



GYC Disciplinary Policy

Introduction and Scope

This Disciplinary Policy aims to ensure that all members are treated fairly and consistently where there are allegations of misconduct. The Policy covers:

- Conduct on club premises;
- Conduct in connection with club activities or when representing the club;
- Conduct outside the club that could reasonably bring GYC into disrepute.

Members are expected to comply with the Articles of Association, Byelaws, Code of Conduct and other Policies as agreed by Council from time to time (the “**Club Rules**”). Breaches of the Club Rules may result in action under this Policy.

A member accused of misconduct is referred to as the “**Respondent**” within this Policy. Any person who raised the allegation in writing is referred to the “**Complainant**”. The Respondent and Complainant are collectively referred to as the “**Parties**”.

This policy will be subject to regular review as set out in Appendix 4.

Principles

The procedure will adhere to four key principles:

- The behaviour complained of should merit disciplinary action.
- The decision-makers and process must be unprejudiced.
- The process will be confidential, subject to applicable law.
- The Respondent should have a full and fair hearing and have the right to appeal.

But also take account of the need for:

- timeliness;
- written notice of the complaint and reasonable time to prepare a response;
- parties to have the right to be accompanied to hearings;
- independent investigation;
- right of appeal;
- transparent process, varied only for good reason;
- Complainants to be informed of outcome but not the details of any sanction;
- compliance with legal obligations and the Articles / Byelaws of the Club.

Disciplinary Procedure

Provisions at all stages

- 1) Any requirement in this procedure that a person not have a 'conflict of interest' or any reference to persons being 'not conflicted' shall be interpreted to mean that the person:
 - a) Is not related to or in a relationship with either the Complainant or Respondent; and
 - b) Has not made or been subject to a previous complaint by or from the Complainant or Respondent; and
 - c) Is not involved (and has not been involved) in civil or criminal proceedings with the Complainant or Respondent; and
 - d) Is not otherwise manifestly biased or prejudiced with regard to the Complainant or Respondent or the issues raised in the Complaint.
- 2) For any votes required or allowed by this procedure, the Chair will not have casting vote and in the event of an equal number of votes for or against, the proposal fails. Super majority votes require at least 75% of votes cast in favour to pass. All other votes require a simple majority of votes cast in order to pass; Abstentions are not votes cast.
- 3) If the Commodore is conflicted then the Commodore responsibilities described in this procedure will be undertaken by the Vice Commodore. If the Honorary Secretary ("**Hon. Sec.**") is conflicted then the Hon. Sec. responsibilities described in this procedure will be undertaken by the Rear Commodore. If both are conflicted their responsibilities will be undertaken by other Officers, or if none available then other members of Council.
- 4) If there is any conflict between this Disciplinary Policy and the Articles, Byelaws or other legal requirements, those will prevail.
- 5) Any Hearing convened under this procedure must be allocated at least two and one half hours of diary time. If the Hearing has not concluded within four hours it must be adjourned until another date and time.
- 6) At any Hearing which the Respondent is entitled to attend, they may bring with them a Club Member to provide support and advice. This person cannot be a witness, and is not permitted to address the hearing unless this is a proportionate and reasonable adjustment for a Respondent with difficulties around communication (which for the avoidance of doubt may include neurodiversity). This dispensation must be requested in advance.
- 7) Some of the decisions to be taken by the Hon. Sec. and / or Commodore within this process can be challenged by the Parties and the term "**Procedural Appeal**" has the following meaning:
 - a) If the procedural decision is appealed in writing to the Hon. Sec. within seven days, the Membership Secretary will be asked to randomly select two further members of Council who will consider the appeal. They may (by unanimous agreement) overturn the procedural decision if they think it fair and just. Their decision will be final.
- 8) A Respondent may waive their confidentiality; however, the Club will not seek or require such a waiver.

- 9) Where it is impossible or disproportionate to follow the precise procedural steps set out in this Policy, the Hon. Sec. and Commodore may agree adjustments that are reasonable under the circumstances and would not leave the process incompatible with the Principles set out above. The Parties must be informed of any such change in writing with the reasons explained and the decision is subject to Procedural Appeal.

