

## **MOOREDALE SAILING CLUB DISCIPLINE and COMPLAINTS POLICY**

### **Definitions**

1. The following terms have these meanings in this Policy:
  - a) “*Complainant*” – The Party alleging an infraction
  - b) “*Corporation*” – Mooredale Sailing Club
  - c) “*Days*” – Days irrespective of weekend and holidays
  - d) “*Member*” – All categories of membership defined in the Corporation’s Bylaws as well as all individuals employed by, or engaged in activities with, the Corporation.
  - e) “*Parties*” – The Complainant, Respondent, and any other Members or persons affected by the complaint
  - f) “*Respondent*” – The alleged infracting Party

### **Purpose**

2. The Corporation is committed to providing an environment in which all Members are treated with respect characterized by the values of fairness, integrity, and open communication. Membership in the Corporation, as well as participation in its activities, brings many benefits and privileges. At the same time, Members and participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the Corporation’s policies, bylaws, rules and regulations, and *Code of Conduct and Ethics*. Irresponsible behaviour by Members can result in severe damage to the integrity of the Corporation. Conduct that violates these values may be subject to sanctions pursuant to this Policy. Since discipline may be applied, the Corporation provides Members with the mechanism outlined in this Policy so that complaints are handled fairly, expeditiously, and affordably.

### **Application of this Policy**

3. This Policy applies to all Members and discipline matters that may arise during the course of the Corporation’s business, activities, and events.
4. Discipline matters and complaints arising within the business, activities, or events organized by entities other than the Corporation will be dealt with pursuant to the policies of these other entities unless requested and accepted by the Corporation at its sole discretion.

### **Alternate Dispute Resolution**

5. The Corporation supports the options of mediation and facilitation as provided by Alternate Dispute Resolution (ADR). At any time in the Discipline and Complaints process, the Parties, by mutual agreement, may decide to pursue alternate dispute resolution such as mediation. Failing the resolution of the complaint through the mediation process, or if either Party chooses to forego mediation, the complaint shall continue to be addressed under this Policy.

### **Reporting a Complaint**

6. Any Member may report any complaint to the Corporation’s Head Office. Such complaint must be in writing and signed, and must be filed within fourteen (14) days of the alleged incident. Anonymous complaints may be accepted at the sole discretion of the Corporation.
7. A Complainant wishing to file a complaint outside of the fourteen (14) day period must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the complaint outside of the fourteen (14) day period will be at the sole discretion of the Corporation. This decision may not be appealed.

8. Upon accepting a complaint, the Corporation will appoint a Case Manager who has sole discretion to determine whether the complaint is frivolous or vexatious, or if the complaint is potentially legitimate and involves either an incident classified as a minor infraction or an incident classified as a major infraction. The appointment of the Case Manager, the Case Manager's determination of the legitimacy of the complaint, and the Case Manager's classification of the incident are all not appealable.
9. The Case Manager shall decide one of the following:
  - a) The complaint is frivolous or vexatious and shall be immediately dismissed
  - b) The complaint is potentially legitimate and the incident shall be dealt with as a minor infraction
  - c) The complaint is potentially legitimate and the incident shall be dealt with as a major infraction
10. The Case Manager will inform the Parties if the incident is to be dealt with as a minor or major infraction and the matter will be dealt with according to the applicable sections of this Policy relating to minor or major infractions.
11. This Policy does not prevent an appropriate person having authority from taking immediate, informal, or corrective action in response to behaviour that constitutes either a minor or major infraction. Any infraction and resulting corrective action must be reported to the Corporation. Further sanctions may be applied in accordance with the procedures set out in this Policy.

