



Managing unacceptable conduct for Constituents and Members

What is the application of this procedure?

This Code of Conduct provides guidance on the preferred standards of behaviour to be displayed by members while in public or representing Schutzhund Australia Inc. constituents. In some situations, members may display behaviour that is not acceptable or is inconsistent with the Schutzhund Australia Inc. Code of Conduct.

This Procedure sets out the principles to be considered and a procedure that may be followed in these situations.

What principles need to be considered in situations where members display unacceptable conduct?

To be a valid process that meets legislative requirements, a process to address an instance of unacceptable conduct needs to be both procedurally and substantively fair. 'Procedural fairness' relates to the process that occurs in managing the unacceptable conduct. 'Substantive fairness' relates to the outcome of the process, particularly any sanctions that may be imposed.

Some actions you can take to ensure a valid process are:

Procedural fairness

- Where possible, address unacceptable conduct through informal discussions between you and the member;
- Give a member the opportunity to respond to a claim that his/her conduct has not been acceptable before a decision is made about any action to be taken;
- Provide a member with the opportunity to have another person of his/her choice present in any meeting in which an issue of unacceptable conduct by the member is being discussed;
- Commence a formal warning process only where the issue is too serious to be addressed through informal discussions or there have been repeated instances of the issue;
- Confirm all warnings in writing so the member is clear on the unacceptable conduct he/she has been displaying and the expected standard of behaviour;
- Keep file notes about all discussions you have with a member about their performance or conduct.

Substantive fairness

- Terminate a member's membership only where a member has been appropriately warned about his/her unacceptable conduct or where there is an instance of serious or wilful misconduct;
- Review the circumstances with an independent person;
- Consider whether any sanctions imposed are appropriate to the seriousness of the conduct. Does 'the punishment fit the crime'?

What process should I follow in addressing instances of unacceptable conduct by members?

A four-step process is suggested. The steps are:

1. informal counselling
2. first warning
3. final warning
4. membership termination.

How do I carry out these steps?

Informal counselling

Have a discussion with the member with the aim of:

- clearly outlining the aspect(s) of the member's conduct that are unacceptable and Schutzhund Australia Inc. Constituent's expectations of the membership in terms of their conduct;
- finding out if there are any underlying factors contributing to the unacceptable conduct and whether there is anything Schutzhund Australia Inc. can do to assist the member.
- explaining to the member the impact their inappropriate conduct is having on the club and/or other members;
- informing the members of the consequences of not meeting the expected standards of conduct.

Agreement should be reached with the member as to the action to occur following the meeting. This will include both the standard the member is expected to achieve, and the timeframe for achieving that standard. A follow up meeting should then occur at a later date to monitor the member's progress and provide the member with feedback.

First warning

If, following the completion of any timeframe or process agreed to under a counselling process, the member is still not meeting the required standard, it may be appropriate to issue a first warning.

Before any decision to issue a warning is made, a meeting occurs with the member at which the member is:

- advised of the aspects of his or her conduct which are not meeting expected standards;
- advised of the expected standards of conduct;
- referred to the informal discussions that occurred previously, including the issues discussed and the agreed outcomes;
- given an opportunity to respond to the claims that have been made in relation to his/her unsatisfactory conduct.

The member's response to the claims of unacceptable conduct must be considered before a decision is made about the next step to occur. If you do not consider the member's response to be an acceptable reason for the unacceptable conduct, you may issue a first warning.

The written warning will describe the unsatisfactory conduct, detail the corrective action to be taken, state the consequences of not achieving the required change, and record the date for further follow up. A copy will be given to the member and a copy, signed by both the club President or Secretary and the member, will be filed.

Final Warning

If the member does not make the required improvement in the agreed timeframe, you again meet with the member, and repeat the process outlined for a first warning meeting before deciding the action to be taken.

If the member's response to the issues raised is not satisfactory, you may issue a final warning. A member should be advised in the final warning process that termination of membership is imminent if the member does not meet the required standard of conduct.

Membership Termination

If, after any agreed timeframe has elapsed following the final warning being issued, the required improvement has not occurred, or there is a further instance of misconduct relevant to the misconduct for which the member was previously warned, the member will be notified that membership will be terminated with a period of notice. The termination should be confirmed to the member in writing.

Are there any circumstances in which a member can be terminated without going through this process?

Yes. If there is an instance of serious misconduct, it may be appropriate to move directly to a final warning or membership termination with outstanding club fees returned.

What constitutes 'serious misconduct'?

It is not possible to provide an exhaustive list of the actions that may constitute serious misconduct. Some actions that may be considered to be serious misconduct are: Fighting, assault or intimidation of others;

- Theft of property, including documentation, intellectual property and other materials, either from Schutzhund Australia Inc. or its members;
- Misuse of Schutzhund Australia Inc.'s or Club's email or Internet facilities;
- Possession of illegal weapons while on club grounds or events;
- Possession, sale or manufacture of illegal drugs while on club grounds or events;
- Consumption of illegal drugs while on club grounds or events;;
- Presenting for competition unable to carry out required duties due to the influence of alcohol or illegal drugs;
- Damage to property, including any property of Schutzhund Australia Inc./Clubs or its members;
- Harassment, including stalking, abusive language or threatening behaviour;
- Significant breach of Schutzhund Australia Inc./Club policy.

What happens if there is an instance of possible serious misconduct?

A process needs to occur before any action is taken in respect of the possible serious misconduct to ensure the member is fairly treated. This process should include:

- Thorough investigation of the alleged instance of serious misconduct, and
 - The opportunity for the member to respond to the allegations.
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