Preliminary Stage

- 10) A complaint has been received by the Hon Sec. An initial triage has been conducted under the Complaints Policy, which concluded that the complaint should be handled through the Disciplinary Policy.
- 11) If the Hon. Sec. and Commodore and agree that the presence of the Respondent at the Club puts others at risk or will otherwise causes excessive distress they may agree to instruct the Respondent in writing that their membership is suspended until further written notice, subject that:
- a) This decision will be taken only by the unanimous agreement of the Hon. Sec. and Commodore; and
 - b) The decision is subject to Internal Appeal; and
 - c) If the Respondent attends the Club premises or events in breach of such a suspension, such attendance will normally constitute gross misconduct and may result in expulsion following an expedited disciplinary hearing.
- 12) If the matter is serious, the Hon. Sec. may choose to write to any witnesses mentioned in the complaint, asking them to *write and retain* an account of the claimed incident (but not provide a copy to the Hon. Sec.). This is to inform any future investigation and creates a record before memories fade.
- 13) Within 7 days of the decision to proceed with the disciplinary the Hon. Sec will write to the Respondent that a complaint has been received about them; including a brief outline of the allegations, a copy of this Policy and any limit on their attendance per paragraph 11).
- 14) The Hon. Sec. will appoint an individual to investigate the complaint who is not conflicted. This will usually be a member of Council though depending on capacity could be another suitable member (the “Investigator”).

Formal Conciliation stage

- 15) The Investigator will review the complaint and hold provisional conversations with the parties, seeking to establish whether it might be possible (and reasonable for the Club) to resolve the matter without recourse to a full investigation.
- a) If the Respondent accepts that they were in error, the investigator will seek to establish whether an outcome can be agreed that is satisfactory to both parties. This might include a verbal apology, a written apology or a signed undertaking regarding future conduct, and / or a formal sanction from the Club such as a written warning.
 - b) If agreement is reached, the Investigator writes a short statement of key facts and agreed outcome which is passed to the Hon. Sec. for safe keeping. The outcome and the matter is

considered closed and the record will be destroyed after two years.

16) If agreement is not reached or no guilt admitted, the formal investigation will begin.

Investigation Stage

17) The Investigator will:

- a) Write a concise, clearly worded list of all the allegations, including which Rule(s) are claimed to have been broken and the specific factual claims that are made. (the **“Summary”**). The investigator may consult with the Complainant whether the Summary is accurate and complete; and
- b) Share the Summary with the Respondent, but not share the original complaint. The Summary replaces the written complaint for the remainder of this process; and
- c) Invite the parties and any witnesses to submit written statements, and interview witnesses where this is proportionate and helpful; and
- d) Collate any documentary evidence; and
- e) Write a concise report setting out a factual account of the allegations and events, including a short / bullet point chronology and list of key actors. (the **“Report”**)

18) The investigation should normally be completed within approximately 21 days of commencement, subject to the complexity of the matter and availability of witnesses.

19) If, during the course of the investigation, the Investigator concludes that the Respondent may have committed a criminal offence, the Hon. Sec. and Commodore may by agreement report the matter to the Police. If agreed to be proportionate and reasonable, Hon. Sec. and Commodore may further agree to:

- a) Put the internal disciplinary procedure on hold until any Police investigation and potential subsequent prosecution has been concluded; and / or
- b) Suspend the membership of the Respondent and / or exclude from club premises & events until the conclusion of legal proceedings. This decision is subject to Procedural Appeal.

Hearing Stage

20) The Hon. Sec. will check with the Parties and attending witnesses whether they have any disability or other special needs for which reasonable adjustments should be made to the format or arrangements for the Hearing. Only panel members present throughout the hearing may vote.

21) The Hon. Sec. and Commodore will identify and agree a panel of at least five and no more than eight people to hear the disciplinary (the **“Hearing Panel”**) which will:

- a) Not include the Hon. Sec; and
- b) Not include any person who has a conflict of interest; and
- c) Include the Commodore as Chair plus three other members of Council; and
- d) Include one adult Member of the Club who is not a member of Council.

