

DOLPHIN AQUATIC CLUB  
CONSTITUTION  
1989  
As amended September 2021

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## ARTICLE I - GENERAL

1. This organization shall be known as the Dolphin Aquatic Club, a not-for-profit organization, also known in this document as the Club.
2. The purpose of the Club shall be to provide training in recreational SCUBA diving, provide fellowship to SCUBA drivers and their families, provide service to the community, and to organize social activities for its members.
3. The objectives of the Club shall be to:
  - a. Teach, promote, and advance the sport of skin and SCUBA diving to ACUC standards;
  - b. Promote safe diving techniques;
  - c. Promote sportsmanlike conduct of its members and the dive community;
  - d. Provide the community with underwater service in time of need.
4. The Club shall be run on democratic principles.

## ARTICLE II - MEMBERSHIP

1. All members must conform to the standards set down by the Board of Directors. These standards may be changed from time to time as the need arises and published in an accessible medium.
2. Membership of the Club shall consist of:
  - a. Regular members;
  - b. Social member;
  - c. Honourary members.
3. Regular membership shall be open to all levels of certified SCUBA divers or candidates enrolled in the Club's Open Water Diver course.
4. Social membership shall be open to any non-diving individuals who wish to be affiliated with the Club.
5. Honourary memberships may be awarded at the discretion of the Board of Directors upon approval of the general membership.
6. Membership commences upon acceptance of application and payment of the annual Club dues for the Club's fiscal year.
7. Membership terminates at the end of the fiscal year.
8. Club dive and equipment privileges shall be extended to regular members who show certification and proof of competency.

## ARTICLE III – RIGHTS AND PRIVILEGES OF MEMBERS

1. Regular, social, and honourary members shall be entitled to vote at all general meetings. They shall be informed of the operational activities of the Club.
2. Honourary members have all the rights and privileges of social members. Honourary members from outside of the dive community will have privileges as extended by the Board of Directors.
3. All members shall be aware of the Constitution and Club Standards.
4. The Constitution and Club Standards shall be published in a readily available medium.

#### ARTICLE IV – BOARD OF DIRECTORS

1. Up to ten members shall be elected to the Board of Directors for a period of one year and are to take office on January 1st of the following year.
2. The Board of Directors shall be made up of a maximum of ten elected Directors and a maximum of five other members, appointed on an as-needed basis by a minimum 2/3 of the elected Directors, as required to fill operational needs.
3. The Board of Directors shall consist of the following positions:
  - a. President;
  - b. Vice-President;
  - c. Treasurer;
  - d. Secretary;
  - e. Training Director;
  - f. Membership Director;
  - g. Equipment Director;
  - h. Sales Director;
  - i. Dive Coordinator;
  - j. Communications Director;
  - k. Community Liaison;
  - l. Immediate Past President may be appointed to all positions with the exception of A, B & C above;
  - m. And, such other positions as they feel are necessary to properly manage the affairs of the Club.
4. Special committees are struck by the Board of Directors as required and are accountable to the Board of Directors. Committee members have no powers or privileges beyond the scope of the committee.

#### ARTICLE V - DUTIES OF DIRECTOR POSITIONS

1. President
  - a. The President shall preside at all the meetings and conduct them in an orderly manner.
  - b. The President shall sign and date the minutes of the meetings after they have been approved, as well as all cheques and documents requiring endorsement.
  - c. The President shall ensure that all Club related business matters are carried out with diligence and expedience.
  - d. The President is accountable for the smooth operations of the Club and that all members of the Executive carry out their responsibilities.
  - e. The President shall have veto power in the event that they feel that it is in the best interest of the Club. Disagreements between the President and the Board can be brought to the General Membership for resolution.
2. Vice-President
  - a. The Vice-President shall take the place of, and discharge the duties of the President when they are unavailable.
3. Treasurer
  - a. The Treasurer shall pay all accounts and keep an orderly set of books balanced to the last day of each month using a generally accepted accounting principle.
  - b. The Treasurer shall submit a written report at every Executive meeting outlining income, expenditures, and general standing of accounts. A verbal summary shall be provided at General Membership meetings.
  - c. The Treasurer's monthly report shall be made available to review by any member upon request.

