



Operations Manual

POLICY ON GRIEVANCE AND DISCIPLINARY

Issue 1 – 2006

PO 15

To Management Committee
and SIGS for Approval

Date: 20 / 07 / 2006

PO 15

GRIEVANCE AND DISCIPLINARY

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This document forms part of the SAMAA Manual of Procedures. It is to be used by SAMAA Members and Registered Clubs in all activities associated with the flying of model aircraft in the RSA.

PR.15 SAMAA POLICY ON GRIEVANCE AND DISCIPLINARY PROCEDURES

1. Grievance Procedure

- (a) If a member complains to a member of the Management Committee about the actions of another member, this type of complaint should be handled on a personal level by one of the executives of the Management Committee, accompanied if necessary by a Management Committee Member who knows the complainant.

The outcome of the discussion must be reported at the next Management Committee Meeting and if unresolved or requiring further action, the action to be taken must be discussed, agreed and implemented by the Management Committee Members.

- (b) If the complaint is serious, or cannot be resolved by normal methods, the elected officer will consult with the Chairperson.
- (c) The Chairperson and the elected officer will evaluate the complaint and decide whether or not to send a form 'Statement of charges' to the complainant.
- (d) If a statement of charges is sent to the complainant, returned fully completed with the required detail, then the Chairperson will consult with the executive officers, and legal council about the sufficiency of the statement of charges.
- (e) If the statement of charges is deemed sufficient an elected officer will be asked to support sending the notice of hearing by signing a simple statement that he or she supports the action.

The elected officer is not asked to prejudge the matter, only indicate that the matter is game enough to warrant a proceeding.

- (f) If the statement of charges is not deemed sufficient, or if for some other reason there is a decision not to proceed, the complainant will be notified of the decision.
- (g) If the decision is made to proceed, a Notice of Hearing will be sent to the accused member and to the complainant.
- (h) The hearing will be conducted by a nominated Committee in execution session.
- (i) Both the aggrieved and the accused person must agree to and accept the members of the nominated Committee.

- (j) This Committee will hereafter be called the "ad hoc" Committee. They will be the mediators and will try to resolve the complaint in a fair and satisfactory manner
- (k) This ad hoc Committee will convene with 4 (four) weeks of the receipt of the letter of grievance. Failure of either party to appear will result in:
- In the case of the aggrieved not appeared – the dismissal of the grievance.
 - In the case of the accused not appearing – the Committee will make their decision on evidence available and a verdict will be reached.
- (l) This ad hoc Committee will endeavour, through any fair procedure adopted by it, to settle the grievance. Whatever the outcome it will pass onto the Chairperson its recommendations.
- The Chairperson will, dependant on the recommendation, make a decision in terms of the Association's disciplinary procedures.
- (m) If the ad hoc Committee fails to settle this dispute, or the accused will not accept the decision, the dissatisfied party may, in writing, apply through the chairperson for the appointment of an arbitrator.
- Both parties must agree in writing, to arbitration and to abide by the arbitrators decision.
- The arbitrator will be an outside person, initially selected by the parties themselves, but if they cannot agree, an arbitrator will be chosen by the Chairperson.
- (n) The arbitration proceedings will be conducted in accordance with the principles set out in the Arbitration Act of 1965.
- (o) Should the arbitrator find in favour of the aggrieved party, the accused party will pay the cost of the arbitration.
- (p) The party, against whom the arbitrator found judgement, will be liable for a maximum fine of R1000.00 (one thousand Rand) or to a maximum suspension of six (6) months at the Chairperson's discretion and without any further procedure being followed by the Chairperson.
- (q) If the arbitrator should not find in favour of the aggrieved, he shall give a ruling as to how the cost of arbitration incurred should be split between the aggrieved and the accused.
- (r) At such arbitration, representation and witnesses as agreed between the arbitrator and both parties before the hearing will be allowed.

The decision of the ad hoc Committee or the arbitrator shall be final and binding on both parties.

2. Grievance Against A Management Committee Member.

In the case of the grievance being lodged against the chairperson or a member, or Members of the Management Committee or Sub-Committee, by a minimum of 20 Association Members (hereafter known as aggrieved persons), the aggrieved persons must act as follows:

- (a) A letter giving the full details of the grievance must be forwarded to the Association Secretary or Chairperson.
- (b) The Chairperson, and if required a second Committee member, will have discussions with the aggrieved persons and will do their utmost to resolve the problem.

