

MODEL AERONAUTICAL ASSOCIATION OF AUSTRALIA



DISCIPLINING OF AFFILIATE MEMBERS PROCEDURE

MOP028

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DISCIPLINING OF AFFILIATE MEMBERS PROCEDURE

1. PURPOSE

This Procedure is to ensure that the disciplinary process of the MAAA and all parties involved follow a proper documented process. This Procedure applies to the disciplinary process of the MAAA. The Ordinary Members, their Clubs and Special Interest Groups are expected to have their own disciplinary process, which should be consistent with the MAAA Procedure where these overlap.

2. DEFINITIONS

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| Affiliate Member | A person properly affiliated with a Club that is properly affiliated with an Ordinary Member. |
| Club | A Club properly affiliated with an Ordinary Member. |
| Club Member | See Affiliate Member |
| MAAA | Model Aeronautical Association of Australia Inc. |
| MAAA Council | The Officers of the Association and delegates from each Ordinary Member. |
| MAAA Executive | The elected officials of the MAAA Inc. |
| MOP | The MAAA Manual of Procedures. |
| Natural justice | incorporates the following principles: <ul style="list-style-type: none">• a person who is the subject of a complaint must be fully informed of the allegations against them• a person who is the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence• all parties need to be heard and all relevant submissions considered• irrelevant matters should not be taken into account• no person may judge their own case• the decision maker/s must be unbiased, fair and just• the penalties imposed must not outweigh the 'crime' |
| Ordinary Member | A State Association properly affiliated with MAAA Inc. |
| Special Interest Group | A group of modellers, recognised by either the MAAA or an Ordinary Member, interested in a particular facet of aeromodelling. |
| State Association | See Ordinary Member |
| Tribunal | A panel formed by the MAAA Executive when an Ordinary Member refers an issue for a decision or resolution or when discipline might be appropriate. |

3. INTRODUCTION

- 3.1 In today's society we all have a duty to ensure that everyone is given the opportunity for fair and reasonable process in the case of discipline. This procedure sets out the process the MAAA follows in the disciplining of Affiliate Members should it be considered necessary.
- 3.2 This procedure is referred to in the MAAA Member Protection Policy: MOP041.

4. POLICY

- 4.1 The MAAA shall provide a fair and reasonable discipline process for its Affiliate Members that provides all parties the reasonable opportunity to present the evidence and a fair hearing which acknowledges the principles of natural justice.
- 4.2 Ordinary Members of the MAAA are to deal with minor misconduct issues involving their own Association, Clubs, Special Interest Groups and Affiliated Members.
- 4.3 The MAAA, if requested by an Ordinary Member, is to assist in disciplinary measures when dealing with serious misconduct of any Affiliate Member who is registered with the Ordinary Member.
- 4.4 In areas where the MAAA is directly involved such as National Championships, team selection trials, international events, interstate competitions or other MAAA activities, any misconduct by an Affiliate Member should be dealt with initially by the deputised officers involved e.g. Team Managers, Nationals Committees, Contest Directors, Special Interest Groups etc using the Contest Rules and/or Rules of the Association involved if these are appropriate. The details of the incident and result of the disciplinary action shall be reported to the MAAA Executive, which is to establish what further action, if any, is required.
- 4.5 All cases of serious misconduct by an Affiliate Member where the initial review by the Ordinary Member or the appropriate group, see 4.4, considers expulsion from the MAAA is appropriate shall be referred to the MAAA Executive who will make the decision. In these situations this procedure shall be followed.

5. PROCESS

- 5.1 Where the Ordinary Member, the appropriate group, see clause 4.4, or the MAAA Executive is of the opinion that an Affiliate Member has:
- (a) persistently refused or neglected to comply with a provision or provisions of the rules of the Club, Ordinary Member or the MAAA ; or
 - (b) persistently and wilfully acted in a manner prejudicial to the interests of the MAAA ; or
 - (c) committed a single act of sufficient seriousness to the interests of the MAAA;
or
 - (d) obtained any MAAA Documentation or Status without either following the correct procedure or if based on false information; or
 - (e) represented that they held an MAAA Status that had not been awarded in accordance with the appropriate MOP.

- (f) provided certification or endorsements outside of the requirements set out in the applicable MAAA Documentation.

the Ordinary Member, or the appropriate group, see clause 4.4, may, by resolution request the MAAA Executive, due to the serious nature of the matter, to take over the disciplinary process.

The MAAA Executive may decide that based on the information presented that one of the following could be appropriate:

- (i) Expel the Affiliate Member from the MAAA; or
- (ii) Suspend the Affiliate Member from membership of the MAAA for a specified period; or
- (iii) Any such lesser penalty that may be appropriate under the circumstances.

5.2 Where the MAAA Executive decides under clause 5.1 that discipline might be appropriate, the MAAA Secretary shall, as soon as practicable, cause a notice in writing to be served on the Affiliate Member:

- (a) Setting out the decision of the MAAA Executive, the possible intention to impose a possible penalty and the grounds on which it is based;
- (b) Stating that the Affiliate Member may address the MAAA Executive at either a face to face or telephone meeting to be held not earlier than 14 days and not later than 28 days after service of the notice;
- (c) Stating the date, place, type and time of that meeting and informing the Affiliate Member that he/she may do either or both of the following:
 - (i) Attend and speak at that meeting;
 - (ii) Submit to the MAAA Executive at, or prior to, the date of that meeting written representation relating to the proposed resolution.

