

# DISCIPLINARY ACTION POLICY

## *OCEAN ISLANDERS SHAG CLUB*

Defined in this Disciplinary Action Policy (DAP) are those actions by Members, Affiliated Associate Members or Unaffiliated Associate Members, of the Ocean Islanders Shag Club (OISC) that will be considered conduct detrimental to the best interests of OISC. Such conduct may lead to disciplinary action up to and including expulsion from OISC. Further, this DAP defines the procedures that OISC will use to manage and resolve complaints of detrimental conduct.

OISC's disciplinary policy aims to ensure that all Members are treated in a fair and equitable manner in relation to conduct deemed detrimental to OISC as defined by OISC's By-Laws and/or this DAP. Additionally, the DAP aims to provide for the prompt, where practical, disposition of detrimental conduct complaints.

### **Section 1: General**

1. All Members of OISC, through submission of and acceptance by the Board of Directors/Officers (hereinafter Board) of, an application for membership in OISC, agree to abide by OISC By-Laws and avoid conduct deemed detrimental to OISC. This includes conduct that may occur at other than OISC sanctioned events if such conduct is not in accordance with OISC By-Laws and this DAP, and the conduct can be reasonably interpreted as reflecting negatively on OISC.
2. Affiliated and Unaffiliated Associate Members do not have the same level of rights and privileges as full Members of OISC. As such, Affiliated and Unaffiliated Associate Members will not be afforded the right to appeal, and may be permanently prohibited from attending any OISC event for any detrimental conduct, such decision to be at the full discretion of the Board.
3. Disciplinary matters, applying to all matters of OISC, will be handled by the Board, or if appointed, a Disciplinary Committee, with subsequent full review by the Board.
4. If a disciplinary matter involves one or more members of the Board and/or the Disciplinary Committee (if appointed), then such Member(s) will be required to recuse themselves from the entire review and disposition process.
5. Disciplinary action against OISC Members may be taken by the Board. However, every Member:
  - Has the right to expect fair and consistent treatment
  - Has the right to adequate notice from the club
  - Has the right to appeal the disciplinary action

6. No disciplinary action against Members will be taken without a full investigation of the facts surrounding the detrimental conduct, including statements from witnesses, other evidence that may exist, and the accused Members as appropriate.
7. OISC Members accused of detrimental conduct may be suspended from participating in OISC activities by the Disciplinary Committee, if appointed, or the Board, depending on the severity and impact to OISC of the alleged misconduct. The decision to suspend or not, and the time frame of the suspension, will be at the sole discretion of the Disciplinary Committee and/or the Board.

## **Section 2: Detrimental Conduct**

There are two (2) levels of detrimental conduct, ‘Misconduct’ and ‘Gross Misconduct’. The following listings of detrimental conduct are not exhaustive, and may be expanded by the Disciplinary Committee and/or the Board at any time, including after the receipt of a conduct complaint if deemed appropriate. The Disciplinary Committee and/or the Board has the sole responsibility to classify the level of misconduct.

### **1. *Misconduct***

- Abusive or aggressive language or behavior
- Disorderly conduct tending to promote a breach of peace
- Disobedience to those in authority or with responsibility
- Minor damage to property or equipment, whether owned or leased by OISC or other entity
- Misuse of equipment, whether owned or leased by OISC or other entity
- Negligence

### **2. *Gross Misconduct***

- Repeated instances of ‘Misconduct’
- Theft, fraud
- Assaultive behavior, physical violence
- Harassment or discrimination (e.g. sex, race, disability or sectarianism, but also bullying)
- Serious acts of disobedience to those in authority or with responsibility
- Serious damage to property or equipment, whether owned or leased by OISC or other entity
- Use of illegal substances
- Open and notoriously illegal or grossly immoral public conduct
- Serious negligence that may put others at risk

## **Section 3: Engaging the Disciplinary Procedure**

1. The Disciplinary Procedure may be triggered by:

- A. Submitting a written complaint from a Member of OISC, or other entity member or governing board, alleging detrimental conduct by a Member, or Members, of OISC. The written complaint is to be submitted to the Secretary of OISC, unless the Secretary is a party to the alleged conduct, in which case the complaint is to be submitted to another member of the Board. The complaint must contain as much detail as is known concerning the conduct, including, but not limited to, a description of the conduct, the person(s) involved in the conduct, any witnesses to the conduct, any other evidence supporting the complaint, and the name(s) of the person(s) submitting the complaint. The confidentiality of the complainant(s) will be maintained unless the complainant(s) agree to forego confidentiality, or the Board has a legal obligation to divulge the information. Anonymous complaints will not be accepted.
  - B. The Disciplinary Committee and/or the Board may trigger the Disciplinary Procedure if it is believed an incident has occurred that has not been officially reported, but it is in the best interest of OISC and its Members to be investigated.
2. The Disciplinary Committee, or Board, if there is no Disciplinary Committee (hereinafter called 'Review Group'), will review the complaint to confirm that the alleged conduct falls within the scope of this DAP.
  3. The Review Group will notify in writing at a minimum, as soon as is reasonably practical, the Member(s) that are the subject of the complaint (accused) explaining that a complaint has been filed as well as the alleged detrimental conduct. The next steps to be taken by the Review Group should also be provided in the notification.
  4. The Review Group may appoint one or more persons from their group to gather evidence, statements from the accused, and witness statements.
  5. The Review Group will review and discuss all gathered evidence and statements. The Review Group may elect to conduct in-person interviews with witnesses and/or the accused. The accused person, or persons, have the right, if desired, to meet in person with the Review Group prior to any decision being made as to the validity of the complaint.
  6. The Review Group will reach a decision as to whether or not detrimental conduct has occurred, and they will determine the level of discipline to be levied against the accused that will be consistent with the requirements of this DAP.
  7. The Board, if not the Review Group, must review and approve the actions of the Review Group. If the Board does not approve, then the Board may require the Review Group to reconsider based upon reasons provided by the Board that are consistent with the requirements of this DAP.

