

Code of Conduct, Discipline, Complaints and Grievance Procedures for the Lindsay Park Yacht Club (aka, "LPYC" and "club" within)

Overview:

The code and procedures described in this document replace all previous revisions. These new procedures come into operation on 01 July 2018. They were ratified at the LPYC Board of Directors Meeting, 22 May 2018

Members are being informed of the revised procedures through the members' web-site, email (where the club has been supplied with an up-to-date email address of the member), US Mail, and club notice-boards.

Appropriate conduct is expected of all members of the LPYC, their guests, and non-club members who lease slips at the LPYC Marina (Owned by the City of Davenport, managed by the LPYC Board of Directors) regarding their conduct while on managed property.

Definitions:

Definition of Complaint:

'An expression of dissatisfaction which needs a response from the LPYC Board of Directors'

Definition of Grievance:

'An expression of dissatisfaction relating to how a procedural matter was handled by LPYC'

Misconduct Defined:

Misconduct for the purposes of this Code of Conduct is improper interference, in the broadest sense, with the proper functioning or activities of the Club, or those who work or socialize in the Club or marina; or action which otherwise damages the Club or marina.

Subject to the general definition above, the following shall constitute misconduct:

1. Disruption of, or improper interference with the administrative, boating, social or other activities of the club, whether on club premises or elsewhere;
2. Obstruction of, or improper interference with the functions, duties or activities of any fellow member, member of staff, board, or other employee or any authorized visitor.
3. Violent, indecent, disorderly, threatening or offensive behavior or language whilst on club premises or engaged in any club activity;
4. Fraud, deceit, deception or dishonesty in relation to the club or its staff or in connection with holding any office in the club or in relation to being a member of the club;
5. Behavior likely to cause injury or impair safety on club premises;
6. Sexual, racial or any other form of personal harassment of any fellow member, member of staff or other employee or any authorized visitor;

7. Damage to, or defacement of, club property or the property of other members of the club caused intentionally, recklessly, or by gross neglect, or misappropriation of such property;
8. Misuse or unauthorized use of club premises or items of property, including computer misuse or while connected to the club's internet service;
9. Conduct which constitutes a criminal offence where that conduct:
 - a. takes place on club premises, or
 - b. affects or concerns other members of the club or members of the public, or
 - c. itself constitutes misconduct within the terms of these Regulations, or
 - d. is an offence of dishonesty, where the member holds an office of responsibility in the club;
10. Conduct which brings or is likely to bring the club into disrepute
11. Conduct which contravenes a previously-imposed penalty, requirement or undertaking under these Regulations;
12. This code applies to all members and guests of members;
13. All members, new and existing are subject to this code;
14. Only fully paid members can participate in club activities after 31 March, each year, unless otherwise decided by the Board of Directors.
15. Note: The above is not meant to be an exclusive list of rules or etiquette. Any of the above may be amended by the LPYC Board of Directors at a properly convened meeting.

Sanctions

Any one or more of the following penalties may be imposed for a breach of the code of conduct:

1. a reprimand;
2. a written warning;
3. suspension from LPYC for a duration set forth by the Board of Directors;
4. exclusion for a stated period or permanently from any part of LPYC and Marina or from the use of any of the facilities of the club;
5. expulsion from membership of the LPYC and/or Marina.

Complaints and Grievances Procedures

All matters appearing to breach this code of conduct shall be processed as follows:

1. Processing a discipline matter / a complaint / a grievance;
2. Where a matter arises and:
 - Reports of an incident are over-heard and commented on casually:
 - i. No action
 - Reports of an incident are brought to the attention of the committee verbally
 - i. No action OR
 - ii. Where it is considered by the Board of Directors that the incident is of a serious nature it shall be referred to special committee convened to investigate and to make a recommendation (e.g. further investigation or no action)
3. The incident is witnessed by one or more board members or more than one verbal report is passed to the board or otherwise brought to the attention of the board – verbally
 - Action (as outlined below)

4. Reports of the incident are brought to the attention of the board in writing
 - Action (as outlined below)

1. When an action by a member meets the requirements above to warrant further investigation, the “Rules and Ethics” committee of the board (to include the Vice-Commodore and two other board members (other than the Commodore) and two non-board members disinterested to the event in question) shall be formed. The functions of the Rules and Etiquette Committee are:
 - a. Consider matters of indiscipline as well as complaints and grievances (as outlined below) and make recommendations to the board
 - b. Review these rules from time to time and make recommendations of amendments where appropriate
 - c. Execute other duties relating to discipline, grievances and complaints as directed by the board

2. Correspondence of the incident / situation is acknowledged by the LPYC Secretary and the matter is referred to the “Rules and Etiquette” committee. The referral should be minuted at the next LPYC committee meeting but the matter should not be discussed.
3. The ‘Rules and Etiquette’ committee must meet or correspond with all main parties involved. The committee must endeavor to report its recommendations to LPYC Board of Directors within 30 days of the matter being referred to it.
4. Recommendations of the ‘Rules and Etiquette’ committee must be ruled on by Board of Directors at its next ordinary meeting. The LPYC secretary shall inform the related parties of the agreed decision.
5. The person or persons involved can appeal the decision within 30 days of receipt of same. The appeal shall be addressed to the Secretary and in turn passed on to the Appeals Committee
6. The Appeals committee shall consist of the Commodore (who shall also be the chairman and the convener) and two others of the LPYC Board who were not on the involved “Rules and Ethics” Committee to this matter, as well as the Club Judge Advocate (for the purpose of advice, but not a voting member).
7. The Appeals Committee shall have full access to documents relating to the matter.
8. The decision of the Appeals committee must be related to the LPYC Secretary within 30 days of the commencement of their work. The decision shall be accepted at the next meeting of the LPYC Board of Directors and shall be forwarded to the parties involved forthwith.
9. The decision of the Appeal Committee shall be binding.

Notes:

1. The above procedures shall not be followed where there is an allegation or evidence of illegality. These matters shall be referred to the appropriate authorities.
2. The above procedures shall apply in every case where illegalities are not suspected insofar as is practical.
3. In the case of a dispute between two or more members of the club and not involving a matter of discipline, having followed each of the above steps and where the decision of

the Appeals Committee is not acceptable to all sides, the matter may be referred to an independent arbitrator who is acceptable to all sides. In this case, all costs are shared by the parties involved, and not the LPYC or its board members and the decision of the Arbitrator is then final and private.

4. If the matter at hand directly involves the LPYC Secretary, all correspondence shall be conducted to and from the immediate Past Commodore (ex-officio). If the latter is also central to the matter or is unavailable, the correspondence role shall be carried out by a nominee of the LPYC Board.
5. No member of the LPYC Board of Directors shall be involved in any part of this process if he is materially involved in the matter under consideration.
6. Procedures to be followed where there is an interpersonal dispute between two or more members of LPYC (and where the procedures above are not appropriate)
 - a. Every effort should be made by the two (or more) members involved in the dispute to settle the matter.
 - b. If the dispute continues it shall be considered by LPYC –in broad terms – at its next ordinary meeting
 - c. A member of committee is chosen to persuade the parties involved to reconcile their differences
 - d. Where the above fails, the committee member reports back to Board. The LPYC Board of Directors may decide to refer the matter to above ‘rules and etiquette’ committee, if appropriate
 - e. All parties are invited to make submission
 - f. “Rules and Ethics” committee recommend a solution.
 - i. If accepted, matter closed.
 - g. If not accepted, main committee propose an arbitrator (acceptable to all) to engage with parties and paid for by involved parties (not LPYC)
 - h. Decision of arbitration is final and private.