



DISCIPLINE POLICY			
<b>Reviewed:</b>	October 28, 2016	<b>Effective:</b>	November 10, 2016
<b>Next Review:</b>	November 2019	<b>Approval:</b>	Board of Directors

Membership in Athletics Ontario (AO) and participation in its activities provides many benefits and opportunities to participants (registered Members - individual or club). As part of this membership, all registered Members are expected to act in accordance with the AO By-Law, rules and regulations, policies (including *Codes of Conduct*), and processes. In addition, members are obligated to fulfill agreements or contracts they have entered into and abide by all decisions rendered by the Association, which affect them. Noncompliance by Members or their representatives may result in sanctions pursuant to this Policy.

## 1. APPLICATION

This Policy applies to discipline matters between AO and its Members, or between AO Members in relation to conduct or actions which are alleged to have contravened the AO By-laws, rules and regulations, policies, contracts or agreements, which may arise during the course of AO business, activities, and events including, but not limited to, competitions, practices, training camps, travel associated with AO activities, and any meetings.

This Policy does not prevent discipline from being applied, during a competition or event, according to the procedures in place for the particular event. Further discipline may be applied according to this Policy.

Any breach or complaints/disputes 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. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in the AO Dispute Resolution Policy or Harassment Policy.

Discipline matters and complaints arising within the business, activities, or events organized by entities other than AO will be dealt with pursuant to the policies of these other entities unless requested and accepted by AO at its sole discretion.

## 2. DEFINITIONS

For the purposes of this Policy, the following definitions apply:

- (a) **“Member”** refers to any entity approved for membership as defined in the AO By-Law (person, group of persons organized and associated for the purpose of athletics and registered as a Member of AO), as well as all individuals engaged in activities with AO (including, but not limited to, athletes; coaches; officials; volunteers; team managers; club administrators, coaches or board members; committee members, directors and officers of AO; employees; spectators at AO sanctioned events; and parents/guardians of athletes).
- (b) **“Days”** refers to total calendar days, irrespective of weekends or holidays (time by which an action must be complete).
- (c) **“Complainant”** refers to the Member who reports a complaint and is seeking remedy.
- (d) **“Respondent”** refers to the entity (individual or group) which is the subject of a complaint, dispute, or whose decision is being appealed.
- (e) **“Appellant”** refers to the Member who is appealing a lower decision.
- (f) **“Parties”** refers to the Complainant, Respondent, and any other Individuals, persons, or organizations affected by the complaint or dispute.

- (g) “**Summary Dispute Resolution**” refers to a process which is shorter and simpler than the regular Dispute Process. This process is available for situations that require prompt action and generally involve a small number of clear-cut issues.

### **3. AO DISPUTE RESOLUTION /COMPLAINT AND HARASSMENT POLICIES**

In addition to the AO Harassment Policy, there are a few distinct but inter-related processes that comprise the AO Dispute Resolution Policy: **(a)** the AO Dispute Resolution Process, **(b)** the AO Summary Dispute Resolution Process, and **(c)** the AO Appeal Process. These processes are summarized below for your reference.

The complete **AO Harassment Process** is set out in the **AO HARASSMENT POLICY - APPENDIX A**

#### **(a) AO Dispute Resolution Process**

This Process applies to matters in dispute (or a complaint) between AO and its Members, or between AO Members, in relation to conduct or actions which are alleged to have contravened the AO By-laws, rules and regulations, policies, contracts or agreements. Where a final decision has been made regarding a dispute, no further action may be taken. Previously filed disputes cannot be submitted for reconsideration except through the Appeals Process, where applicable. Parties who perceive that decisions rendered by the Panel at the conclusion of this Process are procedurally unfair may appeal such decisions through the AO Appeal Process.

The complete **AO Dispute Resolution Process** is set out in the **AO DISPUTE RESOLUTION POLICY - Appendix A**

#### **(b) AO Summary Dispute Resolution Process**

This Process applies only to individual AO Members who are High Performance athletes within the Provincial or National Team Programs and signed AO Athlete Code of Conduct.

The AO Summary Dispute Resolution Process is a procedure that allows issues to be resolved in a time-sensitive fashion when recourse through the AO Dispute Resolution Process is not feasible or practical. This process is intended to facilitate and expedite decision-making when disputes arise in situations where there is a critical lack of time or when decisions may affect an athlete’s eligibility for competition or other time-sensitive participation with Provincial or National Team Programs.

