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ClubED

Bite-Sized Learning

CEI Monthly Newsletter



Club Education Institute

Welcome to the November edition of our Bite-Sized Learning newsletter.

Incidences of member discipline is not uncommon in clubs. However, central to this process is adherence to the requirements of the *Registered Clubs Act* and a club's constitution.

This newsletter sets out the key steps for interpreting the constitution, drafting a notice of charge and managing disciplinary meetings. These practices ensure procedural fairness to uphold the club's standards and protect the club's reputation. This will ensure that as leaders, you adjust the sails to ensure a safe, fun and enjoyable environment for your members.

The Essentials of Member Discipline – A Guide for Club Leaders

1 Interpreting Your Constitution

Club constitutions outline the rules for disciplining members, and it's crucial for directors and managers to understand these requirements.

Here's how to interpret aspects of this document effectively:

- **Identify the Disciplinary Grounds**
Constitutions typically list behaviours or actions that warrant disciplinary action, such as breaches of

The pessimist complains about the wind. The optimist expects it to change. The leader adjusts the sails.

John Maxwell
Author, Speaker & Coach

club rules, misconduct, or actions harming the club's reputation.

- **Review Procedural Requirements**
Check for any specified processes, timelines and steps required for disciplinary action, as well as the rights of the member involved (e.g. the right to respond or be present).
- **Understand Penalties**
Constitutions often detail the range of penalties that may be applied — from warnings to suspensions or even membership cancellation. The board should ensure any penalty aligns with what's stipulated.
- **Seek Legal Advice When Needed**
If any aspects of the constitution are unclear, consider consulting a legal advisor specialising in club governance to avoid potential breaches of the *Registered Clubs Act*.

2 Drafting a Notice of Change

The notice of charge informs the member of the alleged breach and sets the stage for the disciplinary

meeting. A well-drafted notice is essential for transparency and procedural fairness.

Key elements to include are:

- **Clear Description of the Alleged Conduct**
Describe the facts surrounding the incident or behaviour, including specific dates, locations and actions, so the member understands the nature of the charge.
- **Relevant Sections of the Constitution and Club Rules**
Reference any specific rules or constitutional clauses that were allegedly violated to give the charge context.
- **Details of the Disciplinary Meeting**
Include the date, time and location of the disciplinary meeting where the charge will be discussed. Ensure this meets any timeline requirements specified in the constitution.
- **Member's Right to Representation**
State the member's right to attend, respond and be represented if they choose. This supports procedural fairness and ensures the member knows their rights.
- **Possible Outcomes**
Outline potential penalties if the charge is upheld. This prepares the member for potential consequences and reinforces transparency.
- **Contact Information**
Provide details of a point of contact in case the member has questions or requires clarification before the meeting.

Note: send the notice in a manner that allows for confirmation of receipt, such as registered mail or email (if allowed by the club's communication policies). This can then avoid disputes over notification.

3 Conducting a Disciplinary Meeting

A fair and transparent disciplinary meeting ensures that all parties feel heard and respected.

Here's an outline of how the meeting should proceed:

- **Opening the Meeting**
Start by introducing the board members or committee present, outlining the purpose of the meeting and confirming the member's attendance.
- **Presenting the Charge**
Clearly state the charge, summarising the facts and details and referencing the notice of charge. This sets the basis for the discussion.

- **Member's Opportunity to Respond**
Allow the member to present their perspective, either personally or through a representative. This upholds the principles of procedural fairness.
- **Evidence Review**
Present any evidence supporting the charge, such as witness statements or documentation. Ensure that the member has the opportunity to review and respond to this evidence.
- **Questions and Clarifications**
Board members may ask questions to clarify any points raised by the member. This can help ensure a comprehensive understanding of the circumstances.
- **Deliberation and Decision**
After the member has provided their response, ask them to leave the room while the board or committee deliberates. Discuss the evidence and decide whether the charge is substantiated.
- **Issuing the Outcome**
Once a decision is made, invite the member back to the room and inform them of the outcome. If the charge is substantiated, state the penalty (if any) and the reasons for it.

Note: ensure minutes are taken and signed off by the meeting chair. The minutes should record key points of the discussion, the decision and any penalties applied.

Conclusion

Following the *Registered Clubs Act* and your club's constitution ensures that the disciplinary process is fair, transparent and defensible. By properly interpreting the constitution, crafting an accurate notice of charge and conducting a fair disciplinary meeting, clubs can manage member behaviour responsibly while upholding the club's values and legal obligations.

Are you and your board clear on director duties? Complete a self-paced [online refresher](#).

Upcoming Training Mandatory Director Training

Virtual Online Training (pre-reading required)
4 & 5 December, 9am-12pm

Register via the Manage My Membership portal or contact ClubASSIST on 1300 730 001.