

# **Cornwall Curling Club Annual General Meeting**

## **Summary of Proposed Bylaw Updates**

On April 17, 2024, the Cornwall Curling Club Board of Directors approved the proposed updates to the Club Bylaws to be reviewed and voted upon at the Club May 16, 2024 Annual General Meeting. Below is a summary of the proposed updates.

### **CURRENT**

#### **1.2 Rights and Privileges of Adult Membership**

1.2.1 An annual membership shall be for the period beginning on October 1 in one year and ending on September 30 in the next succeeding year.

1.2.2 Members shall conform to the by-laws and regulations of the Club and shall conduct themselves in a decorous manner while in the club, on club grounds or at club events. Inappropriate behavior shall not be tolerated. Examples of inappropriate behavior include, but are not limited to; use of profanity, not respecting personal space, any harassing comments on body shape, race, religion or curling skill.

##### **1.2.2.1 Complaint Process:**

When there is a complaint of inappropriate conduct or harassment made against a club member it should be reported to a member of either the Daytime Board or the Board of Directors. The board member shall inform the President that a complaint has been lodged. The President will then task a board member to investigate the incident and discuss the issue with both the complainant and the accused. In investigating the complaint, the investigator may need to speak with one or more witnesses to clarify the issue. If the complaint is found to be valid then corrective action will be taken. If a complaint deals with issues that contravene the Criminal Code of Canada, that issue shall be turned over to the appropriate Police Services to investigate. All investigations are to be treated as confidential and the complainant, accused and witnesses should be warned to keep all discussions confidential.

##### **1.2.2.2 Corrective Action:**

For the first offense, the accused would be provided a verbal warning of what corrective action(s) are required to address the inappropriate behavior. A note shall be placed on file in case further incidents occur. A

second offense would lead to a formal written warning provided to the accused indicating the corrective action(s) required. A copy of all formal warnings must be retained on Club files. That formal warning would also indicate that any further inappropriate conduct could result in suspension in accordance with By-Law 1.4.2. Note that depending on the severity of the incident the Board can move to suspend in accordance with By-Law 1.4.2 even for the first offense.

## **PROPOSED UPDATE**

### 1.2 Rights and Privileges of **a Club** Membership

1.2.1 An annual membership shall be for the period beginning on October 1 in one year and ending on September 30 in the next succeeding year.

1.2.2 Members shall conform to the by-laws, regulations **and policies** of the Club and shall conduct themselves in a decorous manner while in the Club, on Club grounds or at Club events. **It is a member's right to participate in Club activities in a safe environment that is free from harassing, bullying, exclusionary and disrespectful behavior. Examples of inappropriate behavior include, but are not limited to; use of profanity, not respecting personal space, any harassing comments on body shape, race, religion or curling skill.**

#### **1.2.2.1 Complaint Process:**

~~When there is a complaint of inappropriate conduct or harassment made against a club member it should be reported to a member of either the Daytime Board or the Board of Directors. The board member shall inform the President that a complaint has been lodged. The President will then task a board member to investigate the incident and discuss the issue with both the complainant and the accused. In investigating the complaint, the investigator may need to speak with one or more witnesses to clarify the issue. If the complaint is found to be valid then corrective action will be taken. If a complaint deals with issues that contravene the Criminal Code of Canada, that issue shall be turned over to the appropriate Police Services to investigate. All investigations are to be treated as confidential and the complainant, accused and witnesses should be warned to keep all discussions confidential.~~

#### **1.2.2.2 Corrective Action:**

~~For the first offense, the accused would be provided a verbal warning of what corrective action(s) are required to address the inappropriate behavior. A note shall be placed on file in case further incidents occur. A second offense would lead to a formal written warning provided to the accused indicating the corrective action(s) required. A copy of all formal warnings must be retained on Club files. That formal warning would also indicate that any further inappropriate conduct could result in suspension in accordance with By-Law 1.4.2. Note that depending on the severity of the incident the Board can move to suspend in accordance with By-Law 1.4.2 even for the first offense.~~

### **CURRENT**

1.2.3 Adult Members in Good Standing are entitled to:

- a) receive notice of General Meetings of the Club;
- b) attend meetings of the Club;
- c) speak at meetings of the Club
- d) vote at meetings of the Club; and
- e) exercise other rights and privileges given to members in these By-laws.

### **PROPOSED UPDATE**

1.2.3 **Club** Members in Good Standing are entitled to:

- f) receive notice of General Meetings of the Club;
- g) attend meetings of the Club;
- h) speak at meetings of the Club
- i) vote at meetings of the Club; and
- j) exercise other rights and privileges given to members in these By-laws.

### **CURRENT**

2.1.6 Each Director shall be elected for a term of three (3) years ending at the third annual meeting after the Director's election, with the possibility of an extension of maximum one year to fulfill a specific requirement of the Board.

