

PBTC Policy - Membership Disciplinary and Appeal Procedure

a. General

Other than automatic suspension and revocation for non-payment of dues pursuant to PBTC bylaws, these procedures shall govern all disciplinary matters involving Club members, including, but not limited to, all matters relating to possible violations of the PBTC Code of Conduct. Disciplinary matters that are not resolved informally by the Club Manager will be handled by the Board of Directors Membership Disciplinary Committee (Disciplinary Committee) in the first instance and, if necessary, subsequently by the Board of Directors.

All members of the Club agree to fully comply with these procedures and the PBTC Code of Conduct and agree to be bound by its terms.

Disciplinary action against Club members, including suspension or revocation of membership without notice, may be taken for cause, misconduct or breach of Club's rules or policies. Every member, however:

- Has the right to expect fair and consistent treatment;
- Has the right to adequate notice from the Club;
- Has the right to have the Board review and vote on any suspension or revocation of membership; and
- Has the right to request an appearance before the Board to request reinstatement to full membership, or submit a written plea for reinstatement if unable, or unwilling, to appear personally.

No membership may be permanently revoked for a first breach of Club's rules that does not rise to the level of "serious misconduct" or "gross misconduct." However, all disciplinary proceedings, whether or not disciplinary action is administered, will be duly recorded and placed on file for reference at a future date.

No member who has had any involvement in the incident(s) leading to the disciplinary procedure being invoked shall be involved in the disciplinary process relating to the issue(s) in question.

b. Incidents Leading to Disciplinary Action

The following is a non-exclusive list of actions or behaviors that may lead to disciplinary action taken against a member. Additional actions may qualify for discipline at the discretion of the Board of Directors.

"Misconduct" is the carrying out of an offense considered to be of a minor nature (unless frequently repeated) and will normally incur a written warning from the President or the Board together with a demand for full and appropriate corrective action. Examples of offenses that may be considered misconduct include:

- Discourteous, crude, or offensive behavior;
- Failure to follow directives of Club manager or employees.
- Conduct of an unsafe nature;
- Offensive disregard for equipment or property, including but not limited to racket-throwing;

- Unsportsmanlike conduct including, but not limited to, racket-throwing;
- Any other actions of similar gravity to the above.

“Serious Misconduct” is an act or behavior of such gravity that, in the opinion of a majority of the Membership Disciplinary Committee, warrants a disciplinary hearing. Examples of actions or behaviors that may be considered as serious misconduct include:

- Misconduct, as described above, if especially grave or repeated;
- Deliberate or consistent breaches of Club rules, including the Code of Conduct;
- Any attempt to achieve gains or advantage over others by unfair or unscrupulous means;
- Theft or misappropriation;
- Use of threatening or abusive behavior;
- Malicious interference with equipment or property;
- Disregard for one’s own or other people’s safety;
- Discriminating against or harassing any individual by reason of race, gender, creed, color, national origin, age, disability, sexual orientation, gender identity or gender expression;
- Any other action which may bring the sport or PBTC into disrepute or may result in the detriment to the City, the Club or Club members.

“Gross Misconduct” is an action of such seriousness that the Disciplinary Committee will recommend to the Board of Directors the immediate suspension of the offender from the Club or immediate revocation of membership. Examples of gross misconduct include:

- Physical violence or assault towards other persons at a Club event or related activity, including serious threatening, intimidating, or forceful behavior;
- Reckless disregard of safety and basic safety rules;
- Conviction of a criminal offense involving physical violence or abuse;
- Other acts that are considered to be of an extremely serious nature were taken against the Club, its members or any other party.

c. Disciplinary Procedures

The Disciplinary Committee shall designate one of the members of the Disciplinary Committee to be a designated official to receive complaints (“Designated Officer”). Complaints of misbehavior by a member shall be in writing and forwarded to the Designated Officer. Complaints may be initiated by any member or by the Club Manager.

Upon receipt of the complaint, the Designated Officer shall share the complaint with the Disciplinary Committee. The Disciplinary Committee shall determine whether the complaint falls within the scope of these disciplinary procedures and, if so, determine whether the alleged behavior is misconduct, serious misconduct, or gross misconduct.

1. Complaints of Simple Misconduct

If the complaint appears to allege behavior that (with or without an informal investigation or review) amounts only to simple misconduct, the Designated Officer may write to the alleged offender with a formal written warning that may include a demand for an apology or other corrective action the

Disciplinary Committee may deem appropriate. The Disciplinary Committee may also attempt to obtain approval for their action from the complainant.