- 22) The Hon. Sec. will identify a suitable time, date and venue for the hearing, taking account of the availability of all parties and any reasonable adjustments.
- 23) All written evidence will be provided to the Respondent and Hearing Panel at least 21 days before the hearing. This will include:
- a) The Summary prepared by the Investigator; and
 - b) The Report prepared by the Investigator; and
 - c) All witness statements (redacted by the Hon. Sec. or Investigator of anything that could reasonably cause harm to others taking special account of issues related to safeguarding) - the Hearing Panel and Respondent must receive identical copies of these documents; and
 - d) But not include the original written complaint.
- 24) The Hon. Sec. will attend the hearing, take or organise minutes and help the Chair ensure that proceedings align closely with the requirements of this Policy.
- 25) The Hearing Panel may wish to hold a short pre-meeting to discuss whether there are particular questions that need to be asked to be able to fully understand the allegations.
- 26) If new facts emerge at the hearing that could not reasonably have been known during the investigation, the hearing will be briefly adjourned for the Hearing Panel to discuss whether to formally adjourn to provide time for the investigation to be updated to take account of the new information.
- 27) If the member is unable, for good reason, to attend on the appointed date, the Hon. Sec. will endeavour to agree a suitable alternative date. If the member is unable or unwilling to agree a mutually acceptable date within a reasonable period, the hearing may take place in their absence.
- 28) At the Hearing, the Chair facilitates the following agenda:
- a) The Chair provides a brief introduction, housekeeping and overview of how the hearing will work.
 - b) The Investigator will introduce their report, lead attendees through the chronology and the main findings of fact arising from the investigation. Panel members and the Respondent can ask the investigator questions of fact about the investigation.
 - c) The Investigator may (especially for the most serious matters) invite witnesses to present their evidence and respond to questions.
 - d) The original Complainant (if there is one) will always be offered the opportunity to present evidence in person. The Respondent may ask the Complainant questions of fact, but only where these questions relate directly to the allegations set out in the Summary.
 - e) The Respondent will then be provided at least thirty minutes (and longer in complex matters) to present their own case. They may also invite their own witnesses, and any witness may be asked questions by the Panel.
 - f) The Respondent may ask questions of any adult witness not considered to be a vulnerable person; the Chair may limit such questioning where this is reasonably judged to be abusive.

- g) The Respondent may not directly ask questions of any witness who is a child or considered to be a vulnerable person; such evidence will only be presented through written statements or via an appropriate intermediary.
 - h) The Investigator will be asked to identify any claims of fact raised by the Respondent which are contradicted by the Investigators own findings.
 - i) The Respondent will have the final opportunity to sum up their case.
 - j) The Chair will outline the 'next steps' and timescales for an outcome to be decided.
- 29) The Hearing Panel may vote to adjourn where this is necessary to ensure fairness and allow parties adequate time to address new information or circumstances.

Outcome Stage

- 30) The Hon. Sec. will arrange a further meeting of key panel members to consider the facts of the case ("**Outcome Meeting**"), which may (particularly if the Hearing was short) be immediately after the Hearing. This will be attended by:
- a) At least five members of the Hearing Panel; and
 - b) The Hon Sec., who does not have a vote; but
 - c) not the Investigator, Respondent or anyone else.
- 31) The Chair will facilitate a discussion regarding the guilt or culpability of the Respondent with respect to the allegations against them in the Summary, paying particular attention to:
- a) The truth or otherwise of key claims, using the test of 'balance of probability';
 - b) Whether the conduct breaches a Rule;
 - c) Whether the conduct is *unworthy of a Member or otherwise injurious to the interests of the Club*.
- 32) The Chair will then hold a vote on the simple question of whether the Respondent is guilty of any misconduct within the scope of the Summary that warrants a disciplinary outcome of some kind. If this does not pass by majority vote then the complaint is not upheld and the disciplinary process will be brought to a close.
- 33) If the Panel votes for there to be a disciplinary outcome, the Chair will then facilitate a discussion regarding what that Outcome should be, paying particular attention to the following considerations which are to be read out loud to the Panel:
- a) The severity or materiality of the offence, in particular whether it is gross misconduct (see Appendix 1 for examples of misconduct);
 - b) Aggravating factors, such as malice, repetition of offence, abuse related to protected characteristics, previous complaints;
 - c) Mitigating factors, such as lack of prior offence or the contributory fault of other parties.
 - d) What penalty has been applied in similar cases in the past, if any and known;
 - e) The further Guidance on Outcomes provided in this document;

