

ROTARY CLUB OF OCEAN GROVE INC – DISCIPLINARY PROCEDURES

Disciplinary procedures are initiated by the Board if the member has breached the Rotary Club of Ocean Grove Inc Code of Conduct or has engaged in actions that may be considered unethical or illegal. These procedures can also be implemented where member conflicts have not been resolved and have escalated to the situation where there is a significant risk to the effective functioning of the Club. It is desirable to follow a staged approach to disciplinary procedures but if the matter is a more serious disciplinary matter the procedures can start at stage 3.

Stage 1 Guidance.

The President or Board members with supervisory or accountability roles relevant to the member will contact the member and speak to them about concerns about their actions/behaviour. These concerns must indicate which part of the Code of Conduct is linked to their actions.

If appropriate, the President or Board member will suggest that the club member be offered the assistance of a mentor or other experienced club member to help address the concerns and move forward. If appropriate, this member may also be offered access to professional development or training programs linked to working in teams, anger management or personal development. Access to counselling may be recommended but it will not be funded by the Rotary Club of Ocean Grove.

Stage 2 Formal Communication about the concerns

If there are repeated incidents of the concerning behaviour or if the breaches of the Code of Conduct become more serious the member will receive written communication from the President of the Club. This communication will identify the behaviour that is of concern and ask for the behaviour to cease. If the concerning behaviour continues the member will receive a warning notice which informs the member that if the behaviour continues the Board will hold a special meeting for the purpose of considering disciplinary action against the member. This notice may include the following options that are available to the member:

- Agreement to cease the inappropriate or offending behaviour and apologise if appropriate
- Approved leave of absence from the club
- Seek professional assistance outside the Ocean Grove Rotary Club with the intention of changing the behaviour
- Voluntary resignation
- Proceed to stage 3 of Club Disciplinary Procedures where the member will have the opportunity to state their case before the Board.

Stage 3 Commencement of Club Disciplinary Procedures by the Board

The Board will decide if it is necessary to implement the Club disciplinary procedures. If the Board makes the decision to proceed the member is informed in writing of the allegations that are being considered by the Board and notified that the formal disciplinary procedures have commenced. Once the disciplinary procedures have commenced the member is unable to initiate a separate complaints process.

The Board will hold a special Board meeting for the purpose of investigating the case and making a decision on the consequences of the member's actions. The member who is the subject of disciplinary procedures must be informed in writing of the date of this special purpose Board meeting. The member has the right to address the allegations in writing or in person at the special purpose Board meeting. The member may be accompanied by one support person who is a Rotarian from the Rotary Club of Ocean Grove. If the member requests a Board appearance the member will be provided with adequate time to address the allegation and the support person may be asked by the Board to verify evidence that is presented to the Board regarding the case.

Rotary Club of Ocean Grove Inc Constitution Article 13, Section 5

(a) Notice. Before the Board acts under subsection (a) if this section, the member shall be given at least 10 days written notice and an opportunity to respond in writing to the Board. Notice shall be delivered in person or by registered letter to the member's last known address. The member has the right to appear before the Board to state his or her case.

. The options available to the Board include:

- Dismissal of the case
- No immediate disciplinary action but continued monitoring of the case.
- Removal of the member from a service area committee/ project team or type of work within the club.
- Suspension of membership for a period of up to 90 days
- Termination of membership.

If a Board member is seen to have a 'material conflict of interest' or does not meet the Victorian Club Incorporation Law requirements for 'fairness and impartiality' in the proceedings the Board member(s) should not be present during the decision making on the issue. These Board members may be present when the member is presenting their case to the Board but they must leave the room during the final Board discussion and the voting. If the partner of a Board member is involved as a party to the dispute the Board member should absent themselves from the Board decision making process.

The Board will make a decision after the member, support person and Board members who may be seen to have a conflict of interest leave the room. The member will be informed of the Board decision in writing and will be provided with a statement of options for appeal.

Rotary Club of Ocean Grove Constitution Article 10, Section 10 – Temporary Suspension

The Board may, by at least a two – thirds vote, temporarily suspend the member for a reasonable period of up to 90 days and with any other conditions the Board sets. Before the suspension ends, the Board must either move to terminate the suspended Rotarian or reinstate the Rotarian to full status.

