

## SOUTH AUSTRALIAN ENDURANCE RIDERS ASSOCIATION

### DISCIPLINARY AND GRIEVANCE POLICY

#### DISCIPLINARY POLICY

##### 1. Grounds for taking disciplinary action

- 1.1 The Association may take disciplinary action against a member if it is determined that the member has
  - 1.1.1 Breached, failed, refused or neglected to comply with a provision of the AERA rules, the rules of SAERA as outlined in the SAERA constitution, the responsibilities of membership as set out in the SAERA constitution, the By Laws or any other resolution or determination of the Management Committee or duly authorised committee
  - 1.1.2 Acted in a manner unbecoming of a Member
  - 1.1.3 Acted in a manner prejudicial to the aims and responsibilities of the Association or Endurance Riding
  - 1.1.4 Brought SAERA or Endurance Riding into disrepute
  - 1.1.5 Allowed their horse to injure or damage or put any person, horse or property at unnecessary or unreasonable risk
- 1.2 The SMC may initiate disciplinary action of its own accord or in response to a complaint from another member
  - 1.2.1 Allegations must be in writing and shall not be vexatious, trifling or frivolous
    - 1.2.1.1 The SMC will determine whether a complaint against a member by another member warrants disciplinary action according to this policy
  - 1.2.2 Such complaints, if directed to disciplinary action, do not constitute a grievance and the Grievance Policy does not apply
- 1.3 During disciplinary procedures, all Members will be subject to, and submit unreservedly to the powers, procedures, penalties and appeal mechanisms of SAERA set out in this policy document.
- 1.4 A member facing a disciplinary meeting has the right to participate in SAERA affiliated events up until the disciplinary hearing unless the Management Committee decides that the allegations require immediate suspension of membership rights

- 1.4.1 Such suspension of a Member while investigatory or disciplinary proceedings are taking place, is not subject to appeal.

## 2. Disciplinary subcommittee

If the Committee considers that there are grounds to instigate disciplinary action against a member, the Committee must appoint a disciplinary subcommittee (DSC) to hear the matter at a disciplinary meeting and determine what action, if any, to take against the member

- 2.1 Five ordinary or life Members of good standing in the Association, shall be elected at the Annual General Meeting as the Disciplinary Panel (DP)
- 2.2 Should a disciplinary meeting be required, a subcommittee will be formed, consisting of three (3) members of the DP and be drawn by ballot
  - 2.2.1 DP members assessing a specific disciplinary issue must not be biased against or in favour of the member under investigation
  - 2.2.2 Any of the balloted members may declare themselves ineligible due to a conflict of interest (COI)
  - 2.2.3 The SMC may declare a member of the DP to be ineligible to sit in judgement on a specific disciplinary matter (by majority decision)
- 2.3 The disciplinary subcommittee shall elect one of their number as chair
- 2.4 Following formation of the DSC, this committee shall;
  - 2.4.1 Determine the appropriate time for the hearing, with the meeting requirements of notification as determined by Clause 3.
  - 2.4.2 Investigate the complaint
- 2.5 If for any reason a DSC of three is unable or unwilling to be formed from the DP, the State Management Committee shall constitute itself as the DSC and have all powers associated with this subcommittee.

## 3. Notice to member

- 3.1 Before disciplinary action is taken against a member, the Secretary must give written notice to the member, stating that the Association proposes to take disciplinary action against the member and;
  - 3.1.1 Stating the grounds for the proposed disciplinary action;
  - 3.1.2 Specifying the date, place and time of the meeting at which the DSC intends to consider the disciplinary action (the disciplinary meeting);

- 3.1.3 Advising the member that they may do one or both of the following
    - 3.1.3.1 Attend the disciplinary meeting and address the DSC at that meeting
    - 3.1.3.2 Give a written statement to the DSC at any time before the disciplinary meeting
  - 3.1.4 Setting out the member's appeal rights under Clause 5 of this Section
  - 3.2 The notice must be given no more than 28 days, and no less than 14 days, before the disciplinary meeting is held.
  - 3.3 All parties involved in the disciplinary hearing shall not be entitled to legal representation at the meeting, but the member in question may have a support person of their choosing present.
  - 3.4 Should the member in question refuse to attend or provide a written submission, the DSC may hold a disciplinary hearing in their absence and any resolution determined at that hearing shall be binding.
4. Decision of Disciplinary Subcommittee
- 4.1 At the disciplinary meeting, the DSC must
    - Give the member an opportunity to be heard
    - Consider any written statement submitted by the member
    - Consider any other relevant evidence.
  - 4.2 After complying with Clause 4.1, the DSC may adopt one of the following options
    - Take no further action against the member
    - Reprimand the member,
    - Suspend the membership rights of the member for a specified period,
    - Place restrictions on the membership rights of the member for a specified period,
    - Expel the member from the Association.
  - 4.3 The DSC may not fine the member
  - 4.4 If the DSC is unable to come to a decision in 4.2, the matter, including all documentation will be referred to the SMC to decide appropriate action