## **Section 4: Disciplinary Actions**

## 1. Misconduct

- A. Members will not in general be subject to expulsion from OISC at this level, however, repeated Misconduct, either for the same or different actions, will lead to increasing severity of discipline and ultimately to expulsion if the Misconduct reaches the level of Gross Misconduct.
- B. *First Offence* – Depending on the specific Misconduct and at the discretion of the Review Group, disciplinary actions may be to:
  - I. Make a note of the Misconduct and take no further action, or....
  - II. Make a note, verbally discuss with accused and convey expectations for proper conduct
- C. *Second Offence* – Depending on the specific Misconduct and at the discretion of the Review Group, disciplinary actions may be to:
  - I. Issue a formal written warning noting the second offence, noting the specific Misconduct, conveying the expectations for proper conduct, and the possible next steps if another incidence of Misconduct occurs, or.....
  - II. Issue a formal written warning as above and suspend from participating in all OISC activities for a period of time determined by the Review Group in consideration of the severity of Misconduct, but in-line with past precedence where such precedence exists.
- D. *Third Offence* – Depending on the specific Misconduct and at the discretion of the Review Group, disciplinary actions may be to:
  - I. Issue a formal written warning as in the second offence, but suspend from participating in all OISC activities for a longer period of time determined by the Review Group in consideration of the severity of Misconduct, but in line with past precedence where such precedence exists.
  - II. Escalate the disciplinary action to the level of Gross Misconduct.
- E. *Fourth Offence* – Escalate the disciplinary action to the level of Gross Misconduct.

## 2. Gross Misconduct

Gross Misconduct is considered so serious as to warrant immediate expulsion, without notice, from OISC. This action would be taken after a review and discussion by the Review Group of the evidence and agreement by the Board that expulsion is the proper action. The Member(s) affected will be notified in writing of the decision.

## Section 5: Appeal Process

- 1. Member(s) who have been judged to have committed a level of detrimental conduct under this DAP and have received a disciplinary action as a result, up to and including expulsion from OISC, may file an appeal.

2. The appeal must be filed in writing and addressed to the Secretary of OISC. The appeal must be filed with a post date of not later than fourteen (14) calendar days from the date of the letter of disciplinary action provided to the Member(s).
3. The appeal must provide the basis, and the specific reasons why, of the appeal, which would normally consist of one or more of the following broad grounds for appeal.
  - a. The disciplinary action is too harsh
  - b. There is new evidence to be considered
  - c. The disciplinary action has been carried out unfairly
4. The Secretary of OISC will confirm the validity of the appeal and then schedule a hearing as soon as is practical after receipt of the appeal. The hearing will be held before the Board (if a Disciplinary Committee was in place and rendered the disciplinary action), or the Board (if it rendered the disciplinary action) with two Board members (chosen by the Board) replaced by two 'at large' members of OISC. The Member(s) filing the appeal must attend the hearing.
5. All prior documentation as well as any new information regarding the disciplinary action will be made available to the hearing board for review.
6. A decision by the hearing board regarding the appeal need not be made at the appeal hearing, but should be made as soon as is practical after the hearing in consideration of information that may have been presented at the hearing that requires review and discussion. The appeal decision will be communicated in writing by the Secretary of OISC to the appealing OISC Member(s) immediately upon a decision being made.
7. There is no further avenue of appeal available to OISC Members.

## **Section 6: Documentation**

1. All documentation (e.g., but not limited to, letters to/from Members, email, minutes of meetings, evidence, witness and/or Member statements, appeal filings) regarding any complaint and/or disciplinary action resulting from the application of this DAP must be maintained in a confidential filing system maintained by OISC. Documentation pertaining to a specific complaint and/or disciplinary action must be filed together and easily traceable to the specific complaint and/or disciplinary action.
2. There is no time frame for how long documentation must be held. However, the Board may at any time elect to establish such a time frame outside of which documentation may be destroyed. Further, the Board may elect to establish different time frames for different types of documentation. This DAP must be updated if such changes are made.
3. Any communication to a Member(s) resulting from activation of this DAP must include basic information, such as the date of the communication, the subject of the communication, and to whom the communication is being sent. Any communication

should, if possible, provide as much detail as is known at the time of the communication, along with how this DAP may be applicable, and what the next steps in the process may be.

4. Any communication to a Member(s) as a result of action under this DAP must require confirmation of receipt by the Member(s). This may be achieved by a postal 'delivery confirmation' if necessary.