



RULES FOR DISCIPLINARY ACTION AND GRIEVANCE PROCEDURES

1. General Provisions of these Rules

- 1.1. These Rules are to be read in conjunction with the Club's Constitution Part 4
- 1.2. References to "Part", "Division" and "Clause" in this Document are references to the relevant sections of the Constitution.
- 1.3. References to "Rules" and "subrule(s)" in this document refer to the clauses contained within this document
- 1.4. References to "member(s)" in this document refer to eligible members as defined in the Constitution and includes only General members and Life Members

DIVISION 1 – Disciplinary Action

2. Grounds for taking disciplinary action

The Club may take disciplinary action against a member in accordance with these Rules if it is determined that the member;

- 2.1. Has failed to comply with these Rules; or
- 2.2. Refuses to support the purposes and values of the Club; or
- 2.3. Has engaged in conduct prejudicial to the Club.
- 2.4. Has acted in a manner that has brought the Club into disrepute.

3. Disciplinary subcommittee

- 3.1. If the Board is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Board must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
- 3.2. The members of the disciplinary subcommittee may be Board members, eligible members of the Club or anyone else; but must not be biased against, or in favour of, either the Club or the member concerned

4. Notice to Member

Before disciplinary action is taken against a member, the Secretary must give written notice to the member stating that the Club proposes to take disciplinary action against the member, stating;

- 4.1. The grounds for the proposed disciplinary action; and
- 4.2. Specifying the date, place, and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the disciplinary meeting); and
- 4.3. Advising the member that he or she may do one or both of the following:
 - 4.3.1. Attend the disciplinary meeting and address the disciplinary subcommittee at that meeting.
 - 4.3.2. Give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and
- 4.4. Setting out the member's appeal rights under Rule 6.
 - 4.4.1. The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

5. Decision of subcommittee

- 5.1. At the disciplinary meeting, the disciplinary subcommittee must:
 - 5.1.1. give the member an opportunity to be heard; and
 - 5.1.2. consider any written statement submitted by the member.
- 5.2. After complying with subrule (5.1), the disciplinary subcommittee may:
 - 5.2.1. take no further action against the member; or
- 5.3. Subject to subrule (5.5):
 - 5.3.1. Reprimand the member; or
 - 5.3.2. Suspend the membership rights of the member for a specified period; or
 - 5.3.3. Expel the member from the Club.
- 5.4. The disciplinary subcommittee may not fine the member.
- 5.5. The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under these Rules takes effect immediately after the vote is passed.

6. Appeal rights

- 6.1. A person whose membership rights have been suspended or who has been expelled from the Club under Rule 5 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.
- 6.2. The notice must be in writing and given:
 - 6.2.1. To the disciplinary subcommittee immediately after the vote to suspend or expel the person, is taken; or
 - 6.2.2. To the Secretary not later than 48 hours after the vote.
- 6.3. If a person has given notice under subrule (6.2), a disciplinary appeal meeting must be convened by the Board as soon as practicable, but in any event not later than 21 days, after the notice is received.
- 6.4. Notice of the disciplinary appeal meeting must be given to each member of the Club who is entitled to vote as soon as practicable and must:
 - 6.4.1. Specify the date, time, and place of the meeting; and state:
 - 6.4.2. The name of the person against whom the disciplinary action has been taken; and

- 6.4.3. The grounds for taking that action; and
- 6.4.4. That at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

7. Conduct of disciplinary appeal meeting

At a disciplinary appeal meeting:

- 7.1. No business other than the question of the appeal may be conducted; and
- 7.2. The Board must state the grounds for suspending or expelling the member and the reasons for taking that action; and
- 7.3. The person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.
- 7.4. After complying with subrule (7.1), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.
- 7.5. A member may not vote by proxy at the meeting.
- 7.6. The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

8. Summary Discipline

- 8.1. Notwithstanding the provisions of Rules 2 to 7 above in the event that any member of the Board of the Club shall witness any member behave in the Club premises in a violent, disorderly, abusive or offensive manner or has reasonable grounds to believe on the information of a member that any member has immediately or shortly prior to such information so behaved that Board member may without prejudice to any other provisions of this Rule order the offending member to leave the Club premises forthwith
- 8.2. Such member shall thereupon leave the Club premises and not be re-admitted thereto for the duration of the day concerned.
- 8.3. If such a member shall refuse to leave after being ordered the said member of the Board after advising such member of the existence and effect of this Rule may remove that person or cause that person to be removed with such reasonable force as may be necessary

Division 2 - Grievance procedure

9. Application

- 9.1. This grievance procedure applies to disputes under these Rules between:
 - 9.1.1. A member and another member;
 - 9.1.2. A member and the Board;
 - 9.1.3. A member and the Club.
- 9.2. A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

10. Parties must attempt to resolve the dispute

The parties to a dispute must attempt to resolve the dispute between themselves within fourteen (14) days of the dispute coming to the attention of each party.

11. Appointment of mediator

11.1. If the parties to a dispute are unable to resolve the dispute between themselves within the time required by Rule 10, the parties must, within ten (10) days:

11.1.1. Notify the Board of the dispute; and

11.1.2. Agree to or request the appointment of a mediator; and

11.1.3. Attempt in good faith to settle the dispute by mediation.

11.2. The mediator must be

11.2.1. A person chosen by agreement between the parties; or

11.2.2. In the absence of agreement;

11.2.2.1. If the dispute is between a member and another member—a person appointed by the Board; or

11.2.2.2. If the dispute is between a member and the Board or the Club a person appointed or employed by the Dispute Settlement Centre of Victoria.

11.2.3. A mediator appointed by the Board may be a member or former member of the Club; but in any case must not be a person who

11.2.4. Has a personal interest in the dispute; or

11.2.5. Is biased in favour of or against any party.

12. Mediation process

The mediator to the dispute, in conducting the mediation, must;

12.1. Give each party every opportunity to be heard; and

12.2. Allow due consideration by all parties of any written statement submitted by any party; and

12.3. Ensure that natural justice is accorded to the parties throughout the mediation process.

12.4. The mediator must not determine the dispute.

13. Failure to resolve dispute by mediation

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.