

# Sunnybrae Pony Club

Procedures for Handling Breaches of the Constitution and Rules.

## 1. PREAMBLE

The Sunnybrae Pony Club Incorporated supports the principles of Alternative Dispute Resolution (ADR) and is committed to techniques of negotiation, mediation and arbitration as effective ways to resolve disputes. Parties in dispute are encouraged to work together without outside help to reach a mutually agreed settlement. Opportunities for mediation, whereby an independent and neutral third person helps parties in a dispute to reach a mutually agreed settlement by facilitating negotiations between them, may be pursued at any point of negotiations where it is appropriate and where the disputing parties agree that such a course of action would be mutually beneficial. In the event that a dispute persists beyond negotiation and mediation, opportunities for arbitration may be pursued.

## 2. PURPOSE

The purpose of these Procedures is to provide conflict resolution arbitration to be used in initiating and resolving complaints and disputes for any alleged or perceived breaches of the Constitution and Rules.

## 3. OVERVIEW

The Sunnybrae Pony Club Incorporated Constitution Rule 12 article (a) provides the elected Committee with the authority to govern the management and control of the Club.

The Sunnybrae Pony Club Incorporated is affiliated with the Horse Riding Clubs Association of South Australia and the Pony Club Association (SA Branch) and upholds the Rules and by-laws of both associations. Members are given a copy of the Club Rule Book which reinforces the standard of behaviour expected of members and volunteers.

This Disciplinary Policy is a set of procedures describing how The Sunnybrae Pony Club will handle alleged breaches of the Constitution and Rules. These Procedures are not intended to be the only way to resolve conflict and it is not intended that all conflicts must be handled under these Procedures. All efforts should be made to settle matters before a written allegation is ever accepted and these Procedures take over. All time-frames may be extended, with written notice to all parties, to accommodate extenuating circumstances.

## 4. SCOPE

These Procedures apply to all members, volunteers and employees of The Sunnybrae Pony Club while engaging in activities directly involving the Club at the branch, regional or national level. Anyone, from within or outside the Club, may report a breach of the Constitution and Rules.

## **5. EXCLUSIONS**

These Procedures are superseded by the Rules applying to competition and eventing.

## **6. APPLICATION**

In the application of these Procedures, all efforts must be made to be fair, transparent, and discreet. Persons affected by the process must have a reasonable opportunity to present their case. Decision-makers must listen fairly to both sides and make decisions which are not tainted by bias. Constitution Rule 9 (1) deals with discipline of members and gives the Committee the authority to suspend, fine or expel members from the Club. This authority is exerted only in very serious matters. It is important that members do not use this procedure for matters that are trivial or able to be resolved through mediation. These procedures provide a process by which members can seek to resolve disputes with the Committee or other members. Members are asked to familiarise themselves with the Constitution, and in particular, section 9, which relates to the disciplinary code and behaviour expected by Club members both inside and outside the Club grounds. The codes of conduct outlined therein relate both to the way we treat each other, and the way we treat people outside the Club.

## **7. LEGAL ACTION**

No action or legal proceeding will be commenced against a member of The Sunnybrae Pony Club in respect of a dispute, unless all parties have failed to participate in accordance with this policy and relations have irretrievably broken down.

## **8. ALLEGATIONS**

**8.1 Format:** Any alleged breach of the Constitution or Rules must be made in writing, signed and dated by the individual making the allegation. The allegation must include the name and position of both parties, the applicable section of the Constitution, the date that the breach is alleged to have occurred, and a description of all relevant details including negotiation and mediation measures pursued. The written allegation must be handed to the President of The Sunnybrae Pony Club for consideration at the next meeting of the Committee. The President must, within 7 days, notify all involved\* parties in writing that an allegation has been received and forward a copy of the allegation\*\* to them. In cases of very serious allegations, the Executive Committee may immediately suspend the membership or volunteer status of the accused pending a special meeting of the Committee to consider the allegation. The suspension shall remain in effect until a final determination of penalties is reached. In all instances, mediation must be encouraged before any allegation is accepted and these procedures are pursued.

**8.2 Minors:** Where the complainant or the accused is a minor, that minor may choose a parent, guardian, or other adult\*\*\*, who may speak or act on behalf of the minor complainant or minor accused during all parts of this process. The first

recipient of any accusation must inform each minor who is either a complainant or an accused that they have this right.

If the designated adult chosen to represent a minor is not the minor's custodial parent or legal guardian, written consent signed by at least one custodial parent or legal guardian must be provided to the recipient authorising the chosen designated adult to act on behalf of the minor.

If the recipient is attempting an informal resolution of an allegation, the recipient may speak to a minor complainant or accused directly concerning the allegation PROVIDED THAT prior to speaking to the minor the recipient shall inform the minor that he/she may have a designated adult present during the meeting.

If the complainant is a minor, the complaint may be brought forward by a designated adult. The designated adult will have the right to act on behalf of the complainant throughout the complaint process, including: making a complaint, receiving all notices on behalf of the complainant, and being present at all dealings with the complainant.

If the accused is a minor, a copy of the written allegation and of any decisions arising from the allegation shall be forwarded to a parent or guardian of the accused if such person is known. The accused's designated adult will have the right to act on behalf of the accused throughout the investigation process, including: responding to a written complaint, receiving all notices of behalf of the accused, and being present at all dealings with the accused.

**8.3 Unmounted attendance** Where all Club Members are notified, in writing, of the need for them to assist at an unmounted event, such as setting up for an event or helping to conduct an event, they are expected to attend that event. This is outlined under Rule 5 of the Rules, Terms and Conditions of membership and agreement. Members will only be excused if:-

- a) they are unwell
- b) work commitments prevent their attendance;
- c) they have written to the Committee seeking permission to be excused and such permission has been granted.
- d) they organise another person to take their place.

Members who do not follow this process will receive a written warning and on receipt of three written warnings, will be expelled from the Club.

**8.4 Investigation of Allegation:** The Committee has the discretion to select the format of the investigation into its validity based on the severity of the allegation and considering all elements of procedural fairness and the format laid down in the Constitution. The investigation into the allegation may include, but is not limited to, a documentary review; a telephone, in-person, or documentary hearing; a combination of these formats; and consultation with impartial internal or outside assistance

**8.5 Determination of Validity of Allegation:** After careful and thorough investigation, the Committee will make a determination as to whether there was a breach of the Constitution and Rules and notify all involved parties in writing. If it is determined that a breach has occurred, appropriate action will be taken considering all aggravating and mitigating circumstances. The final

outcome of this process must be completed within six months of receipt of the allegation.

## **9. APPEALS**

### **9.1 Grounds For Appeal:**

If a member chooses to appeal the decision, the Committee will act according to the procedure laid out in Rule 9 of the Constitution, that being the option to form a sub-committee to hear the appeal, to further investigate the circumstances and to report back to the committee.

*\*\*Involved" includes: accused, accuser, and anyone else named.*

*\*\*Copies can be sent to other stakeholders at Regional and National levels if appropriate and discreet. EACH recipient, Branch, Regional and National levels, must complete the notification of all parties within a week.*

*\*\*\*Minors who make a complaint or who are accused of a breach of the Constitution and Rules have the option of whether or not they wish to be represented by a designated adult during all parts of the complaint process.*