

Devonport Country Club Limited

Disciplinary Policy

Revision date:
28.02.2024

INTRODUCTION

Under clause 16 of the Club's Constitution, the Board may warn, suspend or expel a member of the Club if such member has breached a provision of the Constitution or By-laws of the Club or of the Club's Code of Conduct or if the member's behaviour is causing, has caused or is likely to cause harm to the Club or to another member or an employee of the Club. This policy sets out the procedure that shall be followed in the event of a serious complaint against a member being made to the Board under the Grievance and Complaints policy of the Club.

DEFINITIONS

- Complaint means a Serious complaint made against a member to the Board of the Club under the Grievance and Complaints Policy of the Club.
- The Complainee means the member against whom a Complaint has been made.
- The Complainant means the person who has made the Complaint.

PROCEDURE

1. Any complaint made against another member of the Club must first be made according to the procedure set out in the Grievance and Complaints Policy.
2. The Board must deal with any Complaint in the manner described in this policy.
3. Any Complaint must be in writing and must concisely describe the nature of the complaint and the facts relied upon.
4. Within fourteen days of receipt of a Complaint the Chair shall appoint a date and time on which the Board shall meet to consider whether it shall pass a resolution to warn, suspend or expel the Complainee.
5. The General Manager must not less than fourteen days before the meeting appointed by the Chair of the Board under clause 4 give written notice to the Complainee;
 - a. That the Board is to meet to consider whether it shall pass a resolution as described in clause 4, and
 - b. The date time and place of such meeting, and
 - c. Concise details of the Complaint and the facts in support of it, and
 - d. That the Complainee may provide an explanation or response to the Complaint in written form before the meeting of the Board or by attending the meeting and speaking to the Board before any resolution is proposed.
6. The Board may, after considering any explanation offered by the Complainee, adjourn its meeting to consider any explanation given by the Complainee or to seek such further information as it may consider necessary, and then reconvene to consider its resolution.

DEVONPORT

COUNTRY CLUB

7. The Board shall, after considering the explanation given by the Complainee and any other information that it has sought, resolve to:
 - a. Take no further action on the Complaint, or
 - b. Provide to the Complainee a warning not in the future to engage in conduct specified by the Board in the warning, or
 - c. Suspend the rights of the member as a member of the Club for a period specified by the Board but not exceeding twelve months, or
 - d. Expel the member as a member of the Club.
8. The General Manager must, as soon as practical after the passing by the Board of a resolution under clause 7, give written notice of such resolution to the Complainee and the Complainant.
9. The Board must always give the Complainee a reasonable opportunity to put before the Board such information that may be relevant to the Complaint.
10. Despite any other term of this Policy, and in the interests of expediency, the Board may resolve to delegate the responsibility of the Board under clause 16 of the Constitution and under this Policy to a committee of not less than three Directors of the Board to resolve any Complaint and any decision of such committee shall be deemed a decision of the Board.
11. Should any Complaint be made against a Director such Director shall excuse themselves from any deliberations of the Board under this Policy.
12. 12.1. Despite any other term of this Policy, should;
 - (a) A serious complaint be made to the Board pursuant to the terms of the Grievance and Complaints Policy,

Or

 - (b) a member of the Club has in the opinion of the Chair or, in their absence or unavailability, the Vice Chair, committed an act that has caused, or has the potential to cause, unacceptable harm or distress to another person on the Club's premises, the Chair, or Vice Chair (as the case may be), may impose upon such person a temporary suspension of such person's membership for such period not exceeding two months from the date of such temporary suspension as the Chair or Vice Chair may determine.

12.2 Any determination by the Chair or Vice Chair under clause 12.1 must be ratified by a resolution of the Board within 14 days of such determination or else the temporary suspension will lapse.

(Vers: February 2024 – addition of Clause 12)