

**NORTH BAY YACHT CLUB
MEMBER PROTECTION POLICY**

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PREFACE

North Bay Yacht Club is committed to the health, safety and general well-being of all the members involved with the club's activities. We as members of the NBYC have a responsibility to act in good faith and be active participants in contributing to the creation and enhancement of a community culture of respect, inclusion, civility, dignity and understanding for those involved with NBYC.

This Member Protection Policy seeks to foster a culture that values and responds to the boating community's rich diversity, and ensure that all members of the boating community are aware of their rights and responsibilities. It aims to provide these in the strong acknowledgement of the predominantly volunteer nature of the boating community.

MEMBER PROTECTION POLICY

1. Introduction

According to the North Bay Yacht Club Constitution, *“The objectives for which the Club is formed shall be the promotion, encouragement and fostering of boating, boat racing, and aquatic sports and all legitimate activities in connection therewith, the provision of facilities for the furtherance thereof, the promotion of the best interests of the members of the Club and of friendly camaraderie among them.”*

It is the intention that the North Bay Yacht Club provide a work and sporting environment where the dignity of the individual is respected and free from harassment and fear of harassment including sexual harassment.

2. Purpose of This Policy

North Bay Yacht Club (NBYC) is committed to maintaining an environment that encourages and fosters appropriate conduct among all persons and respect for individual values. Accordingly, NBYC is committed to enforcing this Member Protection Policy. The purpose of this Policy is to ensure a safe and positive environment within NBYC by making all individuals aware that there is an expectation, at all times, of appropriate behavior consistent with this Policy.

3. Definitions

Complainant - The person(s) who has a complaint or alleging an infraction

Respondent - The person(s) being complained about or alleged infracting party.

Discrimination is adverse treatment of any person based on prohibited grounds defined in the Ontario Human Rights Code; rather than on the basis of his/her individual merit,.

Harassment includes any comments or conduct consisting of words or actions that disparage or cause humiliation to a person or are offensive, racist, sexist, degrading or malicious.

Sexual Harassment includes unwelcome sexual comments and sexual advances, requests for sexual favors, or conduct of a sexual nature.

4. NBYC Executive Responsibilities

It will:

- implement and comply with this policy;
- promote this policy to everyone involved in our club;
- either deal directly with a complaint or appoint a panel of at least 3 members that will include at least one member of the executive.
- seek advice from and refer serious issues as deemed appropriate by the NBYC executive to the appropriate body or third party.

5. Individual Responsibilities

Everyone associated with our club must:

- comply with the code of conduct outlined in this policy
- treat others with respect
- follow the guidelines outlined in this policy to make a complaint or report a concern about inappropriate behaviour, discrimination, or harassment

A person who has the authority/capability to prevent or discourage harassment of any kind may be considered responsible for failing to exercise his/her authority to do so.

Parents are responsible for the safety and welfare of their children under the age of 18

6. Code of Conduct

Membership of NBYC is a privilege and all Members are subject to the following Code of Conduct:

NBYC seeks to operate in an environment where people show respect for others and their property. Respect is defined as consideration for the well being of another person's body, emotions and possessions. NBYC seeks to operate in an environment which is free of harassment.

Members have a responsibility to:

- a) Maintain and enhance the dignity and self-esteem of other individuals by:
 - i. Demonstrating respect to individuals regardless of body type, physical characteristics, athletic ability, gender, ancestry, colour, ethnic or racial origin, nationality, national origin, sexual orientation, age, marital status, religion, religious belief, political belief, disability, or economic status
 - ii. Focusing comments or criticism appropriately
 - iii. Consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct
 - iv. Acting, when appropriate, to correct or prevent practices that are unjustly discriminatory
 - v. Consistently treating individuals fairly and reasonably

Refrain from any behavior that constitutes harassment. Types of behavior that constitute harassment include, but are not limited to:

- i. written or verbal abuse, threats or outbursts;
- ii. physical or sexual assault;
- iii. such conduct that has the purpose or effect of humiliating an individual or substantially interfering with their work or sporting performance or in creating an intimidating, hostile or offensive environment
- iv. unwelcome remarks, jokes, innuendos or taunting of a sexual nature about a person's body, attire, age, marital status, which cause awkwardness or embarrassment, endangers a person's safety or negatively affect performance;
- v. unwelcome or intimidating invitations or requests with sexual overtones whether direct or indirect;
- vi. leering or other suggestive or obscene gestures;
- vii. unwelcome physical contact such as touching, patting or pinching;

- viii. unwelcome display of objects or pictures of a sexual nature, and/or offensive or ought to be known to be offensive;
 - ix. any form of hazing;
 - x. sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature;
 - xi. retaliation or threats of retaliation against an individual who reports harassment.
- b) Abstain from the non-medical use of drugs or the use of performance-enhancing drugs or methods.
 - c) Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities
 - d) Take reasonable steps to manage their responsible consumption of alcohol in adult-oriented social situations associated with the Club
 - e) Respect the property of others and not willfully cause damage
 - f) Comply, at all times, with the NBYC's bylaws, policies, procedures, and rules and regulations, as adopted and amended from time to time

7. Cyber Bullying/Social Networking

Bullying and harassment in all forms are regarded by the North Bay Yacht Club as unacceptable and will not be tolerated.

The scope of unacceptable practice includes using mobile (texting) or internet technologies (social networking, email, blogs, websites, etc.) deliberately or without appropriate consideration, to harass, bully, intimidate, ridicule, mock, degrade, etc. any individual involved with the North Bay Yacht Club.

8. Confidentiality

Disclosure of any North Bay Yacht Club information that is private, confidential or privileged to any unauthorized person or organization is viewed as a breach of this policy. NBYC recognizes the interests of both the complainant and the respondent in keeping the matter confidential.

NBYC will not disclose the name of the harassed person or the circumstance related to the situation to any person except where disclosure is necessary for the purpose of investigating the harassment and /or taking disciplinary action.

9. Complaint Handling Principles

As a club it is important that the handling of complaints is fair, just and transparent (i.e. follow clear processes and procedures). NBYC will apply the following principles:

- treat complaints seriously
- act promptly
- treat people fairly and listen to both sides of the story
- stay neutral
- keep parties to the complaint informed

- maintain confidentiality
- take reasonable measures to protect against victimization
- keep accurate records
- make decisions based only on information gathered, not personal views
- take action relative to the breach

10. Complaint Procedure

Informal

- A person who experiences unwelcome behavior is encouraged to make it known to the offending individual that the behaviour is unwelcome, offensive, and contrary to this policy.
- If confronting the individual is not possible or uncomfortable, or if after confronting the individual the unwelcome behaviour continues, the complainant can request a meeting with the NBYC executive or a member of the executive; or submit a formal written complaint.

Formal

Once contacted by a complainant or upon receipt of a complaint, members of the NBYC executive will:

- listen carefully and ask questions to understand the nature and extent of the problem (what happened, when it happened, where it happened, who were witnesses);
- ask the complainant how they wish to see the matter resolved;
- explain the different options available to help resolve the problem;
- take notes and complete the complaints form;
- maintain confidentiality
- If the NBYC executive considers that an executive member is in a conflict of interest, the individual will excuse him/herself from the proceedings related to the complaint.

There are three possible outcomes to this meeting of complainant and NBYC Executive/:

1. It may be determined that the conduct does not constitute an infraction as defined in this policy, in which case the matter will be closed;
2. The complainant may decide to pursue an informal resolution of the complaint, in which case the NBYC executive will, if requested by the complainant, assist the two parties to negotiate an acceptable resolution of the complaint; or
3. The complainant may decide to file a formal written complaint. The written complaint must be submitted with an original signature of the complainant. No electronically produced complaint will be accepted. All documented complaints will be treated as highly confidential to protect all parties involved. The executive shall receive the written complaint and provide a copy to the respondent, who shall be given an opportunity to respond in writing within the timeline set by the executive.