- f) Whether the outcome is reasonable and proportionate in all the circumstances;
- 34) The Chair may use 'indicative' votes on outcomes proposed by members of the Panel, to focus discussions toward an outcome. Proceedings conclude when a formal vote on the outcome is passed by a majority of the Panel: (the "**Outcome**") which will be one of the following (which are to be read out loud to the Panel):
- a) The Complaint is upheld, with a specific sanction being imposed on the Respondent.
 - b) The Complaint is not upheld, which would include the eventuality of a majority vote being passed that discussions were gridlocked.
- 35) The Hon. Sec. will write to the Respondent within seven days of the decision being reached, setting out:-
- a) Whether the Complaint has been upheld; and
 - b) Whether there is any sanction, the sanction and any implications; and
 - c) In the case of a warning, the improvements to conduct that are expected, how long the warning will last and what the consequences of failure to improve may be; and
 - d) The Appeals process set out below.
- 36) The Hon. Sec. will write to the Complainant with a brief written summary of the steps that have been followed under this Policy and whether their complaint has been upheld or denied. The letter will point out that there might be an appeal and no further information will be provided until that is complete or timed out.
- 37) A record is made of the disciplinary decision using Appendix 2. Additionally, The Hon. Sec. will compile and file appropriate records for safe electronic storage, with a note indicating the date on which documents should be destroyed if there are no further related incidents.
- 38) The Hon. Sec. and Commodore will review the case and consider whether it raises issues that might inform improvements to Club Rules, which will be taken to Council for discussion.

Appeal Stage

- 39) An appeal may be made on (and only on) one or more of the following grounds, and the burden of proof rests with the Respondent to show that:
- a) The club materially failed to follow this Disciplinary Policy such that the Respondent was denied reasonable due process and natural justice; or
 - b) The outcome is manifestly disproportionate to the offence; or
 - c) New evidence has come to light that the Respondent could not reasonably have known about at the time of the hearing, but is sufficiently material that the outcome should be considered unsafe.
- 40) If the Respondent wishes to Appeal the Outcome, they must provide a written notice to the Hon. Sec. (the "**Notice of Appeal**"), and this notice must:
- a) Be sent within 28 days of being sent the Outcome; and
 - b) Explicitly state which ground(s) of appeal are relied upon, from paragraph 39), a – c; and

- c) Provide enough information for the matter to be considered without a formal hearing, including any new evidence if this is the basis for Appeal.
- 41) The Hon. Sec. will identify a panel to hear the appeal (the “**Appeal Hearing Panel**”), which:
- a) Will include one Flag Officer as Chair and will not include the Commodore; and
 - b) Must include at least four persons, at least two of whom must be members of Council; additional members may be members of Council or selected from the wider membership at the discretion of the Hon. Sec; and
 - c) Includes no person with a conflict of interest or who sat on the Hearing Panel; but
 - d) not include the Hon. Sec
- 42) The Respondent will have the option of attending the Appeal Hearing. The Respondent is given a maximum of thirty minutes to present their case. They will be permitted to also bring witnesses, where agreed in advance with the Hon. Sec. as having new, material evidence relevant to the stated grounds for appeal. After the Respondent has presented their case they will leave the room.
- 43) The Appeal Hearing Panel may at their option invite the Chair of the original Hearing and / or the Investigator to present evidence and answer questions. If so, they will also be asked to leave the room before deliberations.
- 44) The Appeal Hearing Panel shall have the power to uphold the original decision, over-turn it, or reduce the penalty but may not increase the penalty. If there is new information, they may also decide that the matter returns to the investigation stage. The decision of the Appeal Hearing Panel is final and binding.
- 45) After resolution of the Appeal, the Hon. Sec. will write to the Complainant and inform them accordingly that on Appeal;
- a) The Outcome was overturned and the Complaint was not upheld; or
 - b) The Complaint was upheld with sanction unchanged; or
 - c) The Complaint was upheld but the sanction reduced in severity.
- 46) The Complainant is not entitled to know the sanction except where this might reasonably be expected for their safety and wellbeing: for example, if the issue was violence or bullying and harassment it would be reasonable for the Complainant to know whether the member is expelled or conditions put on their conduct which directly affected the Complainant.

