
MORRIS FEDERATION POLICY: COMPLAINTS AGAINST MEMBERS (DISCIPLINE)

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1. Introduction

- 1.1 It is unusual, but not unknown, for complaints to be made against Members of The Morris Federation on matters that are directly relevant to the Aims of the Morris Federation or concerning the activities of Members under the Constitution, Standing Orders or Morris Federation Policies.
- 1.2 Matters of interest only to the parties concerned (such as may arise when a team splits or should two teams clash over some issue of performance rights) are not subject to this Policy. Teams may apply to the Committee for advice or to ask for an informal mediation process, though the Committee may refuse any such request if it feels it lacks competence in the matter.
- 1.3 Relevant complaints under this Policy may be raised by:
 - (a) other Members;
 - (b) third parties (including the public);
 - (c) The Morris Federation through its elected Officers.
- 1.4 We wish to ensure that any such complaints are treated fairly and transparently.
- 1.5 Fairness and transparency are promoted by developing and using rules and procedures for handling disciplinary and grievance situations. Our policy aims to ensure that:
 - (a) Issues can be raised and dealt with promptly. The Committee must not unreasonably delay meetings, decisions, or confirmation of those decisions. Members must co-operate to enable rapid action to be taken.
 - (b) The Committee and Members act consistently.
 - (c) Any necessary investigations are conducted to establish the facts of the case.
 - (d) Members are informed of the basis of the problem and given an opportunity to put their case in response before any decisions are made.
 - (e) There is a right of appeal against any decision made.

2. Definitions

- 2.1 'Appointment'. The process of appointing of some suitable person to complete a certain task or role under this Policy. 'Appointee' – the person so appointed.
- 2.2 'Committee'. For the purposes of this Policy, references to the Committee should be taken to include:
- (a) The officers of The Morris Federation elected as per the Constitution ('Officers'); plus
 - (b) Co-opted members of the Committee at the discretion of the President (or, if the President is conflicted (see below), at the discretion of the majority of Officers).
- 2.3 'Misconduct'
- (a) Action in breach of The Morris Federation's Constitution, including action that demonstrates an unwillingness to accept or abide by the Aims of the Morris Federation.
 - (b) Action in breach of The Morris Federation's Standing Orders.
 - (c) Action in breach of Morris Federation Policies intended to apply to all members until rescinded.
 - (d) Action that disrupts or is intended to disrupt the legitimate business of The Morris Federation and/or its Committee and/or anyone working under the authority of the Committee.
 - (e) Action that brings The Morris Federation into disrepute.
 - (f) Any other action that a reasonable observer would take to be misconduct.
- 2.4 'Gross Misconduct' is misconduct sufficient in its nature to justify immediate suspension of Membership.

3. Handling conflicts of interest

- 3.1 A conflict of interest arises if an Officer is associated with (e.g. is a member of) any of the Member teams raising a grievance, or against whom a complaint has been made.
- 3.2 Due consideration should be given to other forms of conflict of interest that may exist.
- 3.3 All Officers must declare any conflicts of interest and if conflicted should withdraw from further participation.
- 3.4 If the President is deemed to have a conflict of interest:
- (a) Appointments lie with the majority decision of the Officers, excluding any members in conflict.
 - (b) The outcome of any appeal by the Member lies with the majority decision of the Officers, excluding any members in conflict and excluding any Appointees.
- 3.5 Should fewer than three Officers be unconflicted then all Appointments must be independent of the Committee. That leaves the remaining Officers unencumbered and free to consider any appeal.
- 3.6 The rules in this Section may be amended as reasonably necessary to address unusual circumstances not allowed for by these arrangements. Such amendments must be explicitly justified and minuted.
- 3.7 All other clauses in this Policy must be interpreted so as to give effect to these rules, either as stated or as amended under clause 3.6.

4. Allegation

When misconduct is alleged, it is important to carry out necessary investigations without unreasonable delay to establish the facts of the case.

- 4.1 Within 7 days of receipt of an allegation of misconduct, the President will:
 - (a) Appoint one of the Officers, or an independent person, as Investigator, to establish the facts of the case insofar as they may reasonably be determined on the balance of probabilities.
 - (b) Appoint one of the Officers, or an independent person, to act as Determining Officer, whose task is to determine whether there is a case to answer and to preside over the implementation of the disciplinary process described below.
- 4.2 Where a person independent of the Committee has been appointed, it is permissible for the Investigator and the Determining Officer to be one and the same person.

5. Investigation

- 5.1 The Investigator may conduct their investigation in any reasonable manner as they see fit. They should seek to discover on the balance of probabilities:
 - (a) The nature of the action that has given rise to the complaint or allegations of misconduct.
 - (b) The circumstances surrounding the action.
 - (c) The likely type of any misconduct. NB: It is not for the Investigator to determine whether misconduct has occurred, merely to bring possible interpretations to the attention of the Determining Officer.
 - (d) The participants, insofar as they can be identified. Personal identification is required only for Individual Members under investigation, otherwise it is sufficient to identify Member sides.
 - (e) The role played by different participants (especially Members).
 - (f) Any other matters that may be relevant to the determination of the issue.
- 5.2 It is not necessary to show that any action that might be misconduct was the official policy of, or sanctioned by, a Group Member. It is sufficient to show that the action took place and on the balance of probabilities could be reasonably ascribed to members of the Group Member.
- 5.3 The Investigator may contact the participants to determine the facts of the matter. They are not obliged to do so, however, if there is prima facie or third-party evidence available. The participants have a right to be heard later in the process.
- 5.4 It is highly desirable that the investigation be conducted as swiftly as practicable.
- 5.5 The Investigator will report the results of their investigation to the Determining Officer.
- 5.6 The Determining Officer will determine whether the complaint or likely misconduct is of such a nature as to warrant further action and inform the Member accordingly.

