

## Definitions

Except in a heading, a term used as stated below is shown with capitalised initial letters.

**Regulations:** MYA rules, class rules, regulations, codes, and policies as may be published by Council from time to time.

**Good Standing:** Accepted by Council into membership, paid all fees which are due, and not subject to suspension or any other disciplinary measure.

**Club:** A club in Good Standing.

**Member:** An individual in Good Standing who is a member of a Club.

**Officer:** An Executive Officer, a District Councillor, a Non - Executive Officer, or an Honorary Officer.

**Notification or Notify:** Communication from Secretary to Council by postal or electronic means.

**Submission or Submit:** Communication received by Secretary to Council by postal or electronic means.

## Introduction

Rules are needed in the interests of the Association, its Clubs, and its Members. The disciplinary procedures will ensure that:

- 1 All parties are informed of the standards of behaviour required of them.
- 2 Disciplinary action is taken in a timely, fair, and consistent manner.
- 3 A party is only to be the subject of disciplinary action after careful investigation of the facts.
- 4 A party is given the opportunity to present their side of the case.
- 5 A party is given the opportunity to appeal any decision they consider unjust.

The MYA, its Clubs and Members should abide by either the World Sailing Racing Rules of Sailing (RRS) for Radio Sailing, or the MYA Free Sailing Yacht Racing Rules (FSYRR) for Free Sailing. Nothing in these regulations are intended to be contrary to the RRS or FSYRR, which shall govern sailing at events. These regulations do not and are not intended to be contrary to the RYA Racing Charter where this is applicable.

A grievance procedure is available for non-disciplinary hearings.

Note that a party shall have the right to be accompanied by a Member of their choice at any stage of the disciplinary, grievance, or appeal procedures.

## **1. Disciplinary Rules**

It is not practical to specify all circumstances and behaviours which may result in disciplinary action. Failure to comply with the following general rules may lead to disciplinary action. The list is not exhaustive.

## **2. At Events**

At an MYA event or an event hosted by a MYA Club, Members, Clubs, Officers, and race officials shall

- 2.1** Abide by any rules in place.
- 2.2** Respect the authority of any race official.
- 2.3** Behave with civility.
- 2.4** Not use excessive bad language.
- 2.5** Not present false records or documents.

## **3. Misconduct**

Behaviour in any of the following ways will lead to disciplinary action. The list is not exhaustive.

- 3.1** A serious or wilful breach of any of the MYA's Regulations.
- 3.2** Behaviour deemed by the MYA Council to be indecent or unacceptable.
- 3.3** Offensive or insulting behaviour.
- 3.4** Falsification of any records, including but not limited to race results, certificates, or boat registration documents.
- 3.5** Smoking in any designated "No Smoking" area.
- 3.6** Violation of MYA computer security procedures.

## **4. Gross Misconduct**

Behaviour in any of the following ways will lead to summary expulsion without a hearing. The list is not exhaustive.

- 4.1** Gross indecency.
- 4.2** Dangerous, threatening, or intimidating behaviour, fighting, or physical assault.
- 4.3** Health and safety breaches which endanger anyone, including but not limited to the removal of safety or warning equipment or notices.

## 5. Disciplinary Procedure

The MYA will initiate a disciplinary procedure at any stage depending on the circumstances and severity of the offence.

Other than for gross misconduct, any disciplinary action taken will normally be based on the following stages:

<b>1st Occasion</b>	<b>2nd Occasion</b>	<b>3rd Occasion</b>	<b>4th Occasion</b>
<b>Verbal warning</b>	<b>Written warning</b>	<b>Final Written warning</b>	<b>Expulsion</b>

Any written warning will normally remain on record for a period of 12 months.

The MYA will, on Submission of a complaint against a Club or Member, conduct a hearing. This may be via physical or electronic means. Other than for gross misconduct, if the hearing decision may be expulsion from the MYA, there shall always be a final physical meeting. The process will adopt the following sequence:

1. The MYA Secretary to Council shall Notify the relevant parties asking for their record of any complaints and their version of events.
2. The MYA Secretary to Council shall ask the MYA Chair to form a disciplinary panel of at least 3 persons and nominate a panel chair. The panel may include MYA Members with suitable experience, and external consultants as may be considered appropriate.
3. The panel chair shall agree a time and means for a hearing with all parties.
4. The panel will consider their findings and the panel chair shall report back to the MYA Secretary to Council, who shall Notify the decision to all parties involved.

Any disciplinary action consequent to the decision shall be implemented as follows:

<b>Disciplinary Action</b>	<b>Authorised to Take Action</b>
Verbal warning	MYA Executive Officer
Written warning	MYA Secretary to Council
Final written warning	MYA Secretary to Council
Suspension / Expulsion	MYA Council

### **Notes:**

Membership may be suspended for up to 14 working days for the purpose of carrying out investigations into any alleged offence.

## **6. Appeal Procedure**

An appeal in respect of any disciplinary decision or action, shall be Submitted within 5 working days, stating the grounds for the appeal. The appeal process will be of the form:

1. The MYA Secretary to Council shall ask the MYA Trustees to form an appeal panel.
2. The appeal panel shall agree a time and means for a hearing with all parties, wherever possible within 14 working days. If the appeal is against expulsion, the hearing shall be via a physical meeting.
3. The panel will consider their findings and shall report back to the MYA Secretary to Council, who shall Notify the appeal outcome to all parties involved, wherever possible within 5 working days.

The appeal outcome shall be final.

## **7. Grievance Procedure**

A Club or Member may seek resolution on any non-disciplinary matter as follows:

1. The nature of the grievance shall be fully explained in a Submission.
2. The MYA Secretary to Council will either
  - a) Review the information and arrange a hearing or
  - b) Review the information and collate input from at least 3 other members of Council and arrange a hearing or
  - c) Review the information and form a panel consisting of at least three members (including the Chair or Vice-Chair, a Vice-President with appropriate knowledge and one other) and then arrange a hearing.
3. The MYA Secretary to Council shall agree a time and means for a hearing with all parties, wherever possible within 14 working days.
4. The MYA Secretary to Council will document the findings and shall Notify the outcome to all parties involved, wherever possible within 5 working days.

Any appeal in respect of the outcome, stating the grounds for the appeal, shall be Submitted within 5 working days. The appeal shall follow the appeal procedure above.

## **8. Bullying and Harassment**

The MYA aims to foster good working relationships and to encourage a sense of humour, not only to enhance morale amongst all those in the sport, but to also encourage everyone to take care of his/her own welfare as well as that of others.

It is MYA policy not to tolerate any bullying behaviour in the sport towards any person or indeed outside of the sport if it is in any way connected with the MYA. Irresponsible behaviour can be both harmful and dangerous. Any such behaviour will be considered a breach of MYA rules and appropriate action will be taken.

Anyone who feels they are being subjected to any such treatment should contact a Council Member or District Committee Member to whom they can relate and with whom they feel comfortable. Where possible, all complaints will remain in the strictest of confidence save for any investigation to ascertain the allegations and undertake any appropriate action.