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Approved By:	OCPSA Board of Directors

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## 4.1 DISCIPLINE AND COMPLAINTS POLICY

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### Policy Statement

1. Membership and participation in the activities of OCPSA offer many benefits and privileges. At the same time members and participants are expected to fulfill certain responsibilities and obligations, including complying with OCPSA's Code of Conduct as well as with OCPSA's other policies and procedures.

### Definitions

2. The following terms have these meanings in this Policy:
  - "Days" – Days irrespective of weekend and holidays.
  - "Investigation" - An official inquiry into the validity of a complaint.
  - "Sanction" - Penalties imposed by OCPSA.
  - "OCPSA Delegate" – A person in a responsible OCPSA volunteer position, of the age of majority, or staff position within OCPSA.
  - "OCPSA Representative" - Any director, officer, committee member, volunteer, coach, athlete, official, referee, manager or member within OCPSA.

### Application of the Policy

3. This Policy applies to all OCPSA Representatives and participants in OCPSA programs and activities including spectators and the parents/guardians of OCPSA athletes.
4. This Policy only applies to written and signed complaints received by OCPSA from OCPSA Representatives or parents/guardians of minor OCPSA Representatives that may arise during the course of OCPSA's business, activities and events including but not limited to office environment, competitions, practices, training camps, travel associated with OCPSA activities, and any meetings of staff, committees or the Board of Directors. Anonymous complaints may be accepted upon the sole discretion of OCPSA.

### Jurisdiction

5. Discipline matters and complaints arising within the business, activities or events organized by entities other than OCPSA will be dealt with pursuant to the policies of these other entities.

## Reporting a Complaint

6. Any OCPSA Representative or staff may report to an OCPSA Delegate any complaint. Such complaint must be signed and in writing, and must be filed within fourteen (14) days of the alleged incident.
7. Upon receiving a complaint, the OCPSA Delegate will provide it to the OCPSA President or designate, if the President is not available or not able to act in this capacity because of a conflict of interest or any other reason.
8. The President, or designate, will determine whether the complaint is frivolous or vexatious within ten (10) days of receiving it. If the President, or designate, determines the complaint is frivolous or vexatious, the complaint will be dismissed immediately.
9. A complainant wishing to file a complaint beyond the fourteen (14) days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the notice of complaint outside the fourteen (14) day period will be at the sole discretion of the President, or designate. This decision may not be appealed.
10. If a complaint is determined by the President, or designate, to be legitimate, the complaint will be designated as a minor complaint or a major complaint and dealt with according to the appropriate sections of this Policy. It will be at the sole discretion of the President, or designate, to determine whether a complaint is to be dealt with as a major or minor infraction.
11. This Policy does not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behavior that constitutes either a minor or major infraction provided the individual being disciplined is told the nature of the infraction. Further sanctions may be applied, but only after review of the matter in accordance with the procedures set out in this Policy for major or minor infractions.

## Investigation

12. The President, or designate, may appoint an independent individual to conduct an investigation to determine the validity of a complaint. The Investigator will carry out the investigation in a timely manner and at the conclusion of the investigation will submit a written report to the President, or designate, concluding whether or not there is validity related to the complaint and if a hearing is required. The investigative report will not be disclosed to the decision Discipline Panel.

## Minor Infractions

13. Minor infractions are minor incidents of misconduct that generally do not result in harm to others. All situations involving minor infractions will be dealt with by the President, or designate.
14. If the President, or designate, determines the complaint is legitimate and that it is a minor infraction, the President, or designate, will notify the individual alleged to have committed the minor infraction and will provide the individual with a copy of this policy.
15. Procedures for dealing with minor infractions will be informal as compared to those for major infractions and will be determined at the discretion of the President, or designate, provided the individual being disciplined is told the nature of the infraction and is provided an opportunity to respond.

