



Cornwall Curling Club Constitution Amended May 9, 2008

Article 1: Name

1.1 The name of the organization shall be the "Cornwall Curling Club", hereinafter referred to as the "Club".

1.2 The club is a non-profit and non-sectarian organization.

Article 2: Objective

2.1 The objective of the Club shall be to promote both active and passive participation in the game of curling and in such other games and social activities as may be compatible with that objective and as may be authorized by the Board of Directors from time to time.

Article 3: Expenses, Income & Property

3.1 The income and property of the Club, whatever source derived, shall be applied solely towards the promotion and furtherance of the objectives of the Club.

Article 4: Corporate Seal

4.1 The Corporate Seal of the Club shall consist of a circular press imprinting the words "The Cornwall Curling Club (1980) Limited" and "Incorporated 1980" and "Head Office - Cornwall, P.E.I."

Article 5: Remuneration

5.1 The Board of Directors shall not be remunerated for their duties; however, approval may be granted for reimbursement for travel and accommodations and other related expenses while representing the club on official business.

5.2 The Board of Directors may approve an honorarium for specified positions and services required by the Club.

5.3 The Board of Directors may employ a person to assist in the management of the Club, and shall cause to be hired bar stewards, ice-makers and such other staff as may be required for the proper operation of the Club. The remuneration for each member of the staff of the Club shall be confirmed by the Board of Directors.

Article 6: Dissolution

6.1 In the event of dissolution or the winding up of the Club, the procedure for dissolution shall be as provided for in the By-laws

Article 7: Amendments to the Constitution

7.1 Amendments, additions or alterations to the Constitution must occur at the Annual General Meeting or a Special General Meeting called for that purpose.

7.2 Members must receive at least twenty-one (21) days notice of the proposed change(s).

7.3 At least two-thirds (2/3) of the members present at the meeting who are eligible to vote must approve the change(s).

Cornwall Curling Club By-Laws

Amended May 2008

Amended May 2010

Amended Oct 2014

Amended May 2017

Amended May 2018

Amended Dec 2018

Amended May 2022

Amended November 2023

Amended May 2024 (Amendments are bolded)

Article 1: Membership

1.1 Classification of Members

1.1.1 The Club shall have three classes of membership, namely Adult, Youth and Social.

1.1.2 Adult members shall be entitled to enjoy all of the rights and privileges of the Club.

1.1.3. Youth Members shall be entitled to enjoy the right and privilege to curl during and at such times as may be prescribed from time to time by the Board of Directors.

Youth Members shall be not less than six (6) or more than twenty (20) years of age.

1.1.4 Social Members shall be entitled to enjoy all of the rights and privileges of the Club excepting the right and privilege to curl and to vote, with the exception of Article 2.1.10.

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.**

1.2.3 **Club** 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) **while all members are welcome to meetings of the Club, only Adult Club members have the right to vote;** and
- e) exercise other rights and privileges given to members in these By-laws.

1.2.4 Members in Good Standing

- a) A member is in Good Standing when that member has paid all fees required within the allotted time frame.

1.3.1 Membership Dues

1.3.1 Each Member shall pay annual dues in accordance with the schedule prescribed by the Board of Directors.

1.3.2 The Board of Directors may authorize the refund of a portion or all of the annual dues paid by a Member if circumstances beyond the control of the Member intervene which preclude the Member's participation in the rights and privileges of membership.

1.4 Suspension of Membership

1.4.1 The rights and privileges of any Member of the Club may be withdrawn or suspended by the Board of Directors.

1.4.2 Notice of Suspension: The impugned Member may be invited to attend a special meeting of the Board of Directors called to consider the charges and/or allegations. The impugned Member shall be provided with a copy, in writing, of the charges and/or allegations at least four (4) days prior to the date of the special meeting.

1.4.3 Decision of Board of Directors: A simple majority vote of the Directors present at the special meeting shall determine the issue and dispose of the matter. The Member concerned shall be informed promptly in writing of the Board's decision

1.5 Member Liability

1.5.1 No person who is now, or who later becomes, a member of the Club shall be personally liable to its creditors for any indebtedness or liability and any and all creditors of the Club shall look only to the assets of the Club for payment.

Article 2 Governance

2.1 Board of Directors

2.1.1 The affairs of the Club shall be conducted by the Board of Directors, composed of twelve (12) Directors elected by voting Members. No person shall be eligible for election as a Director unless that person is an Adult Member in good standing of the Club.

2.1.2 The Board of Directors shall elect a President, a Vice-President, a Secretary, and a Treasurer from their membership. These persons shall constitute the officers of the Club.

2.1.3 The Immediate Past President shall be a member of the Board of Directors.

2.1.4 The names of the Directors and their respective responsibilities shall be posted on the Club web site.

2.1.5 Subject to the limitations of these by-laws, all corporate powers of the Club shall be exercised by or under authority of, and the business and affairs of the Club shall be controlled by the Board of Directors.

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.

2.1.7 Each year, Directors shall be elected to fill vacancies created by retiring Directors to achieve the full complement of 12 Directors.