Guidance on Outcomes

- 47) Those entrusted to conduct this disciplinary process have broad latitude to impose sanctions that they reasonably believe are proportionate and just under all the circumstances, taking account of the following provisions and guidelines.
- 48) If the Respondent has been subject to any previous disciplinary sanctions under this policy, which have not expired, the Hearing Panel or Appeal Hearing Panel may take account of these in deciding the Outcome and may impose a more severe Outcome as a consequence.

Verbal Warning

- 49) If the misconduct does not meet acceptable standards but is not serious, is a one off or there are substantial mitigating factors, the member will normally be given a formal **“Verbal Warning”**.
- a) The Respondent will be invited to a meeting with the Commodore and Hon. Sec. They will be advised of the reason for the warning, with suggestions of how their conduct should be different in future.
 - b) If, after reasonable efforts by the Hon. Sec. to reschedule and communicate, the Respondent fails to attend such a meeting, the Outcome will be automatically escalated to a formal Written Warning.
- 50) A record of the Verbal Warning will be retained by the Hon. Sec. for a period of 12 months and subject satisfactory conduct during that period will then be considered expunged.

Written Warning

- 51) If the misconduct is serious, e.g. deemed to bring the club into disrepute, or if there is recurrence of previously sanctioned conduct, the member will normally be given a formal **“Written Warning”**.
- a) The Respondent will be invited to a meeting with the Commodore and Hon. Sec. They will be advised the reason for the Written Warning, with suggestions of how their conduct should be different in future and the consequences if this is not achieved.
 - b) If, after reasonable efforts by the Hon. Sec. to reschedule and communicate, the Respondent fails to attend such a meeting, the Outcome will be automatically escalated to a Final Written Warning.
- 52) A formal Written Warning may be accompanied by a fine of up to two times the annual membership fee they paid to the club in the current year.
- 53) A record of the Written Warning will be retained by the Hon. Sec. for a period of 24 months and subject to satisfactory conduct during that period will then be considered expunged.

Final Written Warning

- 54) If the misconduct is very serious, (or gross misconduct where the panel believes there are substantive mitigating factors), or where a prior Written Warning has been provided but the misconducted repeated, then the panel will normally impose a **“Final Written Warning”**.
- a) The Respondent will be invited to a meeting with the Commodore and Hon. Sec. They will be advised the reason for the Final Written Warning and advised that this the last opportunity for them to avoid expulsion from the Club.
 - b) If, after reasonable efforts by the Hon. Sec. to reschedule and communicate, the Respondent fails to attend such a meeting, the matter will be referred back to the Hearing Panel for further consideration. The Hearing Panel may reconvene and, if appropriate, consider whether termination should be imposed.
- 55) A Final Written Warning may be accompanied by a further penalty of:

- a) Suspension from the club for up to three months; and / or
- b) A fine up to three times the Respondent's annual membership fee paid to the club in the current year.
- c) A record of the Final Warning will be retained by the Hon. Sec. for a period of 36 months and subject to satisfactory conduct during that period will then be considered expunged.

Gross Misconduct

56) Conduct which fundamentally breaches the trust between Members and the Club is described as "**Gross Misconduct**", examples of which are set out in Appendix 1. In the more serious cases of Gross Misconduct, termination of membership will normally be the appropriate sanction.

57) However, the Panel retains discretion to impose any proportionate sanction up to and including termination, taking into account all relevant circumstances and any mitigating factors. Termination is not automatic and alternatives might include:

- a) Final Written Warning (for less serious examples, where there is genuine contrition and an offers of amends); and / or.
- b) Suspension from the club for a period of up to six months; and / or
- c) A fine of up to four times the Respondent's annual membership fee paid to the club in the current year.

58) No member will face termination of membership under this policy except where:

- a) There is a finding of Gross Misconduct or there is repetition of misconduct for which the Respondent previously received a Final Warning; and
- b) The vote on termination is held by secret ballot of the Hearing Panel and passes with 75% of votes cast. Only panel members present throughout the hearing are eligible to vote and the Hearing Panel must consist of at least five persons.