Should the complainant file a formal written complaint, the Executive will either deal directly with the complaint or appoint a panel of at least 3 members that will include at least one member of the Executive.

This Policy does not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behavior that constitutes either a minor or major infraction. Further sanctions may be applied in accordance with the procedures set out in this Policy.

If the respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the executive will determine the appropriate disciplinary sanction. The executive may still hold a hearing for the purpose of determining an appropriate sanction.

If the respondent chooses not to participate in the hearing, the hearing will proceed in any event.

The executive 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 executive deem appropriate in the circumstances, provided that:

- a) The Parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing, an oral hearing by telephone or other communications
- b) Copies of any written documents which the parties wish to have the executive consider will be provided to all Parties in advance of the hearing and/or the decision rendered
- c) The Parties may be accompanied by a representative or advisor
- d) The executive may request that any other individual participate and give evidence at the hearing
- e) The decision will be by a majority vote

11. Improper Complaints and Victimization

All reasonable steps will be taken to ensure that people involved in a complaint are not victimized. Disciplinary measures can be imposed on anyone who harasses or victimizes another person for making a complaint.

If a complainant has knowingly made an untrue complaint or the complaint is malicious or intended to cause distress to the person complained of, the complainant may face disciplinary action.

12. Disciplinary Measures

1. The club will take disciplinary action against anyone found to have breached this policy or made false and malicious allegations. When recommending appropriate disciplinary action, the Executive/panel shall consider factors such as:
 - the nature and severity of the conduct
 - whether the conduct involved any physical contact
 - whether the conduct was an isolated incident or part of an ongoing pattern
 - the nature of the relationship between the complainant and the respondent
 - whether the respondent has been involved in previous conduct incidents
 - whether the respondent admitted responsibility and expressed a willingness to change
 - whether the respondent retaliated against the complainant
2. Such disciplinary action shall:
 - Be applied consistent with any contractual and employment rules and requirements, as applicable;
 - Be fair and reasonable;
 - Be based on the evidence and information presented and the seriousness of the breach;
3. In recommending disciplinary sanctions, the executive may consider the following options, singly or in combination, depending on the nature and severity of the harassment:
 - verbal apology
 - written apology
 - letter of reprimand from the organization
 - a fine or levy
 - suggestion of counseling to address concern
 - removal of certain privileges of membership or employment
 - termination of employment or contract
 - expulsion from membership
 - any other sanction deemed appropriate by the executive.

The decision will be considered confidential except such disclosure is permitted to enforce the sanction.

Unless the executive decides otherwise, any disciplinary sanctions will begin immediately. Failure to comply with a sanction as determined by the executive/panel may result in automatic suspension until such time as compliance occurs.

The NBYC Executive may determine that an alleged incident is of such seriousness as to warrant suspension of a respondent pending completion of any criminal matter, or a hearing and a decision of the executive/panel.

13. Record of Complaint Reporting Form

Name of person receiving complaint		Date:
Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Complainant's contact details	Phone: Email:	
Complainant's role/status in Club	<input type="checkbox"/> Member <input type="checkbox"/> Race crew <input type="checkbox"/> Executive <input type="checkbox"/> Family of member <input type="checkbox"/> Visitor <input type="checkbox"/> Contractor <input type="checkbox"/> Employee <input type="checkbox"/> Other:	
Name of person complained about	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Person complained about role/status in club	<input type="checkbox"/> Member <input type="checkbox"/> Race crew <input type="checkbox"/> Executive <input type="checkbox"/> Family of member <input type="checkbox"/> Visitor <input type="checkbox"/> Contractor <input type="checkbox"/> Employee <input type="checkbox"/> Other:	
Location/event of alleged issue		
Description of alleged issue		
Nature of Complaint (category/basis/grounds) Can tick more than one box	<input type="checkbox"/> Harassment OR <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Personality Clash <input type="checkbox"/> Verbal Abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Victimization <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Unfair Decision <input type="checkbox"/> Physical Abuse <input type="checkbox"/> Other:	
What they want to happen to fix the issue		
Information provided to them		
Resolution or action taken		