

FAQ on the proposed new disciplinary process:

1. What is wrong with the current system?

Judge and jury:

- Of fundamental concern is that the Board acts as prosecutor, judge and jury when it comes to disciplinary matters.
- The board believes there should be a separation of powers, in particular for the more serious cases where substantive rights may be concerned.

Time-consuming and cumbersome:

- Complainants and respondents have to wait for the monthly board meeting for their case to be determined. Cases can drag on for up to six months.

Deterrent factor:

- Members making complaints must present their case before a full board of 17 people plus at least 3 FCC staff. It may be a daunting experience.

Conflicts of interest:

- Board members are well-known and well-connected at the Club and are often familiar with members subject to complaint.
- Operational and conflict issues arise when the complainant is a board member or a board member is subject to a complaint
- Where there are serious allegations, an independent panel would be better-positioned to adjudicate and avoid such conflicts.

Due process concerns:

- In the past, the Club has found itself challenged in the courts because it failed to follow due process
- Concern among board members that where complaints of a serious nature are concerned, (e.g. sexual harassment/assault), substantive rights of an individual need to be considered.

2. How would it change?

Disciplinary Committee handles the less serious cases

- A new Disciplinary Committee (under the Constitutional Committee) would be formed to process all complaints.
- It would consist of at least three members of the Constitutional Committee and may include other appropriately qualified FCC members who are not governors.
- Where respondents do not contest the complainant's allegations, the Disciplinary Committee could issue warnings and exclude members for up to 3 months.
- It can meet and act immediately on complaints – faster resolution of complaints
- It is anticipated most cases will be decided by the Disciplinary Committee

Serious complaints are decided by an independent panel

- This panel can meet and conduct hearings when it needs to.

- The panel's members will be appointed by the FCC president or 1st Vice President on a case-by-case basis. They will be members of 3 year's good standing who have agreed to adjudicate in such cases.
- Deadlines are applied to complainants + respondents to file evidence, respond, expediting the disciplinary process.

Right of appeal

- Members can appeal against suspension for 3+ months and exclusion.
- A review committee will decide if there is to be a re-hearing of a complaint or an amendment to the decision challenged.
- Retain the existing process of 'final appeal' to a general meeting of members.

3. Does the Board lose control over the process?

Board retains powers of appointment

- The Board appoints the Constitutional Committee, which in turn decides who sits on the Disciplinary Committee.
- The President or 1st VP appoints the independent panel and the review committee.

4. Where are we going to get people for the independent panel?

FCC has a track record of attracting volunteers

- FCC already appoints lay people to various committees.
- The panel only requires at least 3 people.
- Ideally chair has legal background but not required.

5. Why change it now?

Individual's right to a fair hearing/general good practice

- Complaints involving serious, criminal allegations have been made in the past and should be dealt with in a professional manner, having regard to individuals' rights.
- The proposed changes reflect general good practice (for example, other Clubs have overhauled their disciplinary processes to ensure due process is observed).
- Views expressed at the last AGM suggest a desire among Club Members for greater accountability in the disciplinary process.