5.3 A tribunal of the MAAA Executive shall be held not earlier than 14 days and not later than 28 days after the service on the Affiliate Member of the notice under clause 5.2.

5.4 At the tribunal referred to in clause 5.3 the MAAA Executive shall:

- (a) Give the Affiliate Member, or their nominated representative, an opportunity to make oral representations;
- (b) Give due consideration to any written representations submitted to the MAAA Executive.
- (c) Take any other evidence that may be appropriate.
- (d) By resolution determine what discipline measure, if any, to impose.

5.5 A resolution made by the MAAA Executive tribunal under clause 5.4 does not take effect until the expiration of the period within which the Affiliate Member is entitled to appeal against the resolution.

5.6 Where the MAAA Executive tribunal makes a resolution under clause 5.4, the MAAA Secretary shall, within 7 days after the meeting, by notice in writing inform the

Affiliate Member of the details of the resolution and of the member's right of appeal under clause 6.

- 5.7 In the event of an appeal, the resolution does not take effect until after the appeal process has been completed and then only to the level resolved at the appeal.
- 5.8 If the Affiliate Member does not lodge an appeal by the closing date specified, the resolution made under clause 5.4 by the MAAA Executive shall stand. The MAAA Secretary shall within 7 days write to the Affiliate Member and other affected parties and advise the confirmation of the penalty.

6. RIGHT OF APPEAL OF DISCIPLINED MEMBERS

- 6.1. An Affiliate Member may appeal to the MAAA Council against a resolution of the MAAA Executive under clause 5.4, within 7 days after the notice of the resolution is served on the Affiliated Member, by lodging with the MAAA Secretary a notice to that effect.
- 6.2. On receipt of a notice under clause 6.1, the MAAA Secretary shall notify the Affiliate Member, the Ordinary Member of the Affiliate Member and the MAAA Executive, and place the appeal on the agenda for the next MAAA Council Conference or Special Council meeting if the latter is appropriate.
- 6.3. At a general or special meeting of the MAAA Council convened under clause 6.2:
- (i) All parties or their representatives shall be given the opportunity to state their respective cases orally, or in writing, or both.
 - (ii) Council may by resolution change the discipline measure to a greater or less penalty.
 - (iii) The members present shall by secret ballot on the question of whether the resolution, modified if needed by the action of clause 6.3(ii) shall be confirmed or revoked.
- 6.4 If the general or special meeting passes a resolution in favour of confirmation of the resolution of the MAAA Executive, or as modified by the action of clause 6.3(ii), the discipline process is finalised.

7. MEMBERS ROLLS

- 7.1 An Affiliate Member is placed on the Discipline Pending Roll from the time the MAAA confirms the discipline of the Affiliate Member in accordance with clause 5.4 and shall remain on that roll until:
- (a) the expiry of the appeal period; or
 - (b) in the event of an appeal being lodged, until after the appeal is heard and voted on by the MAAA Council.
- 7.2 An Affiliate Member is placed on the Disciplined Members Roll from the time the MAAA confirms the discipline of the Affiliate Member in accordance with clause 5.8 or 6.4 and shall remain on that roll until the period of his/her discipline is completed.

- 7.3 An Affiliate Member is placed on the Suspended Members Roll from the time the MAAA confirms the suspension of the Affiliate Member in accordance with clause 5.8 or 6.4 and shall remain on that roll until the period of suspension is completed.
- 7.4 An Affiliate Member is placed on the Expelled Members Roll from the time the MAAA confirms the expulsion of the Affiliate Member in accordance with clause 5.8 or 6.4.

8. RIGHTS OF DISCIPLINED MEMBERS

- 8.1 If an Affiliate Member is placed on the Discipline Pending Roll then all rights of membership, including affiliation should it fall due, shall be maintained until the result of the appeal is determined, except that they may affiliate only through their current affiliating bodies.
- 8.2 If an Affiliate Member is placed on the Disciplined Members Roll they are entitled to all benefits of membership, other than those specified in the discipline, for the period that it applies. The Affiliate Member is not entitled to a fee refund for any benefits withheld.
- 8.3 If an Affiliate Member is placed on the Suspended Members Roll then they are not eligible for any benefit of MAAA Membership until the suspension period has been completed. The Affiliate Member is not entitled to a fee refund.
- 8.4 If an Affiliate Member is placed on the Expelled Members Roll then they are not eligible for any further benefit of MAAA Membership. The Affiliate Member is not entitled to a fee refund.
- 8.5 Unless it has been determined by the MAAA Executive, or Council, that an expelled member cannot reapply for membership for a defined period, then they may reapply at some time in the future. However at the time of application they shall advise the Club that they have been expelled. The Club shall pass the application through the Ordinary Member to MAAA Executive. The MAAA Executive shall consider any such application at a meeting before any action shall be taken on that application. The resolution resulting from that consideration shall be forwarded to both the former Affiliate Member and the Ordinary Member involved.
- 8.6 Either the Ordinary Member, the appropriate group, see clause 4.4, or the former Affiliate Member may appeal the decision of the Executive in clause 8.5 in accordance with the general provisions of clause 6.

9. RESPONSIBILITIES

- 9.1 The MAAA Secretary shall keep an up to date list of the status of Affiliate Members Rolls that are subject to discipline under this Procedure and the references to the documentation and advise Ordinary Members of any changes to the Rolls.
- 9.2 The Ordinary Member and/or, the appropriate group, see clause 4.4, involved are responsible for maintaining good records of the incident and resulting correspondence.