

TH&SC Complaint Procedure, Discipline, and Appeals Policy

Complaint Procedure

Any member who wishes to lodge a complaint may take the following steps, including the filing of a formal complaint under this policy, without fear of reprisal:

Step 1 – Informal Resolution

While there is no obligation to do so, members who believe there has been a violation of the Code of Conduct or Club rules are encouraged to attempt to resolve their concerns by direct communication with the person(s) engaging in the unwelcome conduct. Where members feel confident and comfortable in doing so, communicate disapproval in clear terms to the person(s) whose conduct or comments are offensive. Keep a written record of the date, time, details of the conduct, and witnesses, if any.

Step 2 – Formal Complaint

If informal attempts at resolving the issue are not appropriate, or prove to be ineffective, a formal complaint may be filed. To file a formal complaint:

- (a) Prepare a complaint letter, via hard copy or electronic document, containing an account of the incident(s) (i.e. what happened, when and where it occurred, the person(s) involved, and names of witnesses, if any), as well as copies of any documents relating to the complaint. The letter shall also include the remedy sought and be signed and dated.
- (b) Provide the complaint letter to a member of the Executive.
- (c) Co-operate with those responsible for investigating the complaint.
- (d) Anyone can file a complaint, including a witness to inappropriate behaviour.

The Executive will review the written complaint and determine the need to open a formal investigation. At this point, the Executive shall advise all parties involved that an investigation has been opened. The alleged offender shall be notified via registered letter. If allegations are made against you, keep a record of your version of the alleged incident(s). If and when called upon, be prepared to present your case to the Discipline Committee. All formal investigations shall be conducted in accordance with the following process:

- 1) The Vice Commodore or Commodore will present the complaint to the Executive and will form a Disciplinary Committee in compliance with the by-laws.
- 2) The Committee will be made up of three (3) Members. One (1) member of the Committee will be appointed as Chairperson. Decisions of the Committee shall be by majority vote. If a majority decision is not possible, the vote of the Chairperson shall be the decision of the Committee.

- 3) The Committee will take the following steps:
 - a. Inform the respondent of the complaint, the members of the committee, and provide each of the foregoing with a written copy.
 - b. Inform the respondent that he /she has ten (10) days to respond in writing, if he/she wishes to do so. If the committee deems the matter to be urgent, this time period may be shortened.
 - c. Upon reviewing the written complaint and the reply, if a reply is provided, the Committee will conduct confidential interviews with all the parties involved and any witnesses to the alleged incident, as the Committee in its sole discretion may determine.
 - d. As soon as possible but in any event within ten (10) days of completing the investigation, the Committee shall prepare a confidential written report of its findings, a copy of which will be provided to the Executive.
- 4) The report shall contain:
 - a. A summary of all the relevant facts.
 - b. A determination as to whether, taken as a whole, the evidence supports the allegations in the complaint, and whether, as a result, it discloses a breach of the Club's Code of Conduct or Club rules.
 - c. If the acts constitute a violation of the Code of Conduct or Club rules, a direction for disciplinary action against the respondent and recommendation of measures to remedy or mitigate the harm or loss suffered by the complainant.
 - d. If the Committee determines that the allegations are vexatious or frivolous, a direction for disciplinary action against the complainant.
- 5) The names of any third-party witnesses who do not wish to be identified shall not appear in the report and shall be kept in confidence by the Committee.
- 6) The investigation process shall at all points be handled in a timely and confidential manner. All documentation related to a disciplinary investigation, including the committee report and recommendation, will be turned over to the Vice Commodore for record keeping purposes.
- 7) The Executive will make the final decision based on the report provided by the Discipline Committee.

Discipline

When determining appropriate disciplinary actions, the Committee shall consider factors as determined in its sole discretion, including without limitation the following:

- The nature and severity of the incident

- Whether the incident involved any physical contact
- Whether the incident was an isolated incident or part of an ongoing pattern
- The nature of the relationship between the complainant and respondent
- Whether the alleged offender had been involved in previous incidents
- Whether the alleged offender admitted responsibility and expressed a willingness to change
- Whether the alleged offender retaliated against the complainant

In recommending disciplinary sanctions, the Committee may include, but not be limited to the following options, singly or in combination, depending on the nature and severity of the offence.

- Spoken apology
- Written apology
- Letter of reprimand from the organization
- A fine up to a maximum of \$500.00
- Removal of certain privileges of membership including probation
- Expulsion from membership with no reimbursement of membership fees (including initiation fees)

Appeals

Both the complainant and offender shall have the right to appeal the decision of the Executive. A notice of intention to appeal, along with grounds for the appeal, must be provided within seven (7) days of the complainant or offender receiving the Executive decision. The intent to appeal must be presented to the Vice Commodore or Commodore. The Executive shall hear the appeal as soon as it is possible to set a date at which both the Executive and the Member requesting the appeal is also able to be present. The meeting shall take place within seven (7) days of the appeal being filed. During this meeting, the Executive will then vote on the validity of the decision.

The sole permissible grounds for an appeal will be evidence and additional information that was not included in the original investigation.

Publication

A copy of this Policy will be posted on the Club bulletin board.