

## APPENDIX G

### DISCIPLINARY & GRIEVANCE PROCEDURES

#### **A. DISCIPLINARY PROCEDURES**

##### **1. Complaints**

Any person may make a complaint to the Chair of the Central Committee concerning the conduct of a member.

##### **2. Grounds for disciplinary action**

If there is prima facie evidence that a member has acted in the following ways, this will be deemed to be unprofessional and be a ground for disciplinary action:

- a) taught in a poor or dangerous manner;
- b) exceeded the teaching syllabus for which the member has been certificated;
- c) used a Yoga teaching syllabus other than that of the BKS Iyengar Yoga Institute of South Africa;
- d) mixed Iyengar Yoga with other methods and/or subjects;
- e) breached any guideline which may, from time to time, have been issued by the Ramamani Iyengar Memorial Yoga Institute in Pune or the Institute;
- f) Any act or conduct which might bring discredit on the teaching method of BKS Iyengar, the Institute or its members.
- g) breached Certification Mark or Trade Mark regulations.

##### **3. Appointment of Investigations Panel**

Upon receipt of a complaint under paragraph 2, or on becoming aware of any facts or matters which in his/her opinion warrant enquiry upon those grounds, the Chair of the Central Committee shall appoint a Moderator and two assessors (who do not personally have an involvement in the matter), to be called the Investigations Panel, to consider the matter further.

##### **4. Duties and Powers of the Investigations Panel**

- a) The Investigations Panel shall cause preliminary enquiries to be made to establish the facts and circumstances of the matter by whatever means it considers appropriate including direct questioning of the member and complainant. The member shall be informed of the possibility that charges will be brought against him/her and of his/her rights in relation thereto.

- b) The identity of the complainant in any case shall be made known to the member, unless the Investigations Panel determines that there are compelling reasons why the complainant should not be so identified.
- c) If, having undertaken appropriate preliminary enquiries, the Investigations Panel decides that there is no prima facie case for disciplinary action, it will inform the Chair and the Secretary of the Central Committee and the Secretary will write to the complainant (where applicable) informing him/her of its decision.
- d) The Secretary will also, at the same time write to the member advising him/her of its decision.
- e) If, on the other hand, having undertaken appropriate preliminary enquiries, the Investigations Panel decides that there is a prima facie case for disciplinary action, it will propose a course(s) of disciplinary action to the Chair and the Secretary of the Central Committee and the Secretary will write to the member setting out the following:
  - i. The conduct complained of;
  - ii. The fact that, having undertaken appropriate enquiries, the Investigations Panel has decided that there is a prima facie case for disciplinary action;
  - iii. Identifying the relevant ground(s) for disciplinary action in accordance with paragraph 2 above;
  - iv. Proposing one or more courses of disciplinary action as set out in paragraph 9 below;
  - v. Inviting the member to reply, in writing, within 21 days from the date of the letter indicating whether or not he/she consents to the proposed course(s) of disciplinary action;
  - vi. Advising the member that if he/she does not consent to the proposed course(s) of disciplinary action, the matter will be immediately referred to the Disciplinary Tribunal;
  - vii. Inviting the member (if he/she does not consent to the proposed course(s) of disciplinary action) to enclose his/her written response/representations, indicating if he/she would prefer the matter to be dealt with on paper or at a hearing.
  - viii. Advising the member that if he/she does not respond within the time permitted the decision will stand.

## **5. Disciplinary Action**

Any one or more of the following courses of disciplinary action may be proposed by the Investigations Panel (or ordered by the Disciplinary Tribunal in accordance with paragraph 13 below) as is considered appropriate having regard to the nature and seriousness of the matter, the member's character and past record and to any other circumstances considered to be relevant:

- a) That a written warning or reprimand be given;

- b) That the member be required to give a written undertaking to refrain from continuing or repeating the conduct in question;
- c) That membership be suspended for such period as is considered appropriate, membership to be automatically restored at the end of such period: and
- d) Expulsion from membership for such period as is considered appropriate, the expelled member being able to re-apply for membership at the end of such period.

In the case of (c) and (d) above, any teaching certificates in force must also be withdrawn for the period of suspension/expulsion.

Neither the member, nor the Institute, may be ordered to pay the legal or other costs of the other party incurred in connection with these disciplinary procedures.

## **6. Member's Response**

If, within the time permitted, the member consents to the proposed disciplinary action, or if he/she does not respond within that time, the Investigations Panel's proposal shall stand as the decision of the Institute

## **7. Referral to Disciplinary Tribunal**

If within the time permitted, the member refuses consent, the Chair of the Central Committee shall appoint a Disciplinary Tribunal to consider the matter either on paper (if requested by the member) or at a hearing.