6. Hearing

- 6.1 Assuming further action is required, the Determining Officer will arrange a hearing at which the evidence gathered by the investigation will be presented to the Member in order to understand the Member's side of the story.

- 6.2 Details as to the nature of the misconduct alleged must be provided to the Member and they must have time to prepare for the hearing (14 days is recommended).
- 6.3 In the interests of speedy resolution, the Determining Officer should endeavour to arrange for the hearing to take place within 28 days.
- 6.4 It is usual, but not required, that the hearing be 'face-to-face'.¹ Where the situation is particularly complex (or indeed, particularly simple), it may be preferable to present and consider written submissions from the parties involved either in advance of or in replacement for a meeting. In this case, the procedure described below should be amended accordingly. The underlying principles must be retained: that there is timely and adequate notice, that the charge laid against the Member be explained, and that an opportunity be afforded for the Member to put forward counterarguments.
- 6.5 Assuming an oral hearing (meeting):
- (a) The Determining Officer will chair the meeting, accompanied by up to two colleagues, one whose primary function is to maintain the record of the meeting and one to assist with files, reports, evidence, etc. Both may provide advice if requested.
 - (b) Group Members may be represented by up to two persons, both must be members of the Member Organisation. One must be nominated as the primary spokesperson, held to be representing the Member team and their members.
 - (c) Individual Members should attend in person and may be accompanied by another person of their choice.
 - (d) The second person is there to:
 - (i) provide moral support;
 - (ii) take notes;
 - (iii) help with files, reports, evidence or other case notes;
 - (iv) quietly give advice on any aspect of the conduct of the case.
- They may not speak to the meeting without permission (which will not be unreasonably denied) but, for the Individual Member, cannot act as their agent nor represent them.
- If a Member or their supporting person asks to bring a solicitor or lawyer to the meeting, the answer is **no**. There is no statutory right to legal representation in these circumstances.
- 6.6 The purpose of the hearing (or consideration of written evidence) is to determine, on the balance of probabilities:
- (a) Whether the evidence presented is an accurate representation of events.
 - (b) Whether the Member can be held responsible for their actions.
 - (c) Whether there are mitigating circumstances that should be considered.
 - (d) Whether there are aggravating circumstances that should be considered.

7. Determination

- 7.1 The Determining Officer will consider all findings and write a brief report within 14 days that sets out their conclusions and any recommendation regarding disciplinary action. Such action may include:

¹ In person or electronically.

- (a) Taking no further action.
 - (b) Issuing a warning requesting the Member cease and desist from the misconduct. Should the Member repeat the offensive behaviour after a warning has been issued, the repeated offence may be considered as gross misconduct and further penalties may be enforced.
 - (c) A refusal to renew membership either indefinitely, or for a set period of time, or during the likely duration of (or repetitions of) the misconduct, or until a solemn declaration is made that the misconduct will not recur.
 - (d) Termination of membership (see section 9).
- 7.2 The report will be placed before the Officers in Committee (excluding the President and those recused or excluded) within a further 7 days for acceptance. The Officers may:
- (a) Accept the recommendations of the report as they stand;
 - (b) Reduce the severity of the action to be taken against the member. The justification for such a reduction should be explicitly minuted.
- 7.3 The Officers must not impose a greater penalty than that recommended by the Determining Officer.
- 7.4 The Determining Officer will then send the (possibly revised) determination to the Member within 7 days. The Member must be informed of their right of appeal (see below) and the timescales they must adhere to.
- 7.5 **All timescales are advisory.** It is highly desirable that the time period between hearing and receipt of determination by the Member should not exceed 28 days but failure to meet these timescales does not in itself invalidate the outcome or constitute grounds for appeal.

8. Appeal

- 8.1 The Member has a right to appeal any penalty applied. The Member must indicate their intent to appeal within 14 days of receipt of the determination and must lodge the details of their appeal within a further 14 days (28 days in all).
- 8.2 An appeal may be made on any of three grounds:
- (a) A substantive error of fact exists in the determination, or new evidence previously unavailable has arisen, that is likely to alter the balance of probabilities.
 - (b) The conduct of the inquiry and/or hearing was so unreasonable as to be perverse.
 - (c) The penalty is disproportionate to the offence.
- Full and sufficient argument must be provided before the first two grounds will be considered.
- 8.3 Appeals will normally be considered by the President or by an independent Appeals Officer appointed by the President.
- 8.4 Unless otherwise unreasonable, the person(s) hearing the appeal should commence their consideration of the appeal within 14 days of receipt of the full argument as to the grounds for appeal. The duration of the appeal will depend on the grounds presented. It is highly desirable that 'simple' appeals be completed quickly and that an estimated timetable be published for more complex arrangements.
- 8.5 The person(s) hearing the appeal may:
- (a) Issue a new determination based on corrected facts or new evidence and proceed accordingly.

- (b) Refer the case back to the Investigator and/or Determining Officer to correct facts or consider new evidence.
 - (c) Appoint a new Investigator and/or Determining Officer and either refer the existing determination back for their consideration or request a new inquiry and/or determination be launched.
 - (d) Reduce the penalty.
 - (e) Refuse the appeal.
- 8.6 The rationale for the outcome decided upon must be set out in writing and communicated to the Member within 7 days.

9. Termination of membership

- 9.1 Should the penalty determined be termination of membership, all members have the right of final appeal to a General Meeting as per clause 2.7 of the Constitution.

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