



## **British Wheel of Yoga (BWY) Code of Conduct for Members - Policy**

### **Introduction**

The good name of BWY is vital in enabling achievement of its mission to be the voice in the UK, dedicated to promoting yoga teachers, students and members within a professional and inspiring union. As a membership body, members have a duty to one another to uphold high standards of professional conduct that maintain and enhance the reputation of BWY. By committing to the Code of Conduct themselves in this way, members benefit one another by promoting BWY as an organisation of good standing, enabling it to maximise its influence in the promotion of a greater understanding of yoga and its safe practice through experience, education, discussion, study and training.

### **Members' Commitments**

When members join BWY, they make the following commitments to the charity and to one another:

- To support BWY's mission
- To conduct themselves in a professional manner when representing BWY and fellow members
- To uphold the good name of BWY
- To deal honestly and fairly with fellow members, staff, partner organisations and the public
- Not to make detrimental public statements about fellow members of the BWY

### **BWY's Commitments**

Our vision, mission and Memorandum and Articles of Association inform BWY's commitments to members. In all our work with and on behalf of members we commit:

- To promote BWY's mission and vision
- To deliver services that support members to receive a quality experience
- To conduct ourselves in a professional manner when representing members
- To uphold the good name of BWY
- To deal honestly and fairly with fellow members, staff, partner organisations and the public

## **Implementation**

BWY will notify existing members of the introduction of this code and will make available a copy of the code on its website. The National Executive Committee has approved the final wording and adoption of the Code. Existing members are deemed to accept the Code from the date of implementation. New members will be made aware of the Code and required to commit to it when they join BWY.

The Code will be binding on all members throughout the term of their membership, and non-compliance with the Code may lead to expulsion as a member, without the refund of membership fees. BWY has the right to amend the Code of Conduct, as appropriate.

## **Monitoring, Investigations and Sanctions**

All BWY members and staff will be responsible for monitoring the Code of Conduct and investigations into allegations that members have broken the code and any sanctions will be made following the BWY Code of Conduct – Procedures.

## **BWY Code of Conduct for Members – Procedures**

This Code of Conduct is intended to clarify the procedure to be followed in circumstances where the National Executive Committee is considering the exercise of its right to expel a member for unacceptable conduct.

## **Definitions**

Complainant – person making a formal complaint about a member.

Defendant – member about whom a formal complaint has been made.

Misconduct - any action that is contrary to the standards expected of a member which are outlined in the BWY Code of Conduct – Policy.

## **Principles**

To ensure that the Code of Conduct is upheld, from time to time it may be necessary to undertake investigations into instances of misconduct or complaints against BWY members. These investigations:

- Will uphold the principle that defendants are innocent of all allegations until the formal process has been concluded and a decision reached
- Will ensure a fair hearing for the defendant through a committee process with the right to appeal
- Will be conducted as quickly, confidentially and professionally as possible to minimise distress to all concerned

- Complainants will be identified to defendants, except in the most extreme circumstances where the NEC of BWY judges that to do so might endanger the complainant
- Complaints judged to be vexatious, for example if they are not substantiated in writing or with evidence, will not be considered, and members found to be making vexatious complaints are themselves considered to be in breach of the Code of Conduct
- Wherever reasonable BWY will seek to conciliate to resolve any possible complaint
- Legal responsibility - BWY shall have no liability to any member or third party for any member's non-compliance with the law. All members agree to abide by the law, in particular not to defame anyone or commit libel. Members indemnify BWY against any damage, costs, expenses or other claims for compensation arising from any material supplied by them which is indecent, untrue, defamatory, libellous or otherwise contrary to the legal rights of other members or third parties
- Members who have been expelled or otherwise sanctioned under this Code of Conduct shall have no claim against BWY (whether in contract or in tort, including negligence) in the absence of manifest error on the part of BWY in applying this Code of Conduct to the case in question.

### **Making complaints**

- Any BWY member may bring a complaint against a BWY member who they believe to be in breach of the Code of Conduct
- It will be the duty of all members to bring to the attention of BWY's Operations Manager a complaint against a member who they believe to be in breach of the Code of Conduct.

### **Complaints process**

- A person wishing to make a complaint will be sent a copy of the Code of Conduct by the Operations Manager and asked to confirm that they wish to make a formal complaint.
- Complaints must be sent confidentially in writing to the Operations Manager and include full details and evidence of the alleged breach of the Code of Conduct.
- Provided the complaint does fall within the scope of this Code, the Operations Manager will send details of the complaint to the defendant and invite him or her to respond in writing.
- A meeting of the Code of Conduct Committee will take place. The evidence from both the complainant and defendant will be examined and both parties will be invited to attend in person according to the Committee procedure below.
- The Code of Conduct Committee may dismiss the complaint on the basis of either not being relevant to the Code of Conduct or lack of evidence, or may uphold or partially uphold the complaint and sanction the defendant.
- If the defendant does not agree with the decision of the Committee, they may appeal within 10 working days to the NEC by letter to the Chair, stating the reasons for appeal and providing relevant evidence.

- The appeal will be heard at the next scheduled NEC Board meeting. The NEC may decide to uphold or overturn the decision of the Code of Conduct committee and the decision of the NEC is final. The defendant will be notified of the NEC's decision within five working days of the meeting.
- Complainants and defendants commit to recognise the sensitive nature of complaints under this process and will keep details confidential and not discuss publicly.
- The Operations Manager will ensure that a record of any complaints, subsequent action and related correspondence is kept in a confidential central file in Central Office.

In the event of a particularly serious complaint, the NEC may temporarily suspend active listing of membership as soon as they become aware.

The Code of Conduct Committee will comprise of:

- Two BWY NEC members (at least one to be the Chair or Vice Chair)
- Operations Manager (Chair)
- Safeguarding and Diversity Manager (Secretary)

Any committee members who have personal relationship with the defendant or complainant that represents a conflict of interest will be exempt from the process on the grounds of that conflict of interest and a substitute will be sought. If any committee members are unable to attend the meeting, the chair may appoint a suitable substitute, subject to the agreement of the defendant and complainant.

### **Procedure for Code of Conduct Committee Meeting**

1. Introductions and confirmation that committee members have no conflict of interest
2. Defendant may be accompanied by one family member, friend or fellow BWY member
3. Procedure explained to defendant
4. Complaint read and defendant's written answer considered
5. Defendant invited to respond and questioned by committee
6. Defendant invited to call by prior arrangement any witnesses to give evidence and respond to questions from committee
7. Defendant, any companion and witnesses asked to withdraw whilst committee considers case
8. Defendant and representative recalled and advised of judgement and any sanction verbally, confirmed in writing by Chair within five working days
9. Chair of committee writes to complainant within 10 working days to advise whether the complaint is upheld
10. Minutes will be taken by the secretary and signed by the Chair on behalf of all committee members
11. The committee may consider any evidence, whether oral or written
12. Decisions will be taken by the committee on the basis of what is reasonable on the balance of probabilities

13. If the committee is not unanimous the decision can be taken on a majority of over 50 per cent of those committee members in attendance.

### **Sanctions**

The Code of Conduct committee may make one or more of the following sanctions according to the severity of the breach:

- A written reprimand
- Suspension of membership for up to one year
- Exclusion from holding an official post such as Regional Officer or from representing BWY at any external event or occasion for up to one year
- Permanent exclusion from membership

No refund of paid membership fees will be made in the event of the above sanctions.

Immediately upon being expelled or suspended as a member, members must stop using the BWY logo or the name BWY. They should take down any signage and stop using any stationery etc incorporating the logo or the name.