2.1.8 Unless otherwise specified in these by-laws, the Board of Directors shall confirm the presiding Directors for each of the Committees described in Article 2.4.

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.**

2.1.10 Any Director may be removed before the expiration of the Director's term by an affirmative majority vote of the Directors present at any regular meeting of the Board or at a special meeting duly convened for that purpose. Another person may be elected by simple majority vote to hold office for the unexpired portion of the term of the Director so removed.

2.1.11 Should a vacancy on the Board of Directors occur because of the death or retirement of a Director, the remaining Directors shall have the power to fill the vacancy until the next annual meeting

2.2 Meetings of the Board of Directors

2.2.1 The Board of Directors shall hold regular meetings at such times and in such places as may be agreed upon from time to time. The frequency of such regular meetings shall be dictated by the operational needs of the Club.

2.2.2 A special meeting of the Board of Directors may be called at any time provided that each Director has been given a minimum of two (2) day's notice of such meeting.

2.2.3 An emergency meeting of the Board of Directors may be called at any time provided that all of the Directors, whether present for, or absent from the meeting have consented to the calling of such meeting.

2.2.4 Attendance of fifty (50) percent plus one (1) shall constitute a quorum at any meeting of the Board of Directors.

2.3 Officers

2.3.1 The President

- a) shall be the chief executive officer;
- b) shall have overall responsibility for the conduct of the affairs of the Club in accordance with these by-laws;
- c) shall call meetings of the Board of Directors;
- d) shall preside at all meetings of the Board of Directors and of the Club;
- e) is responsible for the overall direction of the Club; and
- f) is the main spokesperson for the Club.

2.3.2 The Vice-President

- a) shall assume the duties of the President and become Acting President when the President is absent or otherwise unable to perform.

2.3.3. The Secretary

- a) shall prepare and preserve the minutes of all meetings of the Board and of the Club; and
- b) shall distribute minutes to the members of the Board of Directors prior to the meeting.

2.3.4 The Treasurer

- a) shall be responsible for the integrity and security of the financial records of the Club;
- b) shall attend to the financial affairs of the Club;
- c) shall, in conjunction with the manager, receive and account for all monies and shall settle all of the accounts properly payable to the Club;
- d) shall work with the auditors on the audit of the financial statements; and
- e) shall present the financial reports to the Board and the AGM.

2.4 Committees

2.4.1 The Directors, who chair committees, may appoint members from any appropriate class of membership to assist in carrying out the responsibilities of the respective committees.

2.4.2 The Finance Committee

- a) shall prepare an annual budget and present it to the Board for approval;
- b) monitor and control expenditures;
- c) present financial statements on a monthly basis;
- d) negotiate mortgage and contract renewals as required, and
- e) advise on financial implications of proposed Board actions.

2.4.3 The Membership and Draws Committee

- a) shall survey member's likes and dislikes about the Club and recommend actions;
- b) shall plan and host events designed to introduce prospective members to the Club;
- c) shall organize a membership database; and
- d) shall establish draws and draw masters.

2.4.4 The Publicity Committee

- a) shall create continuous awareness of the Club in the community;
- b) shall coordinate communications with the membership; and
- c) shall ensure all updates are made to the web site.

2.4.5 The Facility Committee

- a) shall oversee a maintenance (cleaning) and repair program of Club assets;
- b) shall oversee security provisions;
- c) shall oversee bar operations;
- d) shall make recommendations to Board on capital expenditures, and
- e) shall establish a long-term plan for facility ownership and operation.

2.4.6 The Bonspiel and Social Events Committee

- a) shall develop a plan for Club - sponsored bonspiels and social events;
- b) shall arrange for a lead person and volunteers for each event;
- c) shall develop planning and reporting documentation for each event;
- d) shall negotiate with sponsors of bonspiels; and
- e) shall report to the Board on event planning status and results.

2.4.7 The Fundraising and Volunteer Committee

- a) shall plan and implement fund raising activities as required;
- b) shall establish and maintain a list of Club volunteers;
- c) shall work with other committees to ensure that their volunteer requirements are met; and
- d) shall undertake activities to provide volunteer recognition.

2.4.8 Development Director

- a) shall focus on all training and mentoring programs, such as, but not limited to, Junior Curling, Senior Learn to Curl, Curling Etiquette and any additional Club programs we choose to develop.

2.4.9 The **Daytime** Committee

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

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.

2.4.11 The By-Laws Committee

- a) shall have charge of the original copy of the By-Laws of the Club;
- b) shall review the by-laws at least once during the year;
- c) shall submit to the Board of Directors, in April, its recommendations and such other proposals as may have been received for amendments; and
- d) shall ensure that the requirements of the Office of the Attorney General: Consumer, Corporate & Insurance Division with respect to by-laws are observed.

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.

Article 3 Finance and Management

3.1 Fiscal Year

- 3.1.1 The financial year of the Club shall be the period beginning on May 1 in one year and ending on April 30 in the next succeeding year.

