

MEMBERSHIP DISCIPLINARY

Managing behaviours and providing a fair, consistent process for complaint resolution



GET IT RIGHT FROM THE START

-  Does your club have a membership Code of Conduct that outlines clear expected guidelines for behaviour?
-  You do not have to accept every membership application
-  Have proper procedures in place for admitting new members
-  Host membership induction evenings and explain the benefits of membership to your club

GETTING A COMPLAINT

-  Has the complaint been made in accordance with the constitution?
-  Investigate the complaint promptly – this will help you decide the next question
-  Does the complaint require a disciplinary hearing? Could it be resolved by having a sit down chat with the affected parties?
-  If not, then the next step is to form a Disciplinary Committee as soon as practical

DISCIPLINARY COMMITTEE

-  Needs to be independent and as free of any perceived or real bias – the laws of natural justice
-  This committee must not be a pre-determined (elected or appointed) group and should be appointed on a case-by-case basis to avoid bias
-  Members on a disciplinary need to act with complete discretion and respect for the privacy of all parties involved

RULES OF NATURAL JUSTICE

- ✦ Rule Against Bias (Nemo Judex in Causa Sua): No person can judge their own cause. The decision-maker must remain completely neutral and free from personal, financial, or official bias
- ✦ Right to Notice: Authorities must issue a clear, timely written notice before any action. The notice must state the exact charges, facts, or claims against the individual
- ✦ Right to a Fair Hearing: Everyone gets a fair chance to present their own side, state facts, submit evidence, and tell their story before a choice is made
- ✦ Right to Rebut and Cross-Examine: Parties can inspect evidence used against them, challenge adverse statements, and cross-examine witnesses
- ✦ Reasoned Decisions (Speaking Orders): Authorities must record clear, written reasons for their final choice. This proves they applied their mind fairly and allows higher review

THE HEARING

-  A disciplinary hearing, if required, needs to be held as soon as practical after receipt of the complaint
-  Follow the constitution, use the resources available at <https://www.clubsnz.org.nz>
-  Make sure the respondent is provided with all details of the complaint
-  Make a considered and prompt decision

THE DECISION

-  Does the punishment fit the crime?
-  Consider all evidence, information and statements in your deliberations, including is this a repeat offender?
-  Be consistent with previous decisions for similar complaints
-  Ensure your decision is allowed for in your constitution and upholds the reputation of the club

ONCE THE DECISION IS MADE

-  The respondent has the right to appeal the decision if they disagree
-  A new committee must be selected to hear any appeal
-  Only the respondent has the right to appeal, the complainant does not
-  The decision of the appeals committee is **absolute final**

RECAP

-  Get membership admittance and education processes right
-  Follow your constitution
-  Follow the laws of natural justice.
-  Investigate promptly to determine if a hearing is required, then hold that hearing as soon as practical
-  Make sure any punishment is consistent and fits the offence
-  The respondent has the right to appeal

THANKS AND QUESTIONS

-  Thanks for joining us on this webinar
-  Our member resources area has some great resources available to assist in this space <https://www.clubsnz.org.nz>
-  Our Governance and Club Fundamentals training session also provides some valuable information. Check our training calendar for the next session in your area
-  What questions are out there?