

Kitsilano Yacht Club - Discipline Policy

Approved February 2nd 2010

Club Bylaw 1.6 states as follows:

Suspension and Expulsion: A member ceases to be in good standing, and may be suspended or expelled by the Executive Committee, if any of the member's fees and assessments are not paid in full accordance with Bylaws 6.1 to 6.3. A member who infringes any other Bylaw or rule of the Club, or is guilty of conduct which, in the opinion of the Executive Committee, is unbecoming a member of the Club, is liable to suspension from any or all privileges of the Club for such period or periods determined by the Executive Committee, or to expulsion. Expulsion shall require a three quarters (3/4) majority vote of the members of the Executive Committee. An expelled member may, upon application, be readmitted to membership by a three quarters (3/4) majority vote of the members of the Executive Committee.

Purpose

The Club's Discipline Policy establishes a procedure for application of Bylaw 1.6, in order to review, investigate, and adjudicate complaints or allegations against a member or member's guest, regarding infringement of any bylaw, rule or regulation of the Club, or of conduct unbecoming a member or a member's guest.

Procedure

1) Investigation by Discipline Committee

Immediately upon receiving a credible written complaint, allegation or accusation, against a club member or a member's guest, of a type referred to in Club Bylaw 1.6, the Manager shall inform the Commodore of the complaint. In certain situations, or where anonymity is requested, the Manager may make the complaint on behalf of the complainant. The Commodore shall then convene a sub-committee of the Executive Committee. This sub-committee shall be known as the Discipline Committee.

The Discipline Committee shall consist of four members of the Executive Committee and also the Honorary Secretary (or designate), who will be the recording secretary, and non-voting member of the Discipline Committee. The Discipline Committee will report to the Executive Committee.

The Discipline Committee shall, at its earliest opportunity upon receipt, determine whether or not the written complaint, allegation or accusation is within the jurisdiction of the Discipline Committee and appears to warrant further review and investigation by the Discipline Committee.

If the Discipline Committee determines that further review and investigation is necessary, the Discipline Committee shall give written notice of this investigation, and deliver the notice by registered mail to the last known address of both the complainant and the member.

Both the complainant and the member shall have 10 days from the date that the notice was sent by registered mail, in which to deliver to the Manager a written reply and any evidence for investigation by the Discipline Committee.

The Discipline Committee shall confidentially investigate the alleged occurrence through interviews with the complainant, the member, and/or other investigations, as the Discipline Committee deems necessary.

Upon completing its review and investigation, the members of the Discipline Committee will vote to decide its recommendation to the Executive Committee. The majority of the Discipline Committee must vote in favour of recommending one of the following alternative results:

- That, with the written consent of both the complainant and the member, the alleged occurrence has been resolved, and no formal hearing is needed;
- That there is insufficient evidence to proceed;
- That the allegation should be heard and adjudicated by the Executive Committee in a formal hearing; or
- That the allegation should be heard and adjudicated by the Executive Committee, and is of such a serious nature that the member is to be suspended immediately, pending the formal hearing.

The Manager shall send written notice, by registered mail, of the Discipline Committee's recommendation, to both the complainant and member. If the complainant or the member is dissatisfied with the decision, they shall have 7 days from the date the notice was sent by registered mail, in which to deliver a request in writing to the Manager, that the Discipline Committee review their decision. The Discipline Committee's decision to review will be final.

2) Hearing

If the recommendation of the Discipline Committee is that the complaint be adjudicated by the Executive Committee, then not less than seven days after the Executive Committee receives this recommendation, the Manager, not having received a request to review, shall send notice, by registered mail, to both the complainant and the member. This notice letter must contain the following information:

1. Notice of the time and place of the formal hearing, which must take place not less than 7 days from the date the notice was sent by registered mail;
2. Notice of the bylaw, rule, regulation, or code of conduct that is alleged to have been infringed;

3. Notice of the opportunity to present further written submissions to the Executive Committee before and at the hearing;
4. Notice that the complainant has the right to be present at the hearing to give additional evidence.
5. Notice that the member has a right to be present at the formal hearing to review and hear all submissions and evidence to be considered by the Executive Committee, in order to make a proper defense to the allegations.

At the appointed time and place, the Executive Committee shall convene the hearing to adjudicate the complaint, and endeavour to come to a decision in a timely manner. The Honorary Secretary (or designate) will be the recording secretary and non-voting member of the Committee.

3) Failure to attend hearing

If the member or the complainant have been duly notified of the formal hearing and adjudication of the complaint, and fail to appear, or do not provide in a timely fashion a satisfactory excuse for not attending, the Executive Committee may either:

- Consider the allegation against the member and proceed to exercise its adjudicative powers in the member's and/ or complainant's absence, or
- Defer the hearing to a later date, and in the meantime, suspend the member from any or all club privileges as the committee sees fit.

Disciplinary Consequences After Adjudication

After considering all evidence presented at the hearing, on a vote of 75% or more of the members of a quorum of the Executive Committee, the Executive Committee may order:

- The placement of a letter of admonishment in the member's file;
- The placement of a letter of admonishment setting out the consequences of a repeat complaint in the member's file;
- The suspension of any or all of the member's privileges for such period as the Committee sees fit; or
- The expulsion of the member.

The decision of the Executive Committee shall be posted and circulated to all members, and all written decisions and orders shall remain in the member's file.