The Disciplinary Committee will open a disciplinary file that will include placed copies and records of the original complaint, together with the written warning and any other correspondence.

If, in the discretion of the Disciplinary Committee, a written warning is insufficient to remediate the issue, the Disciplinary Committee may refer the complaint for Disciplinary Hearing.

2. Complaints of Serious Misconduct

Should the complaint be considered by the Disciplinary Committee as one of serious misconduct, then the following procedure will be implemented:

- The Board of Directors will appoint at least one Investigating Officer who will review evidence presented and, if possible, will obtain further written evidence, witness statements, etc.;
- The Investigating Officer(s) may consult all relevant witnesses for supporting evidence;
- The Investigating Officer(s) or the Designated Officer will contact the member(s) who is/are subject of the complaint to advise of the formal complaint and request the member(s) submit a written statement of events and to submit to be interviewed by the Investigating Officer;
- The Investigating Officer(s) or the Designated Officer will advise the complainant that if a disciplinary hearing is called, then the complainant and all relevant witnesses who are Club members will be obliged to attend and give evidence.
- Non-attendance at a hearing will only be allowed in extenuating circumstances, *e.g.* ill health, threat of violence or intimidation etc. In such circumstances/instances a sworn declaration must be submitted to the Board of Directors;
- In cases of disputes of a personal nature, the Disciplinary Committee will attempt to resolve the situation amicably and to the mutual satisfaction of the parties concerned;
- If an amical resolution cannot be agreed to between the parties, or if the allegations merit it, then a Disciplinary Hearing will be arranged as soon as practicable;
- All parties shall be notified as to the hearing date and be provided with copies of relevant documents prior to the hearing.
- The Disciplinary Committee may suspend the membership of the member who is subject of the complaint while disciplinary proceedings are pending if the Disciplinary Committee determines that suspension will protect the Club, Club members, or the City from continued harm. Such suspension shall be reviewed by the Board of Directors as soon as practicable at it's next board meeting. Unless lifted or modified by the Board of Directors, the membership will remain suspended until disciplinary proceedings have concluded

3. Complaints of Gross Misconduct

Should the complaint be considered by the Disciplinary Committee as one of gross misconduct, the Disciplinary Committee shall recommend the immediate suspension or revocation the membership of the alleged offender without invoking a disciplinary hearing. The membership of the member who is subject of the complaint shall remain suspended while disciplinary proceedings are pending. Upon notification of the suspension or revocation recommendation, the affected member may, within 14 calendar days, request an appearance before the Board of Directors to support a plea for reinstatement

to full membership, or submit a written plea for reinstatement if unable, or unwilling, to appear personally. If no such request is timely made, the Board shall act on the Disciplinary Committee recommendation as soon as practicable. If a request for reinstatement is made, the member will have the right to a Disciplinary Hearing to determine whether the member may be reinstated and on what terms. The membership will remain suspended or revoked until disciplinary proceedings have concluded.

4. Disciplinary Hearing

The Board of Directors shall appoint a current or former member of the Disciplinary Committee to take charge of and preside over the hearing (Hearing Officer). All questions will be addressed through the Hearing Officer.

The Disciplinary Committee will appoint a case presenter, who will normally be the Investigating Officer.

The Hearing shall be conducted as follows:

- The Disciplinary Committee shall convene Disciplinary Hearings in closed session;
- Each side shall have the opportunity to present written evidence, witnesses, and witness statements;
- No witnesses or statements can be introduced at the hearing without prior notice and copies of all written evidence shall be disclosed to all sides and the Disciplinary Committee prior to the hearing with sufficient advance notice.
- Each party is entitled to be accompanied to the hearing by a friend not acting in a legal capacity.
- The Disciplinary Committee may adjourn the hearing to allow further evidence to be presented if the Disciplinary Committee considers it fair to do so.
- After the Disciplinary Committee has reached a decision, the subject of the complaint shall be notified in writing of such decision and informed of any recommended penalties within ten (10) business days of the decision being reached;
- At its next meeting or as soon thereafter as practicable, the Board of Directors shall act on the Disciplinary Committee's decision.

5. Penalties

The Board of Directors will implement such penalties as it considers appropriate, including suspension or revocation of membership.

Offenses of gross misconduct will carry automatic revocation of Club membership and will preclude the offender from taking part in any Club-organized activity.