

Suspending or Expelling a Member

PROCEDURE

1. First consult the club rules relating to misconduct of members. The power of the committee to suspend or expel must be adhered to strictly, otherwise the decision of the committee may be invalidated. The rules relating to misconduct of members equally apply to all classes of membership.

2. Even if the rules do not provide, an offending member should be dealt with as follows:

(a) He/she should be summoned in writing to appear before the committee, at least three days' notice being given, and the date and time of the meeting being stated in the letter of summons. In view of the fact that three perfectly clear intervening days are required from the time the member receives the letter summoning him/her until the actual committee meeting for practical purposes at least six days should be allowed for the notice.

(b) The specific charge on which the member is being summoned should also be stated in the letter.

(c) He/she should be given opportunity to be heard and allowed to call witnesses if he/she so desires.

3. Where a member is convicted by the courts of an offence which in the view of the committee is of such a nature as to render him/her unfit for membership of the club and the club rules provide that it shall not be necessary to summon the member before the committee, he/she can be suspended or expelled by the vote of the majority of the committee.

4. A summoned member may (if his/her alleged misconduct is serious) be excluded from the club until he/she is due to appear before the committee.

5. Where a summoned member is unable or fails to appear on the day stated, he/she can be dealt with in his/her absence, but if there appears to be any reasonable excuse for non-attendance he/she should be written to again and summoned to attend the next meeting. He/she should be informed that if he/she fails to attend on the second occasion the case will be dealt with in his/her absence.

The committee should give the member every opportunity to attend and meet the charge against him/her.

6. A member should not be suspended sine die or 'until such time as appears before committee'. The procedure above should be followed. If suspended, a definite period of suspension should be fixed, the date when it expires being decided and recorded in the minutes. The period of suspension should not exceed 12 months if the rules of the club so provide.

7. If the club rules require that two-thirds, of the committee present must vote for the expulsion or suspension, then at least that majority must be obtained. If less than two-thirds vote in favour, the motion is lost. Accordingly it is incumbent upon the chairperson of the meeting clearly to inform the members of the committee that any person who abstains is in fact voting against the motion.

It is also important for clubs to determine whether or not the chairperson has an ordinary vote in committee. As a general rule they do, however, reference should be made to the club rule relating to officers, in particular to the sub rule for the president. If this rule provides that the president in the event of equality of voting at managing committee meetings shall have an additional or casting vote then he/she has an ordinary vote by virtue of being on the committee. But if the rule provides that the president shall have the casting vote only at managing

committee meetings then no ordinary vote is available to him at committee.

8. It is not in order to set an amendment against a motion. The Chairperson must not ask for the votes 'for the motion to expel' and then 'for the amendment to suspend'. Each proposal must be taken separately and voted upon, 'for' and 'against'.

9. Where a member has been summoned in accordance with the provisions of the club rules, and his/her case has been considered by the committee, and the required majority of votes for the suspension or expulsion has not been obtained, then the matter is finished. Once a member has been summoned in accordance with provisions of the club rules and his/her case has been dealt with, the member cannot be dealt with further on the same charge.

10. It is advisable that a member summoned to meet the committee should be informed in writing of the committee's decision. A copy of the letter sent to him/her and of the letter (or letters) summoning him/her to attend before the committee, should be kept by the club Secretary.

11. It should be remembered that the committee in dealing with a member for misconduct sits as a judicial body, and must act judicially and without malice. The greatest care must be taken to see that the club rules are adhered to otherwise the committee's decisions may be set aside on an appeal to arbitrators made by the member, or to the court if arbitration is not provided for by the club rules. In particular where a committee member or officer is the person who brings the charge against a member or he/she is a witness in the case he/she must not take part in the deliberations of the committee and in the interest of natural justice should leave the room while the committee are considering the evidence and deciding upon punishment. Thus he/she would not be included in the number of committee members present and entitled to vote, the members to be counted being only those who take part as the judicial body.

Guidance on the correct procedure is contained in the Club Secretaries Handbook which can be obtained from your Branch Secretary.