



ONTARIO CYCLING ASSOCIATION

DISCIPLINE and COMPLAINTS POLICY

## How to File a Discipline Complaint

If you believe that, you should file a complaint under the OCA discipline policy, please carefully read the included document called "Discipline & Complaint Policy". Should you wish to proceed please advise the CEO of your intent & submit the complaint to [discipline.chair@ontariocycling.org](mailto:discipline.chair@ontariocycling.org)

Once the CEO is aware of your intent to file a complaint as per the policy the discipline chair will be advised. Discipline Chairs serve on a rotating basis and one will be assigned to follow up with you upon receipt of your complaint. The discipline process is a 3<sup>rd</sup> party process utilizing an assigned Discipline Chair and or Case Manager guided by this policy. You have rights and obligations under this policy please read it carefully.

Once an outcome is reached by the Discipline Chair or Case Manager, the CEO or delegate is responsible to follow up and enforce a sanction if that is the outcome. They will communicate directly with the affected individual(s).

Should you have any questions please contact the office at 416-855-1717



# ONTARIO CYCLING ASSOCIATION

## DISCIPLINE and COMPLAINTS POLICY

### Definitions

1. The following terms have these meanings in this Policy:
  - a) "*Case Manager*" – An individual appointed by the Discipline Chair to implement certain complaints under this *Discipline and Complaints Policy*. The Case Manager does not need to be a member of, or affiliated with, the OCA
  - b) "*Complainant*" – The Party alleging an infraction
  - c) "*Days*" – Days including weekends and holidays
  - d) "*Discipline Chair(s)*" – An individual or individuals appointed by the Board or the Chief Executive Officer to be the first point-of-contact for all discipline and complaint matters reported to the OCA
  - e) "*Individuals*" – All categories of membership defined in the OCA's Bylaws, as well as all individuals employed by, or engaged in activities with, the OCA including, but not limited to, athletes, coaches, convenors, officials, umpires, volunteers, managers, administrators, committee members, Directors and Officers of the OCA, spectators, and parents/guardians of athletes
  - f) "*Respondent*" – The alleged infracting Party

### Purpose

2. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the OCA's policies, Bylaws, rules and regulations, and *Code of Conduct and Ethics*. Non-compliance may result in sanctions pursuant to this Policy.

### Discipline Chair

3. The Discipline Chair will be a Director of the Board, or an individual appointed by the Board or the Chief Executive Officer to handle the duties of the Discipline Chair. The Board may choose to appoint three (3) individuals to serve as Discipline Chairs and, in this case, decisions of the Discipline Chairs will be by majority vote.
4. The Discipline Chair(s) appointed to handle a complaint or incident must be unbiased and not in a conflict of interest situation.

### Application of this Policy

5. This Policy applies to all Individuals.
6. This Policy applies to matters that may arise during the course of the OCA's business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with OCA activities, and any meetings.
7. This Policy also applies to Individuals' conduct outside of the OCA's business, activities, and events when such conduct adversely affects relationships within the OCA (and its work and sport environment), is detrimental to the image and reputation of the OCA, or upon the acceptance of the OCA. Applicability will be determined by the OCA at its sole discretion.

8. This Policy does not prevent immediate discipline or sanction from being applied as reasonably required. Further discipline may be applied according to this Policy. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only.
9. An employee of the OCA who is a Respondent will be subject to appropriate disciplinary action per the OCA's *Internal Human Resources Policy*, as well as the employee's Employment Agreement, if applicable. Violations may result in a warning, reprimand, restrictions, suspension, or other disciplinary actions up to and including termination of employment.

## Process

10. Any Individual may report an incident or complaint to the Discipline Chair in writing, within fourteen (14) days of the alleged incident, although this timeline can be waived or extended at the Discipline Chair's discretion. At the OCA's discretion, the OCA may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, the OCA will identify an individual to represent the OCA.
11. Upon receipt of a complaint, the Discipline Chair has discretion to choose which process should be followed, and may use the following examples as a general guideline:
  - a) Process #1 - the Complaint alleges the following incidents:
    - i. Disrespectful, abusive, racist, or sexist comments or behaviour
    - ii. Disrespectful conduct
    - iii. Minor incidents of violence (e.g., tripping, pushing, elbowing)
    - iv. Conduct contrary to the values of the OCA
    - v. Non-compliance with the OCA's policies, procedures, rules, or regulations
    - vi. Minor violations of the OCA's *Code of Conduct and Ethics*
  - b) Process #2 - the Complaint alleges the following incidents:
    - i. Repeated minor incidents
    - ii. Any incident of hazing
    - iii. Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
    - iv. Major incidents of violence (e.g., fighting, attacking, sucker punching)
    - v. Pranks, jokes, or other activities that endanger the safety of others
    - vi. Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
    - vii. Conduct that intentionally damages the OCA's image, credibility, or reputation
    - viii. Consistent disregard for the OCA's bylaws, policies, rules, and regulations
    - ix. Major or repeated violations of the OCA's *Code of Conduct and Ethics*
    - x. Intentionally damaging OCA property or improperly handling the OCA monies
    - xi. Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
    - xii. A conviction for any *Criminal Code* offense
    - xiii. Any possession or use of banned performance enhancing drugs or methods

## Process #1: Handled by Discipline Chair

### Sanctions

12. Following the determination that the complaint or incident should be handled under Process #1, the Discipline Chair will review the submissions related to the complaint or incident, investigate the incident as appropriate, and determine one or more of the following sanctions:
  - a) Verbal or written reprimand
  - b) Verbal or written apology
  - c) Service or other contribution to the OCA