4. Secretary
  - a. The Secretary shall keep the minutes of all executive meetings and submit previous meetings minutes in an appropriate format prior to all subsequent meetings.
  - b. The Secretary shall keep a summary of all general meetings unless formal items of business are raised, in which a more robust record shall be maintained.
  - c. The Secretary shall manage all correspondence of the Club, keep a central repository of historical minutes (including executive reports), summaries, and correspondence, and make said records available to appropriate parties upon request.
5. Training Director
  - a. The Training Director must be a current ACUC Open Water Instructor or above.
  - b. The Training Director shall organize and coordinate Club courses in a safe manner that follows the training standards as laid out by the instructor cadre.
  - c. The Training Director shall keep a record of all proficiency tests, submit them to ACUC for processing, and ensure that diver certifications have been properly issued.
6. Membership Director
  - a. The Membership Director shall collect all membership dues and maintain an up-to-date membership list with address, contact information, and highest milestone certification.
  - b. The Membership Director shall communicate with the Club's insurance provider required information for member insurance coverage.
  - c. The Membership Director shall review the qualifications of new applicants for membership prior to accepting applications.
7. Equipment Director
  - a. The Equipment Director shall ensure that all usage and maintenance of Club equipment is properly documented, equipment is properly maintained and stored, and is readily available for Club use.
  - b. The Equipment Director will take charge of or delegate transport of required equipment to club events
8. Sales Director
  - a. The Sales Director shall manage procurement and sales of Club equipment and sales partnerships.
9. Dive Coordinator
  - a. The Dive Coordinator shall coordinate Club dive activities for the season and make information available to the membership.
10. Communications Director
  - a. The Communications Director shall maintain and moderate the Club's social media presence, websites, newsletters, and relevant electronic subscriptions.
  - b. The Communications Director shall organize all club meetings and inform potential participants with reasonable notice.
  - c. The Communications Director shall maintain a list of all usernames and passwords required for their role and provide the President access to said list.
11. Community Liaison
  - a. The Community Liaison shall work to identify and develop relationships with organizations external to the Club to further the Club's purpose and objectives.
12. Immediate Past President
  - a. The Immediate Past President shall advise the President on historical matters.
  - b. The Immediate Past President shall have all the powers and privileges of a full Board member.

## ARTICLE VI - EXECUTIVE MEETINGS

1. The President shall chair the meeting, followed by the Vice-President, then a member of the Board or Directors selected by the President.
2. Voting members shall consist of all members of the Club's Board of Directors.
3. Any current Club member may audit executive meetings, unless the meeting is moved in-camera.
4. Executive meetings will be held at a frequency that is discretion of the Board via an acceptable medium.
5. All members of the Board of Directors shall be notified of all executive meetings.
6. The quorum for executive meetings shall be 50% of the executive with a voting majority of 2/3 present required.
7. Proper conduct shall be observed to keep order at meetings, failing this, Robert's Rules of Order may be invoked by the Chair.
8. The Chair shall, in their judgment, rule out of order any prejudicial matters which do not refer to the wellbeing of the Club.
9. The Chair shall have the right to decide all questions of order, subject to an appeal of those present sustained by 2/3.
10. A member wishing to introduce a motion, or to speak, shall wait until they are recognized by the Chair before addressing the floor.
11. Order of business:
  - a. Call to order;
  - b. Adoption of agenda;
  - c. Adoption of previous minutes;
  - d. Business arising from the minutes;
  - e. Executive reports;
  - f. Committee reports;
  - g. Correspondence;
  - h. New business;
  - i. Good and welfare;
  - j. Next meeting.
12. The President or any five Board members may call an emergency executive meeting at a minimum of forty-eight hours notice. All Board members must be reasonably notified of this emergency meeting and quorum still applies.

## ARTICLE VII - GENERAL MEETINGS

1. The President shall chair the meeting, followed by the Vice-President, then a member of the Board of Directors selected by the President.
2. Voting members shall consist of all regular, social, and honorary members.
3. A general membership meeting will be held in January, March, May, June, and September over any reasonable medium.
4. Quorum shall consist of twelve members or fifteen percent of the membership, whichever is less, with a simple voting majority.
5. Proper conduct shall be observed to keep order at meetings, failing this, Robert's Rules of Order may be invoked by the Chair.
6. The Chair shall, in their judgment, rule out of order any prejudicial matters which do not refer to the well being of the Club.
7. The Chair shall have the right to decide all questions of order, subject to an appeal of those present sustained by 2/3.
8. A member wishing to introduce a motion, or to speak, shall wait until they are recognized by the Chair before addressing the floor.
9. Order of business
  - a. Executive reports

- b. Business items
  - c. Social event
10. The President or any seven members may call an emergency general meeting at a minimum of forty-eight hours notice. All Club members must be notified of this emergency meeting and regular quorum still applies.