16. Examples of minor infractions include, but are not limited to:
- a) An incident of disrespectful, offensive, abusive, racist or sexist comments or behavior directed towards others;
  - b) Conduct contrary to the ideals of respect such as angry outbursts or argument; and
  - c) An incident of being late for or absent from OCPSA events and activities at which attendance is expected or required.
17. Sanctions for minor infractions, which may be applied singly or in combination, include the following:
- a) Verbal or written reprimand;
  - b) Verbal or written apology;
  - c) Service or other voluntary contribution to OCPSA;
  - d) Suspension from the current activity; or
  - e) Any other similar sanction considered appropriate for the offense.
18. A written record will be maintained by OCPSA at their head office for minor infractions that result in a sanction.

## Major Infractions

19. Major infractions are instances of misconduct that result, or have the potential to result, in harm to other persons or to OCPSA.
20. Examples of major infractions include, but are not limited to:
- a) Repeated incidents of disrespectful, offensive, abusive, racist or sexist comments or behavior directed towards others;
  - b) Incidents of physical abuse;
  - c) Angry outbursts or arguing;
  - d) Repeated incidents of being late for or absent from OCPSA events activities at which attendance is expected or required;
  - e) Pranks, jokes or other activities that endanger the safety of others;
  - f) Conduct which results in harm to the image, credibility or reputation of OCPSA and/or its' sponsors;
  - g) Abusive use of alcohol where abuse means a level of consumption that impairs the individual's ability to speak, walk or drive; causes the individual to behave in a disruptive manner; or interferes with the individual's ability to perform effectively and safely;
  - h) Any use of alcohol by minors;
  - i) Any use of illicit drugs and narcotics; or
  - j) Any use of banned performance enhancing drugs or methods.
21. If the President, or designate, determines the incident is a major infraction and that there is validity to the complaint, a hearing is required. The President, or designate, will notify the individual alleged to have committed a major infraction and will provide the individual with a copy of this policy.

## Discipline Panel

22. Within fourteen (14) days of notifying the respondent of a complaint of a major infraction or of receiving the written report of the Investigator if an investigation was carried out, the President, or designate, will appoint three individuals to serve as a Discipline Panel ("Panel"). The members of the Panel will select from themselves a Chairperson.
23. Members of the Panel will have no significant relationship with the complainant and respondent; will have had no involvement with the alleged infraction; and will be free from any other bias or conflict of interest.
24. The Panel will hold the hearing as soon as possible, but not more than thirty (30) days after being appointed.
25. Having regard to the nature of the discipline matter and the potential consequences of any resulting sanctions, the Panel will decide to conduct the hearing by way of review of documentary evidence or by way of oral hearing. If the Panel decides to conduct an oral hearing, it may decide to do so in-person or by means of telephone conference.

## Preliminary Meeting

26. The Panel may determine that the circumstances of the complaint warrant a preliminary meeting. The Panel may delegate to one of its members the authority to deal with preliminary matters, which may include but are not limited to:
  - a) Format (hearing by documentary evidence, oral hearing or a combination of both);
  - b) Date and location of the hearing;
  - c) Timelines for the exchange of documents;
  - d) Clarification of issues in dispute;
  - e) Any procedural matters including order and procedure of the hearing;
  - f) Remedies sought;
  - g) Evidence to be brought before the hearing;
  - h) Identification of any witnesses; or
  - i) Any other procedural matter that may assist in expediting the hearing.

## Documentary Appeal

27. Where the Panel has determined that the appeal will be held by way of documentary submissions, the Panel will govern the hearing fairly and as it sees fit, provided that:
  - a) All parties are given a reasonable opportunity to provide written submissions to the Panel, to review written submissions of the other parties, and to provide written rebuttal and argument; and
  - b) The applicable principles and timelines set out by the Panel are respected