If no satisfactory solution can be reached the aggrieved persons may request, in writing, that the Chairperson call a Special General Meeting. An amount of R 3000.00 must accompany the request letter to cover the printing and postage costs. The Exco may not refuse such request and a meeting must be called.

The sum is refundable if the aggrieved is proved to be in the right by the majority of the Members at the Special General Meeting.

- (c) The Special General Meeting will be arranged as set out in clause 19 of this Constitution. The Grievance will be presented at the Special Meeting and the Members will vote.
- (d) A 2/3 (two-thirds) majority supporting the grievance will require the resignation of the Chairperson or the Committee Member or Members involved.
- (e) Before the meeting is adjourned, new Committee Members, as required, will be appointed in accordance with the appointed procedures set out in the Constitution

3. Disciplinary Procedures

Should any member infringe on the associations constitution, any of its rules and regulations, or its appendices, the procedure shall be as follows:

- (a) The Chairperson will inform the member, in writing, at his last known address, as to the exact nature of the charge.

- (b) The charge will stipulate the time, date and venue at which the said member will be required to appear at a Disciplinary Hearing before the Committee to answer to the charge.
- (c) The Committee will be composed of a Chairperson and a minimum of four Management Committee Members (hereafter called the Tribunal). The Members chosen must have no involvement in, or be party to the dispute.
- (d) Failure to appear or to give reasonable explanation for his failure to appear will lead to the automatic expulsion of the member from the Association, 7 (seven) days after the date stipulated for his appearance.
- (e) Should the Chairperson not wish to adjudicate the charge, he may appoint an adjudicator who can be an outside person with a legal background.
- (f) The Tribunal may impose a fine up to R2000, 00 (two thousand Rand), recommend the recovery cost incurred due to the breach of the Rules or suspend the member for a time of not longer than 12 (twelve) months. In extreme cases, the member may be expelled without warning. (But only after legal advice has been obtained)
- (g) After sentence is passed, a failure to abide by these sentences within 14 (fourteen) days will lead to automatic expulsion of the member.
- (h) A second transgression within two years after the date on which the accused was first found Guilty for any infringement, will empower the Tribunal to terminate that member's Membership with immediate effect, and the member will forfeit to the Association any fees paid.

The following format will be adopted at a disciplinary hearing:

- (a) Any Association Member may attend a Disciplinary Hearing (the Member will have no input in the proceedings).
- (b) The charge is put to the accused by the Tribunal Chairman
- (c) The accused pleads guilty or not guilty to the charge.
- (d) Should the accused plead guilty, he may be found guilty where after he may address the Tribunal on mitigating circumstances, before the Tribunal impose a sentence.

- (e) Should he plead not guilty, evidence will be led against him by a pro forma prosecutor appointed by the Chairperson from the Members of the Committee present.
- (f) The accused or his representative (who may only be another member) may cross-examine each witness.
- (g) The accused may hereafter lead evidence and call witnesses.
- (h) All such evidence may be subject to the prosecutor's cross-examination.
- (i) The accused and/or his representative and the prosecution may address the Tribunal on the merits of their case.
After hearing the evidence, the Tribunal shall make their decision and find the accused guilty or not guilty.
- (j) If guilty the accused may address the Tribunal on mitigating circumstances.
- (k) The hearing shall be recorded in writing by the Tribunal
- (l) The accused will have the right to an appeal both against his conviction as well as the sentence. His appeal, as well as the grounds for such an appeal must be submitted in writing to the Secretary or Chairperson within 5 (five) days of the sentence being imposed.
- (m) On receipt of the appeal, the Chairperson will appoint 5 (five) Association Members, who were not part of, nor present at, the original hearing, to form an Appeal Committee.
- (n) The Appeal Committee will adjudicate the appeal on the Tribunal's documents with 4 (four) week of the date of receipt of such an appeal.
- (o) No new evidence will be heard.
- (p) The Appeal Committee may alter the sentence in any way they deem fit and in this regard will have the powers of the 'Tribunal'.
- (q) Their decision is final.

THE END of 5th DRAFT

August 2005