#### ARTICLE VIII - ELECTIONS & THE ANNUAL GENERAL MEETING

1. The Annual General Meeting and elections will be held each November via any reasonable medium.
2. At the beginning of the September general meeting, a nominating committee shall be appointed by passed motion, consisting of at least any two members. The nominating committee shall decide on a head by simple vote or coin flip.
3. At the general meeting in September, nominations for candidates for the Board of Directors for the following year shall be opened by the newly appointed head of the nominating committee. Nominations are only accepted during September and November's general meetings. The same individual may be nominated for multiple ballots.
4. The Annual General Meeting shall begin as a general meeting (Article VII). As a final point of business, the Chair will pass control of the meeting to the head of the nominating committee.
5. The head of the nominating committee will present the voting process to the membership prior to announcing the nominated candidates.
6. Voting members shall consist of all regular, social, and honorary members.
7. The list of candidates from the September meeting is to be displayed to attending members and the floor opened for any additional nominations.
8. Once the nominations are closed, each candidate is to be canvassed as to whether they accept the nomination and declare any conflicts of interest.
9. An owner of a commercial dive store is ineligible to become a member of the Board of Directors.
10. Once the canvass is complete only those names that are running for office (candidate list) are to remain on the display. Ballots are to be modified accordingly.
11. For the duration of the elections, at least two scrutineers are to be elected from the members present by a simple majority. If scrutineers are unable to reach a consensus on results, a re-vote may be called.
12. Voting proxies and letters of acceptance from those members/candidates not present will be submitted to the head of the nominating committee prior to the vote.
13. The head of the nominating committee will hand out ballot forms to all present for the positions of President, Treasurer and the remaining Board of Directors.
14. Upon completion of voting the scrutineers will count the ballots and submit them to the head of the nominating committee.
15. Voting for the President and the Treasurer will take place by separate preferential scored ballots (see Appendix B for guidance).
16. Voting for the Board of Directors will take place by a yes / no / abstention ballot, even in the event that only ten members have been nominated for the Board of Directors (see Appendix B for guidance).
17. The candidate with the lowest score for President shall assume the presidency while the second lowest score assumes the vice-presidency. In the event of a tied score, the winner shall be decided by a flip of a coin by the head of the nominating committee.
18. In the event where less than ten Directors are elected, the new Board can appoint the remainder as per Article IV, section 2. The President, Vice-President and Treasurer must be elected to these positions by the general membership
19. In the event of a tie, where there would be an eleventh Director elected, they shall win a position on the Board.
20. Ballots are to be kept for a period of three months after the elections.

## ARTICLE IX - AMENDMENTS TO THE CONSTITUTION

1. The Constitution shall not be changed except on a 2/3 majority vote of members present at a general meeting. Notice of motion must be made at a preceding general membership meeting and said motion distributed to all members by a reasonable medium.

## ARTICLE X – FINANCES

1. All members (except honorary members) shall be required to pay dues as established by the Board of Directors.
2. The Board is authorized to disburse any funds necessary for the regular operations of the Club.
3. Financial business may be conducted by email provided that:
  - a. All Board members are recipients in the email chain;
  - b. A minimal time period of 24 hours has elapsed prior to actioning any vote;
  - c. The expenses are ratified for the minutes at the subsequent Executive Meeting.
4. The Board may allot an amount of funds available to each executive role for small purchases that do not need prior approval of the Board. Receipts shall be provided to the Treasurer for reimbursement and expenses reported at the next executive meeting.
5. All monies disbursed are to be paid by trackable methods approved by the Board with receipts provided to the Treasurer.
6. The President, Treasurer and either the Vice-President or Secretary shall have cheque signing authority.
7. Financial records shall be kept by the Treasurer to the last day of each month using generally accepted accounting principles.
8. The financial records shall be audited annually. An audit committee of at least two members shall be decided by motion at an executive meeting no later than February to review the finances of the previous fiscal year.
9. Dues shall be refunded at the discretion of the Board only.
10. The Club's fiscal year shall begin on January 1st and will end on December 31st.
11. The Board may request that all capital expenditures will be tendered by at least three suppliers, with the lowest bid not necessarily being accepted.

## ARTICLE XI - CLUB EQUIPMENT

1. Club equipment may be rented to members in good standing. Rates will be established by the Board.
2. Club equipment may be loaned free of charge to members on Club-sanctioned events only and returned in a timeframe prescribed by the Equipment Director.
3. Members using Club equipment shall be responsible for its proper use, cleaning, and safekeeping while in their charge, and shall be financially responsible for its loss or damage.
4. Requests for the use of Club equipment may be denied to any member by the Equipment Director or their designate, subject to appeal to the Board.
5. Club equipment shall not be borrowed or rented by a member and loaned or rented to any other person.
6. Club equipment shall not be used by anyone for professional activities.
7. All data regarding the loan or rental of equipment shall be recorded by the lending member in the method prescribed by the Equipment Director.