## Oral Appeal

28. Where the Panel has determined that the appeal will be held by way of oral hearing, the Panel will govern the hearing fairly and as it sees fit, provided that:
- a) The affected parties will be given seven (7) days written notice of the day, time and place of the hearing;
  - b) A quorum will be all three Panel members, and decisions will be by majority vote where the Chairperson carries a vote;
  - c) Panel members will refrain from communicating with the parties except in the presence of, or copy to, the other parties;
  - d) The individual being disciplined may be accompanied by a representative;
  - e) The individual being disciplined will have the right to present evidence and argument;
  - f) Any party potentially affected by the matter may be made party to the hearing by the Panel;
  - g) The Panel may request that any witness be present at the hearing or submit written evidence in advance of the hearing;
  - h) If the individual being disciplined chooses not to participate in the hearing, the hearing will nonetheless proceed;
  - i) The hearing will be held in private;
  - j) Each party will bear their own costs;
  - k) Once appointed, the Panel will have the authority to abridge or extend timelines associated with any aspect of the hearing.
29. After hearing the matter, the Panel will determine whether or not the individual will be sanctioned, and if so, will determine the appropriate penalty to be imposed and any measures to mitigate the harm suffered by others as a result. The Panel's written decision, with reasons, will be distributed to all parties, the President, or designate, and OCPSA within fourteen (14) days of the conclusion of the hearing.
30. Where the individual acknowledges the facts of the incident, he or she may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may hold a hearing for the purpose of determining an appropriate sanction.

## Sanctions

31. The Panel may apply the following disciplinary sanctions singly or in combination, for major infractions:
- a) Written reprimand;
  - b) Written apology;
  - c) Removal of certain privileges of membership or employment;
  - d) Suspension from certain events and/or activities;
  - e) Suspension of OCPSA funding;
  - f) Payment of a financial fine in an amount to be determined by the Panel;
  - g) Suspension from all OCPSA activities for a designated period of time;

- h) Expulsion from membership;
  - i) Publication of the Panel's decision;
  - j) Other sanctions as may be considered appropriate for the offense.
32. Unless the Panel decides otherwise, any disciplinary sanctions will commence immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension of membership in OCPSA until such time as compliance occurs.
33. In applying sanctions, the Panel may have regard to the following aggravating or mitigating circumstances:
- a) The nature and severity of the incident;
  - b) The extent to which others have been harmed by the incident;
  - c) The cooperation of the individual being disciplined in the proceedings under this policy;
  - d) Whether the incident is a first offense or has occurred repeatedly;
  - e) The individual's acknowledgment of responsibility,
  - f) The individual's remorse and post-infraction conduct;
  - g) The age, maturity or experience of the individual;
  - h) Whether the individual retaliated, where the incident involves harassment; and
  - i) The individual's prospects for rehabilitation.
34. A written record will be maintained by OCPSA at their head office for major infractions that result in a sanction for a period of normal business practices.

### **Serious Infractions**

35. The President, or designate, may determine that an alleged incident is of such seriousness as to warrant suspension of the individual pending further investigation, a hearing and a decision of the Panel.
36. Where it is brought to the attention of the President, or designate, that an OCPSA Representative has been charged with an offence under the Criminal Code, or has previously been convicted of a criminal offence, the President, or designate, may suspend the OCPSA Representative pending further investigation, a hearing or a decision of the Panel.
37. Notwithstanding the procedures set out in this Policy, any OCPSA Representative who is convicted of a criminal offense involving sexual exploitation, invitation to sexual touching, sexual interference, sexual assault or aggravated assault will face automatic suspension from participating in any activities of the OCPSA for a period of time corresponding to the length of the criminal sentence imposed by the court, and may face further disciplinary action by OCPSA in accordance with this Policy.

### **Confidentiality**

38. Where the conduct reported is of a sensitive or confidential nature, OCPSA will keep all proceedings under this Policy confidential, except where disclosure is directed by the Panel as part of a sanction, is required by law or is in the best interests of the public.

## **Timelines**

39. If the circumstances of the complaint are such that this policy will not allow a timely conclusion, or if the circumstances of the complaint are such the complaint cannot be concluded within the timelines dictated in this policy, the Panel may direct that these timelines be revised.

## **Appeals Procedure**

40. The decision of the Panel may be appealed in accordance with the OCPSA's Appeal Policy.



## INCIDENT REPORT

Date and time of incident: \_\_\_\_\_

Name of writer: \_\_\_\_\_ Position: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

This incident is a: \_\_\_\_\_ minor infraction \_\_\_\_\_ major infraction

Individual(s) involved in the incident:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Objective description of the incident (please be concise, accurate and non-judgmental):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Names of individuals who observed the incident:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Disciplinary action that was taken (if applicable):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of writer: \_\_\_\_\_ Date: \_\_\_\_\_