



Discipline and Complaints Policy – Approved by the Board of Directors October 26, 2016

Definitions

1. The following terms have these meanings in this Policy:
 - a. Case Manager – An individual appointed by the Ontario Speed Skating Association (OSSA), including but not limited to, any OSSA Staff, Committee Member, Volunteer or Director; or any independent third party, to oversee this Appeal Policy. The Case Manager will be responsible for, but not limited to:
 - I. The overall responsibility to ensure procedural fairness and the applicable timelines are respected; and
 - II. The decision making authority described in this Policy.
 - b. Complainant – The Party alleging an infraction
 - c. Days – Days irrespective of weekend and holidays
 - d. Individuals – Members of the Association and all individuals engaged in activities with, the Ontario Speed Skating Association including, but not limited to, athletes, coaches, judges, officials, volunteers, managers, administrators, committee members, and directors and officers of OSSA
 - e. Parties – The Complainant, Respondent, and any other Individuals or persons affected by the complaint
 - f. Respondent – The alleged infracting Party
 - g. Sport Environment – Any place where the Ontario Speed Skating Association business or activities are conducted. Sport Environment includes but is not limited to, OSSA competitions, practices, tryouts, training camps, travel associated with OSSA, the OSSA office environment and any meetings.

Purpose

2. The Ontario Speed Skating Association is committed to providing an environment in which all Individuals involved with OSSA are treated with respect. Association with OSSA, as well as participation in its activities, brings many benefits and privileges. At the same time, Individuals are expected to fulfill certain responsibilities and obligations including complying with OSSA's policies, bylaws, rules and regulations, and *Code of Conduct and Ethics*. Conduct that violates these values may be subject to sanctions pursuant to this Policy. Since discipline may be applied, OSSA provides Individuals with the mechanism outlined in this Policy so that complaints are handled fairly, expeditiously, and affordably.

Application of this Policy

3. This Policy applies to all Individuals.
4. This Policy applies to discipline matters that may arise within the Ontario Speed Skating Association Sport Environment.

5. Discipline matters and complaints arising within the business, activities and events organized by OSSA partners and member clubs will be dealt with pursuant to the policies of these other entities.

Reporting a Complaint

6. Any Individual may report any complaint to the Ontario Speed Skating Association office. Such a complaint must be in writing and signed, and must be filed within fourteen (14) days of the alleged incident. Anonymous complaints may be accepted at the sole discretion of the OSSA.
7. A Complainant wishing to file a complaint outside of the fourteen (14) day period must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the complaint outside of the fourteen (14) day period will be at the sole discretion of the Case Manager. This decision may not be appealed.

Dispute Resolution

8. Before any complaint proceeds to the formal stage, the dispute will first be referred to the Ontario Speed Skating Association's Executive Director (or designate) for review, with the objective of resolving the dispute.

Case Manager

9. Should the engagement by the Ontario Speed Skating Association's Executive Director (or designate) not resolve the dispute, OSSA will appoint a Case Manager to oversee management and administration of complaints submitted in accordance with this Policy and such appointment is not appealable. The Case Manager has an overall responsibility to ensure procedural fairness is respected at all times in this Policy, and to implement this Policy in a timely manner. More specifically, the Case Manager has a responsibility to:
 - a. Determine whether the complaint is frivolous or vexatious and within the jurisdiction of this Policy. If the Case Manager determines the complaint is frivolous or vexatious or outside the jurisdiction of this Policy, the complaint will be dismissed immediately. The Case Manager's decision to accept or dismiss the complaint may not be appealed
 - b. Determine if the complaint is a minor or major infraction
 - c. Appoint the Panel, if necessary, in accordance with this Policy
 - d. Coordinate all administrative aspects of the complaint
 - e. Provide administrative assistance and logistical support to the Panel as required
 - f. Provide any other service or support that may be necessary to ensure a fair and timely proceeding
10. The Case Manager will inform the Parties if the incident is to be dealt with as a minor infraction or major infraction and the matter will be dealt with according to the applicable section relating to the minor or major infraction.
11. This Policy does not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behaviour that constitutes either a minor or major infraction. Further sanctions may be applied in accordance with the procedures set out in this Policy.
12. Any infractions or complaints occurring within competition will be dealt with pursuant to the appropriate procedures at that competition. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only. Further sanctions may be

applied but only after review of the matter in accordance with the procedures set out in this Policy.

Minor Infractions

13. Minor infractions are **single incidents** of failing to achieve expected standards of conduct that generally do not result in harm to others or to the Ontario Speed Skating Association. Examples of minor infractions can include, but are not limited to, a single incident of:
 - a. Disrespectful, offensive, abusive, racist, or sexist comments or behaviour
 - b. Disrespectful conduct such as outbursts of anger or argument
 - c. Conduct contrary to the values of the Ontario Speed Skating Association
 - d. Being late for, or absent from, the Ontario Speed Skating Association events and activities at which attendance is expected or required
 - e. Non-compliance with the Ontario Speed Skating Association's policies, procedures, rules, or regulations
 - f. Minor violations of the Ontario Speed Skating Association's *Code of Conduct and Ethics*
 - g. Tampering
14. All disciplinary situations involving minor infractions will be dealt with by the appropriate person who has authority over both the situation and the individual involved. The person in authority can be, but is not restricted to being, staff, organizers, or the Ontario Speed Skating Association decision-makers.
15. Provided that the Individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident, procedures for dealing with minor infractions will be informal (compared to the procedures for major infractions) and will be determined at the discretion of the person responsible for discipline of such infractions (as noted above).
16. Penalties for minor infractions, which may be applied singularly or in combination, include the following:
 - a. Verbal or written reprimand from the Ontario Speed Skating Association to one of the Parties
 - b. Verbal or written apology from one Party to the other Party
 - c. Service or other voluntary contribution to the Ontario Speed Skating Association
 - d. Removal of certain privileges of membership for a designated period of time
 - e. Suspension from the competitions, activities, or events
 - f. Restriction of activities
 - g. Fines
 - h. Any other sanction considered appropriate for the offense
17. Minor infractions that result in discipline will be recorded and records will be maintained by the Ontario Speed Skating Association. Repeat minor infractions may result in further such incidents being considered a major infraction.

