

Notice of Intent to Amend the By-laws

It is hereby proposed that Section 3.5 (Discipline of Members) of By-law 1 of the Toronto Windsurfing Club (the "Corporation") be amended to include the changes shown in the attached appendix.

The purpose of the proposed changes is to help the Board of Directors respond with greater speed and flexibility to any issues which might require discipline of a member. The Board believes that the current notice period is too long, given the seasonal nature of the Corporation's activities, and makes it difficult for the Board to deal with problems effectively. The focus of the proposed changes is to shorten the notice periods to suit three main scenarios.

The attached appendix shows the existing text together with the proposed changes. Additions are shown in green characters and deletions are shown with a green strikethrough.

Appendix: Proposed Changes to Section 3.5 of By-law 1

3.5 Discipline of Members

a. General

The Board shall have authority to discipline, suspend or expel any member from the Corporation for any one or more of the following grounds:

- (a) violating any provision of the Articles, By-laws, or written policies of the Corporation;
- (b) carrying out any conduct which may be detrimental to the Corporation as determined by the Board in its sole discretion;
- (c) for any other reason that the Board in its sole and absolute discretion considers to be reasonable, having regard to the purpose of the Corporation.

b. Regular Process

In the event that the Board determines that a member should be disciplined, expelled or suspended from membership in the Corporation, the president, or such other officer as may be designated by the Board, shall provide ~~20~~ 15 days' notice of the proposed discipline, suspension or expulsion to the member and shall provide reasons for the proposed discipline, suspension or expulsion. The member may make written submissions to the president, or such other officer as may be designated by the Board, in response to the notice received ~~within such 20~~ not less than 5 days before the end of the 15 day period. In the event that no written submissions are received by the president, the president, or such other officer as may be designated by the Board, may proceed to notify the member that the member ~~is~~ has been disciplined, suspended or expelled from membership in the Corporation. If written submissions are received in accordance with this section, the Board will consider such submissions in arriving at a final decision and shall notify the member concerning such final decision within ~~a further 20 days from the date of receipt of the submissions~~ the 15 day notice period. The Board's decision shall be final and binding on the member, without any further right of appeal. The Board may give notice to the members of any discipline, expulsion or suspension from membership.

c. Probation

As part of any discipline or together with any suspension under the preceding paragraph, the Board may place a member on probation. In the event of further incidents involving a member on probation, the process shall be the same as under the preceding paragraph except that the Board must only provide 5 days notice and any written submission from the member to oppose the notice must be received not less than 2 days before the end of the 5 day notice period.

Appendix: Proposed Changes to Section 3.5 of By-law 1

d. Immediate Temporary Suspension

In addition to its powers under Sections 3.5 (a), (b) and (c) above, the Board may also immediately suspend a member for the duration of the notice period in cases where it believes that there is a reasonable risk that the member's presence at the premises of the Corporation, or anywhere the activities of the Corporation or its members take place, might result in: i) physical or emotional harm to others; ii) damage to, or theft of, the personal property of others; iii) a significant adverse effect on the programs or activities of the Corporation; or iv) damage to, or theft of, the property, chattels or fixtures of the Corporation.

b e. Automatic Suspension: Initiation of Civil Proceedings

Unless commenced after mediation and in connection with an arbitration under these by-laws and in accordance with the *Arbitrations Act, 1991*, S.O. 1991, c. 17, should a member of the Corporation commence any civil proceeding against the Corporation relating to the activities of the Corporation; or should any member of the Corporation act contrary to his or her obligations under section 11, then his or her membership shall be immediately suspended and such suspension shall continue until the civil proceeding is dismissed and the member has paid any legal fees owing to the Corporation in connection with that dismissal.