### **PROPOSED UPDATE**

2.1.6 Each Director shall be elected for a term of three (3) years ending at the third annual meeting after the Director's election.

## **CURRENT**

2.1.9 A Director who, by reason of illness or physical impairment, is unable to participate in all of the activities of the Club as an adult Member, need not retire from the Board of Directors provided that a Social Membership is maintained during the period of illness or physical impairment.

## **PROPOSED UPDATE**

2.1.9 A Director who, by reason of illness, physical impairment, **or special circumstance** is unable to participate in all of the activities of the Club as an Adult Member, need not retire from the Board of Directors provided that a Social Membership is maintained during the period of illness, physical impairment, **or special circumstance. All requests for special circumstance must be brought forward to the Board of Directors for approval.**

## **CURRENT**

2.4.9 The Seniors Committee

- a) shall report on Seniors (daytime) curling activities;
- b) shall be chaired by the Director nominated from the Seniors Coordinating Committee.

## **PROPOSED UPDATE**

2.4.9 The **Daytime** Committee

- a) shall report on daytime curling activities;
- b) shall be chaired by the Director nominated from the **Daytime** Coordinating Committee.

## **CURRENT**

2.4.10 The Nominating Committee

- a) shall be appointed by the Board of Directors in March of each year;
- b) shall propose the names of Adult Members who are prepared to stand for election to the Directors positions which will be vacated at the forthcoming Annual Meeting;
- c) shall accept one nominee selected by the Seniors Coordinating Committee; and
- d) shall be chaired by the Immediate Past President.

## **PROPOSED UPDATE**

2.4.10 The Nominating Committee

- a) shall be appointed by the Board of Directors in March of each year;
- b) shall propose the names of Adult Members who are prepared to stand for election to the Directors positions which will be vacated at the forthcoming Annual Meeting;
- c) shall accept one nominee selected by the **Daytime** Coordinating Committee; and
- d) shall be chaired by the Immediate Past President.

## **CURRENT**

NA

## **PROPOSED UPDATE**

### **2.4.12 The Human Resources Committee**

- a) shall oversee or lead any human resources functions including recruitment and hiring;
- b) draft contracts for approval by the Board of Directors;
- c) develop and oversee the implementation of human resources policies and procedures; and
- d) lead investigations under the Respectful Workplace Policy.

## **CURRENT**

### 3.2 Audit: Third Party Review

3.2.1 The Board of Directors shall ensure an annual audit or a third-party independent review of the financial record of the Club.

## **PROPOSED UPDATE**

### 3.2 Audit: Third Party Review

3.2.1 The Board of Directors shall ensure **that at a minimum, a bi-annual (every two years)** audit or a third-party independent review of the financial record of the Club be completed.

## **CURRENT**

NA

## **PROPOSED UPDATE**

### **Article 10: Policies**

#### **10.1 Respectful Workplace Policy**

**10.1.1 On December 20, 2022 the Board of Directors voted the adoption and implementation of a Respectful Workplace Policy (Appendix A).**

**10.1.2 Upon confirmation or hire, members of the Board of Directors and staff are required to read and acknowledge in writing their understanding of the Respectful Workplace Policy.**

## Appendix A

# Cornwall Curling Club Respectful Workplace Policy

## Purpose

The Cornwall Curling Club, under the direction of the Board of Directors, is committed to an inclusive, healthy, safe and caring work environment for all employees, its members as well as the general public who access the facility. We all have a role to play in creating a safe and respectful workplace. The Respectful Workplace Policy outlines information about expectations, roles and responsibilities of employees, members, and the general public to prevent and manage inappropriate workplace behaviour. The Policy provides a framework for addressing disrespectful behaviour, harassment and discrimination.

## Policy Statement

The Cornwall Curling Club (the “Club”), under the direction of the Board of Directors (the “Board”), is committed to providing a workplace in which all persons can expect to be treated with dignity and respect. A disrespectful workplace undermines an individual’s self-respect and adversely affects work performance and well-being. The Board will ensure, as far as reasonably practicable, that no employee, member, or the general public will be subjected to disrespectful behaviour, harassment or discrimination, and shall take corrective action respecting any person under the Board’s authority who subjects a person to these types of behaviours.

## Definitions

*Complaint* is an allegation of harassment which is based on actions defined as harassment in this policy.

*Complainant* is an employee, member, or the general public who believes that they have been a victim of harassment and who has filed a complaint under this policy.

*Discrimination* is an action or a decision that treats a person or a group badly for reasons such as their race, age or disability. These reasons, also called grounds, are protected under the Canadian Human Rights Act.

*Harassment* means any inappropriate conduct, comment, display, action or gesture or any bullying that the person responsible for the conduct, comment, display, action or gesture or the bullying knows, or ought reasonably to know, could have a harmful effect on an employee, member, or the general public’s psychological or physical health or safety.