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)** an annual audit or a third-party independent review of the financial record of the Club.

3.3 Signing Authority

3.3.1 Cheques, drafts, or orders for the payment of money, notes, acceptances and bills of exchange may be drawn, accepted, endorsed and signed by such officers of the Club and/or persons as the Board of Directors may from time to time prescribe.

3.3.2 Upon approval of the Board, contracts, documents, or any instrument in writing (other than noted in Article 3.3.1 and Article 3.4.2) requiring the signature of the Club may be signed by the President or Vice President and the Secretary; and all contracts, documents, and instruments in writing so signed shall be binding on the corporation without any further authorization or formality.

3.3.3 The Board of Directors shall have power from time to time by resolution to appoint any other officer or officers and or Directors on behalf of the Club to sign specific contracts, documents or instruments in writing generally.

3.4 Club Manager

3.4.1 The Board of Directors may fill the position of Club Manager as required. The incumbent shall have the responsibilities for the day-to-day operation of the club, including:

- a) management of staff;
- b) provision of supplies;
- c) rental of facility;
- d) maintenance of financial accounts;
- e) maintenance of filing system; and
- f) other duties as described in the Manager job description

3.4.2 The Club Manager may sign documents relating to the conduct of this position.

Article 4: Meetings

4.1 The Annual General Meeting

4.1.1 The Annual Meeting of the Club shall be held on a suitable evening during in the Month of May.

4.1.2 The agenda for the meeting shall provide for:

- a) the receipt of reports from committees;
- b) the receipt of a statement of the financial affairs of the Club;

- c) the review of the by-laws;
- d) the election of Directors; and
- e) any other matter relative to the management of the Club.

4.1.3 Nominations of consenting Regular Members for election to Director positions may be made from the floor.

4.1.4 If an election is necessary, the election of Directors shall be determined by secret ballot. Those receiving the highest number of votes shall be declared elected.

4.1.5 Notice of the Annual Meeting shall be given by posting a notice on the Club web site and social media channel(s) at least two (2) weeks before the date of the meeting. The notice shall be advertised a second time one (1) week before the date of the meeting.

4.2 Special General Meeting

4.2.1 A special general meeting may be called by the President at any time. Such a meeting must be called by the President upon receipt of a written request from ten (10) Regular Members in good standing.

4.2.2 Notice of such a meeting shall be given by posting a notice on the Club web site and social media channel(s) at least one (1) week before the date of the meeting.

4.3 Voting

4.3.1 Adult Members in good standing only shall be entitled to vote at any meeting of the Club.

4.4 Quorum

4.4.1 Fifteen (15) Adult Members, none of whom shall be Directors, shall constitute a quorum at any meeting of the Club.

Article 5: Regulations

5.1 The Club premises shall be open at such hours and on such days as the Board of Directors may from time to time prescribe.

5.2 All activities on the Club premises shall conform to the appropriate provincial laws. The Board of Directors may from time to time prescribe or otherwise limit activities to ensure conformance with such laws.

5.3 The Board of Directors shall cause to be posted such House Rules as are deemed to be in the interest of the efficient and decorous management of the Club. Such House Rules may be formulated and, from time to time, reviewed by the By-Laws Committee or by any other committee struck by the Board of Directors for that purpose.

Article 6: Dissolution

6.1 In the event of winding up the Club, any surplus shall be distributed to an organization or organizations whose character is charitable, social, sporting or the like.

Article 7: Amendments to the By-Laws

7.1 These by-laws may be amended by an affirmative vote of two-thirds (2/3) of the Adult Members present at any general meeting of the Club.

7.2 Written notice of motion, containing the proposed amendment(s), shall be in the hands of the Secretary at least three (3) weeks before the general meeting at which the proposed amendment(s) will be moved.

7.3 If it is proposed to amend the By-Laws of the Club at the meeting, the notice of such meeting shall be posted on the Club's web site and shall include the text of the proposed amendment(s). The advertisement of such meeting shall state that the by-laws will be amended.

Article 8: Indemnity

8.1 Indemnity

8.1.1 The members of the Board of Directors shall not be personally liable for any mistake of judgment, negligence or any acts of omission made in good faith, except for their own willful malfeasance, misfeasance, misconduct or bad faith.

8.1.2 The Cornwall Curling Club shall indemnify and hold harmless each of the members of the Board of Directors from all expenses or liability arising out of their position as a member of the club board.

8.1.3 The Cornwall Curling Club shall obtain the type of insurance commonly known as "Directors and Officers Liability Coverage in order to fund this indemnity obligation and to encourage service on the Board of Directors."

Article 9: Virtual Meetings

9.1 Virtual Meetings

9.1.1 A virtual meeting and/or hybrid meeting (a combination of in-person and virtual meeting) may take the place of an in-person meeting as mutually agreed upon by the Board of Directors.

9.1.2 All voting that occurs virtually shall be determined to be valid.

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:

- a) treat others with respect, dignity and fairness; and
- b) 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

Remedies

- a) 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.
- b) 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.

Discipline

- a) 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.
- b) 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.