In the event of a suspension decision the member must be informed in writing that the 'Board is planning to suspend your membership of the club from the specified dates'.

The Club needs to seek legal advice from either the District Legal Officer through the District Governor or a Club appointed solicitor if the member is facing criminal charges as it may be more than 90 days before the matter comes before the courts.

Rotary Club of Ocean Grove Constitution Article 13, Section 5 Termination – Other Causes

- (b) Good cause. The Board may terminate the membership of any member who ceases to have the qualifications for club membership. Or for any good cause by a vote of at least two – thirds of the Board members present and voting at a meeting called for that purpose. The guiding principles for this meeting should be Article 8, section 1 The Four Way Test and the high ethical standards of a Rotarian.*
- (c) Notice. Before the Board acts under subsection (a) if this section, the member shall be given at least 10 days written notice and an opportunity to respond in writing to the Board.*

In the event of a termination decision the member must be informed in writing that the 'Board is planning to terminate your membership of the club from the specified date'.

Rotary Club of Ocean Grove Constitution, Article 13, Section 6

- (a) Notice. Within seven days after the Board's decision to terminate or suspend membership the Secretary shall notify the member in writing.*

There may be circumstances where the Board considers it necessary to terminate membership effective immediately and advice should be sought from the District Governor either prior to the termination notice being sent to the member or as soon as possible after the member has been informed.

Stage 4 Appeal to the Club, Mediation or Arbitration

The member has three options for appeal of a decision to suspend or terminate membership.

Rotary Club of Ocean Grove Constitution Article 13, Section 6– Right to Appeal, Mediate or Arbitrate

- (a) Notice. Within 14 days after the notice, the member may give written notice to the Secretary of an appeal to the Club or a request for mediation or arbitration.*

Appeal to the Club

Rotary Club of Ocean Grove Inc Constitution Article 13, Section 6 – Right to Appeal, Mediate or Arbitrate

(b) Appeal

In the event of an appeal, the Board shall set a date for the hearing at a regular club meeting held within 21 days after receipt of the notice of appeal. At least five days written notice of the meeting and its special business shall be given to every member. Only members shall be present when the appeal is heard. The action of the club is final and binding on all parties and shall not be subject to arbitration.

The member lodging the appeal and the President representing the Board will both have the opportunity to address the Club and state their case. An independent Chairperson (preferably a Past President who is not on the Board) will chair the meeting, establish meeting protocols and guide the questions. Voting on whether to accept or reject the Board's decision will be by secret ballot with a simple majority vote on the decision.

Mediation

The procedure for mediation needs to be recognised by the appropriate authority with state jurisdiction which in our case is Consumer Affairs Victoria and the incorporation requirements. Only Rotarians can be mediators. If necessary, The Ocean Grove Rotary Club Board responds to the member request for mediation and will ask the District Governor to appoint a mediator with appropriate mediation skills and experience. The appointed mediator will set the rules of the mediation process.

Rotary Club of Ocean Grove Inc Constitution Article 17, Section 3 - Mediation

- (a) Mediation outcomes. The outcomes or decisions agreed to by the disputants after mediation shall be recorded and copies given to each party, the mediator and the Board. A summary statement acceptable to the parties shall be prepared for the information of the Club.*
- (b) Unsuccessful Mediation. If mediation is requested but unsuccessful, any disputant may request arbitration.*

This mediation is a response to a disciplinary decision by the Board and this mediation may be between the member and the Board representative. Mediation to resolve personal conflicts between members is covered under Dispute Resolution procedures.

Arbitration

If necessary, The Ocean Grove Rotary Club Board responds to the member request for arbitration and will ask the District Governor to appoint an arbitrator/arbitrators with appropriate arbitrator skills and experience. The District Governor will be asked to provide advice on the procedures for arbitration.

Rotary Club of Ocean Grove Inc Constitution Article 17, Section 4 and 5 – Arbitration

The decision of the Arbitration process shall be final and binding on all parties and not subject to appeal.

Document passed by Rotary Club of Ocean Grove Inc Board Meeting on 10/7/2022