Major Infractions

18. Major infractions are instances of failing to achieve the expected standards of conduct that result, or have the potential to result, in harm to other persons, to the Ontario Speed Skating Association, or to the sport of speed skating. Examples of major infractions include, but are not limited to:
 - a. Repeated minor infractions
 - b. Any incident of hazing

- c. Incidents of physical abuse
 - d. Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
 - e. Pranks, jokes, or other activities that endanger the safety of others
 - f. Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
 - g. Conduct that intentionally damages the Ontario Speed Skating Association's image, credibility, or reputation
 - h. Disregard for the Ontario Speed Skating Association's bylaws, policies, rules, and regulations
 - i. Major or repeated violations of the Ontario Speed Skating Association's *Code of Conduct and Ethics*
 - j. Intentionally damaging the Ontario Speed Skating Association property or improperly handling the Ontario Speed Skating Association monies
 - k. Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
 - l. Any possession or use of banned performance enhancing drugs or methods
19. Major infractions occurring within competition may be dealt with immediately, if necessary, by an appropriate person having authority. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this Policy. This review does not replace the appeal provisions of this Policy.
20. Major infractions will be handled using the Procedure for Major Infraction Hearing set out in this Policy, except where a dispute resolution procedure contained within a contract, employee agreement, or other formal written agreement takes precedence.

Procedure for Major Infraction Hearing

21. The Case Manager shall notify the Parties that the complaint is potentially legitimate and the incident shall be dealt with as a major infraction. The Case Manager shall then decide the format under which the complaint will be heard. This decision is at the sole discretion of the Case Manager and may not be appealed.
22. 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 Panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.
23. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may still hold a hearing for the purpose of determining an appropriate sanction.
24. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
25. The Case Manager will determine the format of the hearing, which may involve an oral in-person hearing, an oral hearing by telephone, 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 deems appropriate in the circumstances, provided that:
- a. The Parties will be given appropriate notice of the day, time, and place of the hearing
 - b. Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing

- c. The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
 - d. The Panel may request that any other individual participate and give evidence at the hearing
 - e. The 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 Panel members
26. 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 complaint in question and will be bound by the decision.
27. In fulfilling its duties, the Panel may obtain independent advice.

Decision

28. After hearing the matter, the 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 Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and the Ontario Speed Skating Association. In extraordinary circumstances, the 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.

Sanctions

29. The Panel may apply the following disciplinary sanctions, singularly or in combination, for major infractions:
- a. Verbal or written reprimand from the Ontario Speed Skating Association to one of the Parties
 - b. Verbal or written apology from one Party to the other Party
 - c. Removal of certain privileges of membership
 - d. Service or other voluntary contribution to the Ontario Speed Skating Association
 - e. Suspension from the competitions, activities, or events
 - f. Suspension from all Ontario Speed Skating activities for a designated period of time
 - g. Expulsion or dismissal from the Ontario Speed Skating Association
 - h. Payment of the cost of repairs for property damage
 - i. Suspension of funding from the Ontario Speed Skating Association or from other sources
 - j. Any other sanction considered appropriate for the offense
30. Unless the Panel decides otherwise, any disciplinary sanctions will begin immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension until such time as compliance occurs.
31. Major infractions that result in discipline will be recorded and records will be maintained by the Ontario Speed Skating Association.

Suspension Pending a Hearing

32. The Ontario Speed Skating Association may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending a hearing or a decision of the

Panel or the completion of any criminal investigation or the completion of the criminal process.

Criminal Convictions

33. A Individual's conviction for any of the following *Criminal Code* offenses will be deemed a major infraction under this Policy and will result in dismissal from the Ontario Speed Skating Association upon the sole discretion of the Ontario Speed Skating Association:

- a. Any child pornography offences
- b. Any sexual offences
- c. Any offence of physical or psychological violence
- d. Any offence of assault
- e. Any offence involving trafficking of illegal drugs

Confidentiality

34. The discipline and complaints process is confidential and involves only the Parties, the Case Manager, the Panel, and any independent advisors to the 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

35. 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 Panel may direct that these timelines be revised.

Records and Distribution of Decisions

36. Minor and major infractions that result in discipline, as well as decisions of any appeals, shall be recorded and maintained by the Ontario Speed Skating Association.

37. Names of persons disciplined may be disclosed to the extent necessary to give effect to any sanction imposed.

Appeals Procedure

38. The decision of the Panel may be appealed in accordance with the Ontario Speed Skating Association's *Appeal Policy*.