*Harassment in the workplace* includes a single or repeated occurrence of personal harassment, sexual harassment and abuse of authority.

*Without limiting the generality of the above, harassment under this policy includes personal harassment, sexual harassment or abuse of authority as defined below:*

a. **Personal Harassment** means any inappropriate conduct, comment, display, action, gesture or bullying that is known or ought reasonably to be known to be unwelcome. It includes any inappropriate comment, conduct, gesture or display that does or is intended to demean, intimidate, bully or cause embarrassment to another person. Personal harassment includes, but is not limited to, harassment on the basis of a person's age, colour, creed, disability, ethnic or national origin, family status, gender expression, gender identity, physical size or weight, marital status, political belief, race, religion, sex, sexual orientation, pregnancy, or source of income.

b. **Sexual harassment** includes inappropriate sexual conduct that is known, or ought reasonably to be known, to the person responsible for the conduct to be unwelcome, including, but not limited to sexual solicitations or advances, sexually suggestive remarks, jokes or gestures, circulating or sharing inappropriate images, or unwanted physical contact and includes conduct that might, on reasonable grounds, be perceived by the recipient as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

c. **Abuse of authority** means an individual's use of power and authority inherent in the position held in a manner which serves no legitimate work purpose, and which ought reasonably to be known to be inappropriate. It includes misuses of power which are intimidating, coercive or demeaning. The legitimate and proper exercise of the employer's right to supervise or manage (for example, performance reviews, work evaluation and disciplinary measures taken for any valid reason) does not constitute harassment under this policy.

**General Public** includes persons who visit or utilize the Club such as community volunteers or organizations (i.e. Town of Cornwall employees, Parasport PEI), contractors, fee-for-service individuals, governing bodies (i.e. Curl PEI), sponsors, stakeholders, or other persons who are not an employee.

**Respondent** is an employee, member, or the general public who has been accused of Harassment.

**Workplace** includes but is not limited to the actual work site, work-related social gatherings, or other location where an employee, member, or the general public is engaged in activity associated with employment, such as on-line communication (i.e., emails, social media).

**Workplace Conflict** is any ongoing inappropriate and disrespectful behavior at the workplace and/or a dispute or a communication breakdown between two or more individuals that impacts their ability to work productively and cooperatively in the workplace, and potentially results in a hostile work environment.

## Objectives

This policy aims to foster, maintain and provide guidance for a respectful workplace free of disrespectful behaviour, harassment or discrimination, where all employees, members, and the general public:

- treat others with respect, dignity and fairness; and



- have a clear understanding of their responsibilities, the options and the process for reporting and addressing violations of this policy.

## Responsibilities

While it is recognized that all employees, members, or the general public share responsibility for creating a harassment-free workplace, it is important to emphasize that the Board and the Club Manager, by virtue of their authority, carry a greater responsibility for maintaining this type of work environment.

*The Board* is responsible for ensuring that the provisions of this policy are implemented in the organization. This responsibility includes:

- a. ensuring that all managers, supervisors and other employees in the organization are informed of the policy and are advised of their responsibilities and rights;
- b. providing leadership in the prevention of harassment in the workplace by fostering a climate of mutual respect;
- c. monitoring compliance with the policy in the organization;
- d. ensuring that prompt and appropriate action is taken when they become aware of instances of disrespectful behaviour;
- e. ensuring fair and equitable procedures for all parties to a complaint process;
- f. taking disciplinary or other corrective measures, where necessary; and
- g. determination if a complaint should be investigated by an external, third-party investigator to ensure the process remains free of bias.

*Employees with Supervisory and/or Management Responsibility* are responsible for incorporating the intent of this policy in their daily activities and ensuring that the policy is adhered to by:

- a. becoming fully informed of the provisions of the policy and of the nature of a respectful workplace;
- b. maintaining a high standard of personal conduct in their dealings with all employees, members, and the general public;
- c. ensuring that all employees, members, and the general public are advised of their rights and responsibilities under this policy and the courses of action open to them; and
- d. providing opportunities for education and training related to respectful workplace behaviour to all employees under their supervision.

*All employees, members, and the general public* are responsible for:

- a. treating all persons in the workplace in a manner that is respectful and that respects individual differences;
- b. changing their own behaviour when given indications that the behaviour is offensive or disrespectful to others;
- c. taking action, where possible, should they feel they or another person are being subjected to disrespectful behaviour; and
- d. cooperating fully with all those responsible for dealing with a complaint under this policy.