## **8. Composition of the Disciplinary Tribunal**

- a) The Disciplinary Tribunal shall consist of three persons as follows:-
  - i. One independent person who is not, and who has never been, a member of the Institute ("the Independent Member").
  - ii. The Chair of the Central Committee, or another member of this Committee appointed by the Chair;
  - iii. One Moderator (or other suitable senior member of the Institute) who was not on the Investigations Panel considering the matter;
  - iv. (b) and (c) together shall be known as 'the Assistant Members'.
- b) No member of the Disciplinary Tribunal shall have or have had any personal involvement in the case.
- c)

## **9. Decisions of the Disciplinary Tribunal**

All decisions of the Disciplinary Tribunal shall be made by the Independent Member, who shall be advised and assisted by the Assistant Members. All such decisions are final and there is no right of appeal under these procedures.

## **10. Determination on paper**

If the member requests that there should not be a hearing but that the matter should be dealt with on paper only, the Disciplinary Tribunal shall determine the matter without a hearing as soon as possible and shall inform the member of its decision and of the disciplinary action ordered.

## **11. Procedure before the Disciplinary Tribunal**

- a) Where the member has requested a hearing, the Secretary shall write to the member giving him/her at least one month's notice of the date, time and place of the hearing. At the same time, the member should be provided with copies of any document that the Institute intends to put in evidence at the hearing and a copy of a statement of any witnesses that the Institute intends to call to give evidence in person at the hearing.
- b) The member shall also be notified that he/she likewise must provide the Institute at least seven days before the hearing with copies of any document that he/she intends to put in evidence at the hearing and a copy of any statement of any witnesses he/she intends to call to give evidence in person at the hearing.
- c) The procedure for the hearing before the Tribunal, unless the Tribunal otherwise directs, shall be as follows:
  - i. Submissions by the Investigation Panel.
  - ii. The hearing of any witnesses called by the Investigation Panel followed by cross-examination of such witnesses by, or on behalf of, the member.
  - iii. Submissions by, or on behalf of, the member.
  - iv. The hearing of any witnesses called by the member, followed by cross-examination of such witnesses by, or on behalf of the Investigation Panel.
  - v. Closing submission by, or on behalf of, the Investigation Panel.
  - vi. Closing submissions by, or on behalf of, the member.
- d) The member and the Investigation Panel may be legally represented at the hearing.
- e) Civil Rules of Evidence will not apply and the Tribunal may itself ask questions of the witnesses, parties or representatives, as they think fit.

## **12. Absence of a member**

If, at the hearing, the member is not present or represented, the Disciplinary Tribunal may proceed to hear the matter in his/her absence if it is satisfied that notice of the hearing had been served upon the member in accordance with paragraph 18 above.

### **13. Decision**

The Disciplinary Tribunal shall make its decision as soon as practicable after the conclusion of the hearing. If it finds grounds for disciplinary action it may order one or more of the courses of disciplinary action in accordance with paragraph 9 above.

### **14. Notification of Decision**

The Secretary of the Committee shall write to both the member and complainant confirming the decision of the Disciplinary Tribunal as soon as practicable thereafter.

### **15. Publication of Decision**

The Committee may, at its discretion, publish any decision made either by the Investigations Panel or by the Disciplinary Tribunal.

## **B. GRIEVANCE PROCEDURES**

Any member may make a Grievance known to Central Committee, provided that the following procedures are followed.

### **1. Problem Resolution at Source**

Where a member feels aggrieved by the actions of another member or teacher or member of a Sub-committee or the actions of Central Committee, they must first attempt to resolve their differences in an amicable fashion at source.

### **2. Elevation of Grievance**

- a) Only when the first option has failed should they take the matter up firstly with their teacher and if this does not lead to a resolution they may refer it to their Regional Committee.
- b) If the member still feels aggrieved and that insufficient action has been taken they may take the matter to Central Committee.
- c) Any grievance brought to Regional or Central Committee must be in writing and clearly state:
  - i. the nature of the grievance;
  - ii. the steps taken at source to resolve the matter;
  - iii. the reasons as to why it is now being referred to higher authority.

### **3. Grievance Review Process**

- a) The grievance will be reviewed by the relevant committee that must consider the following:
  - i. written submission/s from the aggrieved;
  - ii. written submission/s from the defendant;
  - iii. the provisions of the Constitution and Institute Rules and Standing Orders.

- a) The relevant committee will after consideration of the above make its findings known to the parties in terms of reconciliation.
- b) The committee's decision shall be final and there will be no further means of appeal.

#### **4. Caveat**

Members must be aware of the seriousness of bringing a grievance against a fellow member or higher authority in the Institute, and must only use this procedure as a last resort.