

# Whitewater Canoe Club (Inc) Bylaw

## Procedure for Formal Complaints

### Introduction

This procedure has been prepared to assist the Committee to deal with alleged breaches of any of the following documents, collectively referred to as the “Club Rules”, where members have been unable to resolve their differences privately.

All formal complaints must be in writing and outline how it is alleged that a breach of the Club’s CoC and/or Constitution has occurred.

### Process

1. The President (or delegate) shall review the written complaint and present it to the Committee at the next scheduled meeting. The Committee shall vote to confirm there are reasonable grounds that the Club Rules have been breached, and that further action is warranted under this procedure.

Where it is clear that there has been no breach of the Club Rules, then the matter shall be treated as general correspondence and the complainant shall be advised that the complaint does not amount to any breach of the club rules. The Committee will not publish the name or identify the person who laid the complaint.

2. If accepted as a formal complaint the written complaint shall be received as correspondence but not minuted until the resolution of the complaints process.
3. The subject(s) of the complaint shall be given formal notification of the complaint, including a copy of the complaint made against them and an outline of the process for resolving it (the cover letter). The complainant will receive a similar letter outlining the process.
4. The parties to the complaint shall be invited to the next Committee meeting to discuss the complaint (this may be a closed meeting). The complainant may be asked to elaborate or provide further evidence for the complaint. The subject of the complaint shall be given the opportunity to respond. Both parties are to be advised that they are entitled to bring another person along for support if they wish to do so. .
5. Having confirmed that both the complainant and the subject member of the complaint have been fully heard by the Committee, the Committee will consider the complaint in private.
6. The Committee shall seek to achieve consensus as whether to:
  - a. Uphold the complaint in full or in part; or
  - b. Dismiss the complaint.

If consensus cannot be achieved, a vote will be taken. The President (or delegate) may decide to use a secret ballot if they wish to.

7. If the complaint is dismissed, no other action will be taken. No details of the complaint or parties involved will be recorded in the minutes, but the complaint and decision will be kept on file in the Club records to protect the Club and Committee, in order to keep a record and track of such matters so that the good order of the Club can be maintained. The parties shall be contacted via email within two working days and advised of the outcome.
8. If the complaint is upheld both parties shall be provided with a written response from the Committee within seven days outlining the Committee's decision and reasoning behind it. If the complaint is upheld only in part, the Committee shall outline which areas are accepted and rejected and the reasoning for doing so. The written response will be an item of Committee correspondence and will be minuted at the subsequent Committee meeting.
9. The Committee, when advising the member complained about as to the outcome, shall also request the member's comments on possible sanctions. The complainant shall be entitled (if they wish) to comment on the impact of the conduct complained about on them. The Committee shall not be entitled to impose any sanctions until the member has had a chance to provide comments on possible sanctions and the Committee has considered any such comments and any comments made by the complainant as to the impact of the conduct.

Subject to clause 9 above, if the complaint is upheld in full or in part, the Committee, shall then decide on outcome(s). If consensus cannot be achieved, a vote will be taken. Possible outcomes include but are not limited to:

- a. Accepting the complaint, but taking no further action.
- b. Requesting a written apology to the appropriate parties.
- c. Censure.
- d. Termination of the member's membership in accordance with clause 14 of the Constitution.

The final outcome will be minuted at the appropriate Committee meeting.

### **Complaints Involving Committee Members**

If a formal complaint is made against or by a committee member they will stand down immediately from the committee until the complaint has been determined in accordance with the above process.

### **Committee Decision**

Any decision of the Committee under this complaints process shall be final.

*Version History*

Version 1: Approved by Club Committee 2011

Version 2: Significant revisions; approved 14.08.17