## PRINCIPLES

- a. All employees, members, or the general public shall be treated equitably under this policy and shall be advised of the provisions of this policy and of the procedures available to them.
- b. All matters arising under this policy shall be dealt with in a fair, unbiased, and timely manner.
- c. Either party to a complaint may object to the participation of a person in the administration of this policy on grounds of conflict of interest or reasonable apprehension of bias.
- d. Any Complainant who wishes to seek resolution of a complaint must be prepared to be identified to the Respondent.
- e. All parties must be given the opportunity to present evidence in support of their positions and to defend themselves against allegations.
- f. All formal complaints, responses, comments, and decisions pursuant to this policy shall be made in writing.
- g. Employees with supervisory and/or management responsibility will take immediate action to report or deal with incidents of harassment that come to their attention, whether or not a formal complaint has been made.
- h. The Board shall not reprimand, seek reprisal or discriminate against an employee, member, or the general public who has made a complaint in good faith.

## **CONFIDENTIALITY**

All complaints under this policy and any information and materials related to the complaints will be treated on a confidential basis. The Board shall not disclose any identifying information about a person involved or the circumstances relating to the complaint to any person unless disclosure is necessary for the purposes of investigating the complaint or taking corrective action with respect to the complaint or permitted by law.

## **ASSISTANCE**

A person who is faced with problems relating to a respectful workplace may wish to obtain assistance or advice in deciding the best course of action to follow. Sources of assistance are recommended below.

An employee may seek help from any of the following:

- a. their immediate supervisor, if appropriate; or
- b. the Board.

It should be recognized that management has an obligation to take follow-up action when instances of possible harassment are brought to its attention.

Members and the general public may seek advice or assistance from:

- a. the Club Manager, if appropriate; or
- b. the Board.

## **PROCEDURE**

### **Early & Informal Resolution Process**

The objective of early resolution is to resolve any situation or conflict as soon as possible in a fair and respectful manner without having to resort to the formal complaint

process. Every effort should be made to resolve problems early, with open communication and in a cooperative manner. The use of problem resolution mechanisms can prevent situations from escalating to the point where filing a formal complaint is necessary.

It is important that the Complainant make the issue known to the Respondent as soon as possible in an attempt to resolve the problem.

- a. If the Complainant feels comfortable, they should do so directly, either in person or in writing.
- b. If the Complainant feels uncomfortable, they should do so with help from a Manager, Supervisor, or a Board member.

### **Formal Resolution Process**

If early and informal resolution is not successful or is not desired or considered appropriate by either party, the Complainant has the right to file a formal complaint.

#### ***Step 1 - Filing a complaint***

The Complainant will submit a complaint in writing to the Board.

The complaint should include the nature of the allegation; the name of the Respondent; the relationship of the Respondent to the Complainant (for example: supervisor, member); the date and a description of the incident(s); and, if applicable, the names of witnesses. The information provided should be precise and describe any attempts to resolve the situation.

Complaints should be submitted in as timely a manner as is comfortable for the Complainant, keeping in mind that the more time that elapses, the more difficult it is to substantiate the complaint. It is the Complainant's responsibility to check the timelines in any other forums they wish to pursue, for example, PEI Human Rights.

The Board will acknowledge receipt of the complaint and may enact interim measures which may be requested by either the Complainant or the Respondent.

The Board will also review the complaint to determine if it needs to seek the services of an external, third party to investigate the complaint.

#### ***Step 2 - Investigation***

All investigations will be led by a team of two Board members or an external third party investigator.

Once the Investigator has been appointed, contact will be initiated with the Complainant and the Respondent within 30 days. During the interview process the Investigator will obtain written statements from the Complainant, the Respondent, and any named witnesses.

At the end of the investigation the Investigator will submit a final report stating whether, on a balance of probabilities, the complaint is substantiated. This report may include recommendations and will be submitted to the Board.

#### ***Step 3 - Resolution & Corrective Action***

**a. Remedies**

Each case will require individual and impartial consideration. Remedies may include a range of actions. The Board will make every reasonable effort to remedy the effects of the complaint and to ensure a positive work environment.

After reviewing the report submitted by the Investigator, the Board will determine the corrective measures to be taken. Other remedial or disciplinary measures will follow when necessary.

**b. Discipline**

Any disciplinary action taken will be based on the circumstances surrounding the situation and the severity of the behavior. Penalties can be very serious. In appropriate cases, suspension, dismissal, or termination of membership can occur.

Circumstances which could result in disciplinary action include, but are not limited to:

- a finding that disrespectful behaviour has occurred;
- inaction of an employee with supervisory or managerial responsibilities who is aware of a situation of disrespectful behaviour;
- a threat or retaliation against a person who lodges an informal or formal complaint of harassment, or who assists in any way with the administration of this policy;
- a false allegation that is made in bad faith or is retaliatory in intent.

***Step 4 - Written Decision***

The Investigator shall forward a written report to the Board. The Board will notify the Complainant and the Respondent of the results of the investigation and the implementation of recommendations.