### **Minor Infractions**

12. Minor infractions are incidents of failing to achieve expected standards of conduct that generally do not result in harm to others or the Corporation. Examples of minor infractions can include, but are not limited to, a single incident of:
  - a) Disrespectful, offensive, abusive, racist, or sexist comments or behaviour
  - b) Disrespectful conduct such as outbursts of anger or argument
  - c) Conduct contrary to the values of the Corporation
  - d) Being later for, or absent from, the Corporation events and activities at which attendance is expected or required
  - e) Non-compliance with the Corporation's policies, procedures, rules or regulations
13. All disciplinary situations involving minor infractions will be dealt with by the appropriate person who has authority over both the situation and the individual involved. The person in authority can be, but is not restricted to being, staff, officials, organizers, or the Corporation's Directors.
14. Provided that the Respondent being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident, procedures for dealing with minor infractions will be informal (compared to the procedures for major infractions) and will be determined at the discretion of the person responsible for discipline of such infractions (as noted above).
15. Penalties for minor infractions, which may be applied singularly or in combination, include the following:
  - a) Verbal or written reprimand from the Corporation to one of the Parties
  - b) Verbal or written apology from one Party to the other Party
  - c) Service or other voluntary contribution to the Corporation
  - d) Removal of certain privileges of membership for a designated period of time
  - e) Suspension from the current competition, activity, or event
  - f) Any other sanction considered appropriate for the offense

16. Minor infractions that result in discipline will be recorded and records will be maintained by the Corporation. Repeat minor infractions may result in further such incidents being considered a major infraction.

### **Major Infractions**

17. Major infractions are instances of failing to achieve the expected standards of conduct that result, or have the potential to result, in harm to other persons or to the Corporation. Examples of major infractions include, but are not limited to:
- a) Repeated minor infractions
  - b) Any incident of hazing
  - c) Incidents of physical abuse
  - d) Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
  - e) Pranks, jokes, or other activities that endanger the safety of others
  - f) Conduct that intentionally interferes with a competition or interferes with preparation for a competition
  - g) Conduct that intentionally damages the Corporation's image, credibility, or reputation
  - h) Disregard for the Corporation's bylaws, policies, rules, and regulations
  - i) Intentionally damaging the Corporation property or improperly handling the Corporation monies
  - j) Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics

### **Procedure for Major Infraction Hearing**

18. The Case Manager shall notify the Parties that the complaint is potentially legitimate and the incident shall be dealt with as a major infraction. The Case Manager shall then decide the format under which the complaint will be heard. This decision is at the sole discretion of the Case Manager and may not be appealed.
19. The Case Manager will appoint a Discipline Panel, which shall consist of a single Adjudicator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.
20. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may still hold a hearing for the purpose of determining an appropriate sanction.
21. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
22. The Case Manager will determine the format of the hearing, which may involve an oral in-person hearing, an oral hearing by telephone, a hearing based on a review of documentary evidence, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Panel deem appropriate in the circumstances, provided that:
- a) The Parties will be given appropriate notice of the day, time, and place of the hearing
  - b) Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing
  - c) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
  - d) The Panel may request that any other individual participate and give evidence at the hearing
  - e) The decision will be by a majority vote of Panel members

23. If a decision may affect another party to the extent that the other party would have recourse to a complaint or an appeal in their own right, that party will become a Party to the complaint in question and will be bound by the decision.
24. In fulfilling its duties, the Panel may obtain independent advice.

### **Decision**

25. After hearing the matter, the Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the hearing's conclusion, the Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and the Corporation. In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period. The decision will be considered a matter of public record unless decided otherwise by the Panel.

### **Sanctions**

26. The Panel may apply the following disciplinary sanctions, singularly or in combination, for major infractions:
- a) Verbal or written reprimand from the Corporation to one of the Parties
  - b) Verbal or written apology from one Party to the other Party
  - c) Service or other voluntary contribution to the Corporation
  - d) Expulsion from the Corporation
  - e) Removal of certain membership privileges
  - f) Suspension from certain the Corporation teams, events, and/or activities
  - g) Suspension from all the Corporation activities for a designated period of time
  - h) Withholding of prize money or awards
  - i) Payment of the cost of repairs for property damage
  - j) Suspension of funding from the Corporation or from other sources
  - k) Any other sanction considered appropriate for the offense
27. Unless the Panel decides otherwise, any disciplinary sanctions will begin immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension until such time as compliance occurs.
28. Major infractions that result in discipline will be recorded and records will be maintained by the Corporation.

### **Suspension Pending a Hearing**

29. The Corporation may determine that an alleged incident is of such seriousness as to warrant suspension of a Member pending a hearing and a decision of the Panel.

### **Confidentiality**

30. The discipline and complaints process is confidential and involves only the Parties, the Case Manager, the Panel, and any independent advisors to the Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.

### **Appeals Procedure**

31. The decision of the Panel may be appealed in accordance with the Corporation's *Appeal Policy*.