



NORTH CHANNEL YACHT CLUB
P.O. Box 175
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Issue Briefing Note

To: NCYC AGM
From: Leighton Roslyn
Date: 2023-10-02
Re: By-law Amendment Re Probationary Membership period.

1. **THE ISSUE:**

- a. Should the By-laws be amended to provide for a period of “probationary membership” before full membership becomes permanent?
- b. If so, what By-law amendment is required and what Schedule A provisions regarding fees might need to be considered?

2. **HISTORY & DISCUSSION:**

- a. The Ontario Not-for-Profit Corporations Act [“ONCA”] requires that provisions regarding membership be set out in the By-laws of the Corporation [ONCA s.48(1)];
- b. Currently there are 6 classes of membership as set out in Article 5.8 of the by-laws and there is a process set out in Article 9.8 for termination of membership.
- c. The Article 9.8 process was used over the past year to terminate a Full Member’s membership. The member resigned before the process was completed. It proved to be a cumbersome and energy draining process.
- d. Arguably the process should be onerous as termination is like capital punishment and should only be used in extreme circumstances after very careful review both by the MC and by the general membership.
- e. It is suggested that this could possibly be avoided if there was a period of probationary membership which would allow for a shorter process to “weed out” potentially problematic members before their rights “crystalized” in full membership.
- f. This suggestion begs the question of what the process would be and what “refund” the member might be entitled to upon termination during the probationary period.
- g. It is suggested that the MC alone have the power to terminate without recourse to the general membership and that any refund be limited to a return of the initiation fee.

3. **PROPOSED RESOLUTION:**

- a. Article 5.8 of the NCYC By-laws be hereby amended by inserting the following provisions between what is now 5.8.2.1 and 5.8.2.2 and renumbering the following provisions appropriately:

5.8.2.2 Probationary Period:

- 5.8.2.2.1 Admission to Full Membership is subject to a two year probationary period and only becomes permanent upon successful completion of the probationary period.
- 5.8.2.2.2 During the probationary period, membership may be terminated by resolution of the Management Committee after giving to the member an opportunity to hear and respond to any allegations giving rise to intention to terminate membership.
- 5.8.2.2.3 Termination of membership by the Management Committee is not subject to appeal to the general membership and is not subject to the requirements of Article 9.8 of these By-laws.
- 5.8.2.2.4 If membership is terminated during the probationary period, the member is entitled to repayment of the "Initiation Fee" required by Schedule A but is not otherwise entitled to rebate of any other fees.
- 5.8.2.2.5 The Management Committee may adopt such processes as it deems appropriate in the circumstances to give effect to implement these provisions.

- b. Members who have now been members for less than 2 years will be grandfathered and the amendment will apply only to new applicants.