## ARTICLE XII - TRAINING

1. The basis of Club training shall be to ACUC standards.
2. The Training Cadre, composed of ACUC Certified SCUBA instructors, will develop the Club standards to which Club training will be carried out, and make any amendments to these standards as the need arises. Non-certified instructors (i.e., Assistant Instructors or Dive Masters) may assist in this regard at the discretion of the Instructors.
3. Instructors within the Club from other certifying agencies may be invited to participate in Club training activities by the Training Cadre.
4. Instructors who are also owners of a commercial dive establishment may instruct, at the discretion of the Training Cadre, provided that they do not receive any remuneration for this service.
5. Other programs or elements from other certifying agencies may be adopted as deemed necessary by the Training Cadre.
6. The Club will run an annual Open Water Diver course. Other courses may be run as required to provide advanced training for Club members.
7. The Club will maintain an adequate Training Cadre of certified ACUC Instructors.
8. Open Water Diver candidates must meet medical requirements and submit a completed liability waiver prior to participating in the Open Water Diver training program.
9. The senior Instructor Trainer Evaluator or most senior Instructor, with the exception of dive store owners or their employees, will monitor training activities to ensure that they are compliant with ACUC and Club training standards.

## ARTICLE XIII – CLUB DIVES

1. All Club dives will follow the diving protocol established by the Training Cadre and located in the Club Standards.
2. Club dives are to be approved by the Dive Coordinator prior to the event and the general membership made aware by reasonable means.

## ARTICLE XIV –INFRACTIONS

1. The Board of Directors is empowered to expel any member for just cause, subject to appeal to the general membership if requested.
2. A disciplinary committee shall be struck when required and submit their recommendations to the Board for action.

## ARTICLE XV – DISSOLUTION OF THE CLUB

1. The Club shall be deemed unviable if it is unable to meet its regular financial obligations through normal Club activities for a period of 2 consecutive years.
2. In the event the executive becomes aware of potential insolvency, the executive is tasked to reduce Club expenditure and seek alternate means of funding, including but not limited to the rental or sale of Club training equipment.
3. Should the executive determine that operations of the Club are no longer viable, they are directed to notify all active and non-active members on record from the previous two membership years that the Club has become unviable and its operations will be terminated.
4. Once the membership has been notified, the executive shall inform ACUC, OUC, and announce through local media that the Club's operations will be terminated and that its assets will be liquidated.
5. All remaining Club assets are to be liquidated by all reasonable attempts at fair market value. Price consideration and first option to purchase is to be offered to the current membership, then through ACUC and OUC to other not-for-profit ACUC training clubs and organizations, then to the general public.



6. Monies raised are to be used to pay off all outstanding debts. Any remaining funds are to be offered to a charity as determined by the general membership.

## APPENDIX A

## Marine Heritage Policy of the Dolphin Aquatic Club

Adopted March 23, 1992 by Resolution: 91/92-21

We in the Dolphin Aquatic Club (DAC) must firmly support the cause of marine heritage preservation, and endorse the efforts of those Canadians engaged in the protection and preservation of our marine heritage.

The shipwrecks of the Great Lakes and other inland waters are an important non-renewable recreational diving resource. Shipwrecks also represent an important historical link with an earlier era in the social and commercial development of North America.

The protection of underwater historical sites, including sites in the Great Lakes, is one of the pressing concerns of divers in Canada. Canadian marine heritage organizations have been instrumental in establishing a positive direction for this new field. Groups such as Save Ontario Shipwrecks (SOS) have succeeded in their efforts to make "wreck stripping" and the indiscriminate removal of artifacts socially unacceptable in the diving community.

Divers should actively assist in the protection of underwater wreck sites. 'Peer pressure' must be exerted to prevent the removal of artifacts. Once an artifact is removed from the water, it is gone forever. The removal of an artifact from a shipwreck completely alters the archaeological information which the site has to offer. When a wreck is vandalized or 'stripped', both its historical and recreational value Depreciate.

Unlike land-based heritage sites, underwater wrecks are invisible, except to divers, and the provincial authorities lack the personnel to police divers at every site. However, several statutes exist which can be used to protect sites from looting. These range from sections of the Ontario Heritage Act, to criminal Code offenses such as theft, break and enter, and possession of stolen property.