- d) Removal of certain privileges
- e) Suspension from certain teams, events, and/or activities
- f) Suspension from all OCA activities for a designated period of time
- g) Any other sanction considered appropriate for the offense

13. The Discipline Chair will inform the Respondent of the sanction, which will take effect immediately.

14. Records of all sanctions will be maintained by the OCA.

#### Request for Reconsideration

15. The sanction may not be appealed until the completion of a request for reconsideration. However, the Respondent may contest the sanction by submitting a Request for Reconsideration within two (2) days of receiving the sanction. In the Request for Reconsideration, the Respondent must indicate:

- a) Why the sanction is inappropriate;
- b) All evidence to support the Respondent's position; and
- c) What penalty or sanction (if any) would be appropriate

16. Upon receiving a Request for Reconsideration, the Discipline Chair may decide to accept or reject the Respondent's suggestion for an appropriate sanction.

17. Should the Discipline Chair accept the Respondent's suggestion for an appropriate sanction, that sanction will take effect immediately.

18. Should the Discipline Chair not accept the Respondent's suggestion for an appropriate sanction, the initial complaint or incident will be handled under Process #2 of this Policy.

#### **Process #2: Handled by Case Manager**

##### Case Manager

19. Following the determination that the complaint or incident should be handled under Process #2, the OCA will appoint a Case Manager to oversee management and administration of the complaint or incident. Such appointment is not appealable.

20. The Case Manager has a responsibility to:

- a) Investigate the complaint to determine whether the complaint is frivolous and/or within the jurisdiction of this Policy
- b) Propose the use of the OCA's *Dispute Resolution Policy*
- c) Appoint the Discipline Panel, if necessary
- d) Coordinate all administrative aspects and set timelines
- e) Provide administrative assistance and logistical support to the Discipline Panel as required
- f) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

##### Procedures

21. If the Case Manager determines the complaint is:

- a) Frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately
- b) Not frivolous and within the jurisdiction of this Policy, the Case Manager will notify the Parties that the complaint is accepted and of the applicable next steps

22. The Case Manager's decision to accept or dismiss the complaint may not be appealed.

23. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.

24. After notifying the Parties that the complaint has been accepted, the Case Manager may propose using the OCA's *Dispute Resolution Policy* with the objective of resolving the dispute. If applicable, and if the dispute is not resolved, or if the parties refuse to use the *Dispute Resolution Policy*, the Case Manager will appoint a Discipline Panel, which shall consist of a single Adjudicator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a Discipline Panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Discipline Panel's members to serve as the Chair.
25. The Case Manager, in cooperation with the Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Discipline Panel deem appropriate in the circumstances, provided that:
  - a) The Parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing or an oral hearing by telephone or other communication medium
  - b) Copies of any written documents which the parties wish to have the Discipline Panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing
  - c) The Parties may engage a representative, advisor, or legal counsel at their own expense
  - d) The Discipline Panel may request that any other individual participate and give evidence at the hearing
  - e) The Discipline Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious, and shall place such weight on the evidence as it deems appropriate
  - f) The decision will be by a majority vote of the Discipline Panel
26. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Discipline Panel will determine the appropriate sanction. The Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
27. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
28. If a decision may affect another party to the extent that the other party would have recourse to a complaint or an appeal in their own right, that party will become a Party to the current complaint and will be bound by the decision.
29. In fulfilling its duties, the Discipline Panel may obtain independent advice.

#### Decision

30. After hearing and/or reviewing the matter, the Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the hearing's conclusion, the Discipline Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and the OCA. In extraordinary circumstances, the Discipline Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

#### Sanctions

31. The Discipline Panel may apply the following disciplinary sanctions, singularly or in combination:
  - a) Verbal or written reprimand
  - b) Verbal or written apology
  - c) Service or other contribution to the OCA
  - d) Removal of certain privileges
  - e) Suspension from certain teams, events, and/or activities
  - f) Suspension from all OCA activities for a designated period of time
  - g) Payment of the cost of repairs for property damage

- h) Suspension of funding from the OCA or from other sources
  - i) Expulsion from the OCA
  - j) Any other sanction considered appropriate for the offense
32. Unless the Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Discipline Panel will result in an automatic suspension until such time as compliance occurs.
33. Records of all decisions will be maintained by the OCA.

#### Appeals

34. The decision of the Discipline Panel may be appealed in accordance with the OCA's *Appeal Policy*.

#### **Suspension Pending a Hearing**

35. The OCA may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending completion of a criminal process, the hearing, or a decision of the Discipline Panel.

#### **Criminal Convictions**

36. An Individual's conviction for a *Criminal Code* offense, as determined by the OCA, will be deemed an infraction under this Policy and will result in expulsion from the OCA. *Criminal Code* offences may include, but are not limited to:
- a) Any child pornography offences
  - b) Any sexual offences
  - c) Any offence of physical violence
  - d) Any offence of assault
  - e) Any offence involving trafficking of illegal drugs

#### **Confidentiality**

37. The discipline and complaints process is confidential and involves only the Parties, the Case Manager, the Discipline Panel, and any independent advisors to the Discipline Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.

#### **Timelines**

38. If the circumstances of the complaint are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the complaint, the Discipline Panel may direct that these timelines be revised.

#### **Records and Distribution of Decisions**

39. Other individuals or organizations, including but not limited to, national sport organizations, provincial sport organizations, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.