Appendix 1 – Examples of Gross Misconduct

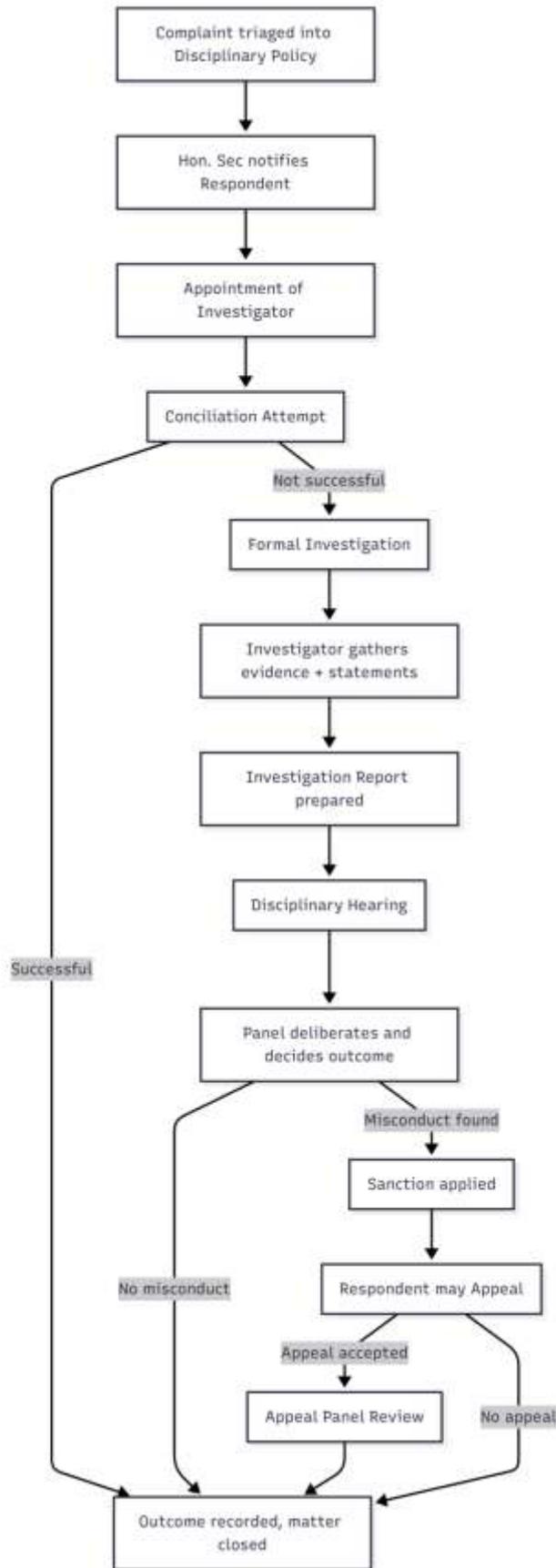
The following is a non-exhaustive list of offences which are normally regarded as gross misconduct:

- a) Theft, fraud, deliberate falsification of club records for personal gain.
- b) Assault on another person on club premises or whilst offsite during GYC events.
- c) Deliberate damage to club or other members' property.
- d) Serious incapability through alcohol or being under the influence of illegal drugs.
- e) Serious negligence which causes unacceptable loss, damage or injury.
- f) Serious breach of Club Rules, RYA or other relevant regulatory requirements.
- g) Bullying or Harassment, as defined by the Club Bullying and Harassment Policy.
- h) Deliberate, malicious and damaging breach of personal data held in accordance with current UK General Data Protection Rules.

Appendix 2 – Hearing Record

GYC Disciplinary Hearing Summary sheet			
Member name:		Date of Meeting:	
Committee members present:			
Advocate attending (if any)			
Date / period of incident:		Time of Incident:	
Description of Incident (evidence to be attached):			
Action taken (Please Tick)	Verbal Warning	Written Warning	Final Written Warning
	Temporary Suspension	Effective date:	
	Termination of membership	Effective date:	
Corrective action plan:-			
Next Action, if problem continues:-			

Appendix 3 – Flowchart Summary



Appendix 4 - Change Control

This Disciplinary Policy is subject to biannual review.

Revision	Date	Section	Reason for Revision	Change Made
0.1	21/02/2026	Entire Document	New Policy	Everything