- 4.5 The suspension or alteration of membership rights or the expulsion of a member by the DSC under this rule takes effect immediately after the vote is passed.
- 4.6 Written advice of this ruling will be forwarded by the Association Secretary to the member within 5 working days of the vote.

5 Right of Appeal

- 5.1 A person whose membership rights have been altered or suspended or who has been expelled from the Association under Clause 4 may give notice to the effect that they wish to appeal against the disciplinary action
- 5.2 The notice must be in writing and given either;
- Directly to the disciplinary subcommittee chairperson immediately after the vote of disciplinary action, or;
  - To the Secretary by email, text message or post not later than 48 hours after the vote.
- 5.3 The notice of intention to appeal the decision of the disciplinary subcommittee must be accompanied by an appeal fee of \$500
- 5.3.1 The appeal fee may be reduced at the discretion of the committee
- 5.3.2 The appeal fee is refundable if the appeal is upheld.
- 5.4 If a person has given notice under Clause 5.2, a disciplinary appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 28 days after the notice is received.
- 5.5 The Disciplinary Appeal Meeting is to be treated as a Special General Meeting of the Association and must abide by all rules for an SGM, as per the SAERA Constitution. Notice of the disciplinary appeal meeting must be given to each member of the Association who is entitled to vote as soon as practicable and must—
- 5.5.1 Specify the date, time and place of the meeting;
- 5.5.2 State the name of the person against whom the disciplinary action has been taken
- 5.5.3 State the grounds for taking that action
- 5.5.4 State the decision of the Disciplinary Subcommittee on the matter

5.5.5 State that at the disciplinary appeal meeting the members present must vote on whether the disciplinary decision should be upheld or revoked.

6. Conduct of disciplinary appeal meeting

6.1 At a disciplinary appeal meeting, no business other than the question of the appeal may be conducted

6.1.1 The Chairperson will state the grounds for the disciplinary decision against the member, the decision of the disciplinary subcommittee and the reasons for taking that action

6.1.2 The person against whom the action has been taken must be given an opportunity to be heard.

6.2 After complying with Clause 6.1, the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the disciplinary action should be upheld or revoked.

6.2.1 A member may not vote by proxy at the appeal meeting.

6.3 The decision of the disciplinary subcommittee is upheld if 50% or more of the members voting at the disciplinary appeal meeting vote in favour of the decision.

6.4 The decision of the disciplinary subcommittee is revoked if less than 50% of the members voting at the disciplinary appeal meeting vote in favour of the decision.

**RESOLUTION OF GRIEVANCES**

1. From time to time there will be disagreements within the Association that require resolution. This clause outlines the process to be taken in such circumstances. The grievance procedure set out in this Clause applies to disputes under these Rules between;

- A member and another member
- A member and the Committee;
- A member and the Association.

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.

3. The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.
4. If the parties to a dispute are unable to resolve the dispute between themselves within the time required by Clause 3, the parties must notify the Committee of the dispute within 10 days
5. A grievance officer will be appointed to mediate the dispute. The grievance officer may, but does not have to be, a member of the disciplinary panel and must be a person agreed to by both parties
6. In the absence of agreement on the person to be the grievance officer;
  - 6.1 If the dispute is between a member and another member—the grievance officer will be a person appointed by the Committee
  - 6.2 If the dispute is between a member and the Committee or the Association—the grievance officer will be a person appointed after consultation with the Legal Services Commission of South Australia
7. The Grievance Officer to the dispute, in conducting the mediation, must
  - 7.1 Give each party every opportunity to be heard
  - 7.2 Allow due consideration by all parties of any written statement submitted by any party
  - 7.3 Ensure that natural justice is accorded to the parties throughout the mediation process
8. The Grievance Officer must not determine the dispute.
9. If the grievance process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.