to dealing with wider issues or long-running disputes.
- 2.4. Disciplinary action (other than a penalty from RRS infringement, as awarded by a Protest Committee) is not a common occurrence. HSC's constitution provides for termination of membership – as set out in Rules 5, 8 and 10.2 – and with an appeal process defined in Rule 8.2.

3. PROCEDURE

- 3.1. To minimise the risk of any higher body overturning a club decision to apply a sanction, these principles should be seen to have been applied:
 - The behaviour under scrutiny should merit disciplinary action and not have its roots in any personal animosities irrelevant to the current problematic behaviour
 - The decision-makers should be unprejudiced and should not have been involved in any prior disciplinary hearings with the member
 - The member should have a full and fair hearing
- 3.2. The member should:
 - Be told in advance the precise nature and details of the complaint against him/her.
 - Be given in advance any written statements made by witnesses

- Be entitled to attend the hearing meeting and, if so desired, to have someone attend with him/her.
 - Be entitled to cross-examine any adult witness(es) and to produce his/her witness(es); and to give his/her own evidence and closing statement
 - Not be subject to unreasonable time restraints – e.g. be given copies of relevant documents at least 3 weeks before a hearing, and have at least 2 hours set aside for the hearing, if required
- 3.3. Penalties should be proportionate, ranging from the requirement for an apology and/or a commitment not to repeat the transgression to possible suspension or in the final analysis the termination of membership.
- 3.4. No “unused” fees will be refunded in the event of suspension or termination.
- 3.5. Any appeals will only be accepted on the basis of the committee’s failure to follow due process OR if the penalty is seen to be disproportionate, and will be heard by a different panel of committee members.
- 3.6. Details of hearings and their outcomes will be treated as confidential and will not normally be included in the minutes of General Committee meetings. If appropriate they may be included in the minutes of Finance Committee meetings which are on restricted distribution.
- 3.7. If a member threatens legal proceedings in pursuit of appeal the club will put its insurers on notice of potential legal action.