Removal of artifacts, in whole or in part, is illegal and persons committing such acts are liable to prosecution and punishment. Archaeological study of underwater sites, such as shipwrecks, prehistoric Indian remains, sunken aircraft and bottle dumps can only be conducted under a license issued by the Province.

## APPENDIX B - PREFERENTIAL SCORED BALLOTS

A preferential scored ballot was an addition to the Constitution in the 2021 revision. This was done as a method to ensure that whoever wins core executive positions has the majority of support of club members. This voting system eliminates the possibility that split votes between two qualified candidates allows a third, less-qualified candidate to slip into core executive positions. In addition, voting for the Board of Directors was modified to allow the membership to express non-confidence in candidates. This appendix outlines the suggested procedure for carrying out such an election. It is meant for guidance and not to be prescriptive.

If conducting an election via a paper ballot, the ballot should be divided into three sections for each vote: president, treasurer, and Board of Directors. The presidential ballot and treasurer ballot are scored preferential votes. The Board of Directors position is a yes / no / abstention vote.

Nominations are collected at the September and November general meetings. For paper ballots, encourage the membership to nominate and express an interest in accepting nominations at the September meeting. Some space should be left on prepared ballots for the November meeting, as there may be some names to be added by hand.

Ballots should be presented with the instructions above each preferential scored section such as: "Rank each candidate from most preferred (1) to least preferred. Do not use the same number more than once." There exists many short video resources to explain scored voting online that can be shared during the nomination process, or played prior to voting commencing.

Once votes are collected, the nominating committee, with oversight from the scrutineers, should begin reviewing and then scoring the ranked ballots. Ballots are first reviewed to examine if instructions were followed correctly. Each ballot should have each number used a single time. If a candidate or multiple candidates are left blank, assign them a score that is the maximum allowed for the ballot (ex: 5 candidates = a score of 5 on each unscored candidate). A ballot that uses the same score more than once (prior to assigning scores) is considered spoiled and kept out of counting.

Next, scores are tallied. Candidates will score the same as their ranking on the ballot. The lowest score is considered the most preferred and assumes the presidency, while the second-lowest score assumes the vice-presidency. The treasurer ballot may only have one winner.

For the Board of Directors positions, the ballot consists of yes, no, or no opinion / abstention options. The ballot should read something like "The top ten candidates with the most 'yes' votes win the ballot. Having 'no' votes equal or greater to half of the yes votes disqualifies a candidate. 'No opinion' does not count towards the tally for a candidate." When tallying the votes, count the number of yes and no votes for each candidate. If a candidate has no votes that equal half or more of their yes votes, they are disqualified from the ballot. The top ten yes candidates who have not been disqualified are winners of this ballot.

A filled example ballot is presented on the next page.

## BALLOT 1: PRESIDENT

Rank each candidate from most preferred (1) to least preferred. Do not use the same number more than once. The most preferred candidate will win the presidency. The runner-up will take the vice-presidency.

| Candidate Name | Rank                        |
|----------------|-----------------------------|
| Andre Andrews  | 2                           |
| Bob Bobbington | 3                           |
| Celine Dion    | 1                           |
| Debbie Downer  | (blank - would be scored 4) |

## BALLOT 2: TREASURER

Rank each candidate from most preferred (1) to least preferred. Do not use the same number more than once. The most preferred candidate will win the ballot.

| Candidate Name  | Rank |
|-----------------|------|
| Evan Evansville | 2    |
| Fran Fredicton  | 1    |

## BALLOT 3: BOARD OF DIRECTORS

The top ten candidates with the most 'yes' votes win the ballot. Having 'no' votes equal or greater to half of the yes votes disqualifies a candidate. 'No opinion' does not count towards the tally for a candidate.

| Candidate          | Yes | No | No Opinion |
|--------------------|-----|----|------------|
| Gina Gimauve       | ✓   |    |            |
| Helen Keller       | ✓   |    |            |
| Ian Irvington      |     |    | ✓          |
| Joe Exotic         |     |    | ✓          |
| Kenrick Kensington |     | ✓  |            |
| Leslie Lovecraft   | ✓   |    |            |
| Michael Maison     | ✓   |    |            |
| Nancy Nanners      |     | ✓  |            |
| Oliver Twist       | ✓   |    |            |
| Pamela Paddington  | ✓   |    |            |
| Quinton Questions  | ✓   |    |            |
| Roger Tenfour      |     |    | ✓          |