This Process can be used by an athlete to appeal disciplinary sanctions imposed as a result of a breach of the AO Athlete Code of Conduct, or by AO to deal with other specified breaches or disputes. Decisions made by means of this Process may be appealed in the same manner as specified for the AO Dispute Resolution Process above.

For any matters related to the Quest for Gold Program, all appeals must follow the Policies, Procedures, and criteria of the Quest for Gold Program.

The complete **AO Summary Dispute Resolution Process** is set out in the **AO DISPUTE RESOLUTION POLICY - Appendix B.**

#### **(c) AO Appeal Process**

This Process provides an option for Members to appeal, in limited situations, decisions made by AO or any individual that has been delegated decision-making authority by the AO Board. Decisions that may be accepted for an appeal include, but are not limited to, funding, contracts or agreements, harassment, team selection, discipline, and as well, decisions made through the AO Dispute

Resolution Process or Accelerated Dispute Resolution Process. Decisions reached through the AO Appeal Process are final and binding on all parties.

The complete **AO Appeal Process** is set out in the **AO DISPUTE RESOLUTION POLICY - Appendix C**.

#### **4. GENERAL DISCIPLINE POLICY**

As the case may be, the Board President/Chair, designate, or appropriate panel will inform the Parties if the complaint/dispute is to be dealt with as a minor or major infraction and according to the applicable section relating to the infraction.

##### **(a) Minor Complaints/Disputes**

Minor complaints/disputes are **single incidents** of failing to achieve expected standards of conduct that generally do not result in harm to others, AO, or the sport. Examples of minor complaints/disputes can include, but are not limited to, a single incident of:

- i. Disrespectful, abusive, racist, or sexist comments or behaviour
- ii. Disrespectful conduct
- iii. Conduct contrary to the values of AO
- iv. Neglecting attendance at AO events and activities at which attendance is expected or required
- v. Non-compliance with AO policies, procedures, rules, or regulations
- vi. Minor violations of AO *Codes of Conduct*

All disciplinary situations involving minor complaints/disputes will be dealt with the appropriate person/panel that has authority over both the situation and the individual involved. If applicable, discipline specific to a particular event or competition shall be applied.

Provided that the Respondent, being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident, procedures for dealing with minor complaints/disputes will be informal (compared to major complaints/disputes) and will be determined at the discretion of the Board Chair or designate responsible for discipline of such complaints/disputes.

**Penalties** for minor complaints/disputes, which may be applied singularly or in combination, include, but not limited to the following:

- i. Verbal or written reprimand from AO to one of the Parties;
- ii. Verbal or written apology from one Party to the other Party;
- iii. Service or other contribution to AO ;
- iv. Removal of certain privileges of membership for a designated period of time;
- v. Suspension from the current competition, activity, or event
- vi. Fines;
- vii. Any other sanction considered appropriate for the offense; or
- viii. Discipline specific to the event or competition, if applicable.

Repeat minor complaints/disputes may result in further such incidents being considered a major infraction.

**(b) Major Complaints/Disputes**

Major complaints/disputes 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 AO, or to the Sport.

Examples of major complaints/disputes include, but are not limited to:

- i. Repeated minor complaints/disputes
- ii. Any incident of hazing
- iii. Incidents of physical abuse
- iv. Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
- 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 AO image, credibility, or reputation
- viii. Consistent disregard for AO bylaws, policies, rules, and regulations
- ix. Major or repeated violations of AO *Codes of Conduct*
- x. Intentionally damaging AO property or improperly handling AO 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

Major complaints/disputes occurring within competition may be dealt with immediately, if necessary, by a designate having authority. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only. If applicable, discipline specific to the particular event or competition shall be applied. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in the **AO DISPUTE RESOLUTION POLICY** or **AO HARASSMENT POLICY** referenced by this Policy.

Major complaints/disputes will be handled using the procedures set out in the **AO DISPUTE RESOLUTION POLICY** or **AO HARASSMENT POLICY**, except where a dispute resolution procedure contained within a contract, employee agreement, or other formal written agreement takes precedence.

If the Respondent acknowledges the facts of the complaint/dispute, 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.

If a Party chooses not to participate in the hearing, the hearing will proceed in any event.

**Sanctions** for major complaints/disputes, which may be applied, singularly or in combination, include, but not limited to the following:

- i. Verbal or written reprimand from AO to one of the Parties
- ii. Verbal or written apology from one Party to the other Party
- iii. Service or other contribution to AO
- iv. Expulsion from AO
- v. Removal of certain membership privileges
- vi. Suspension from certain teams, events, and/or activities
- vii. Suspension from all AO activities for a designated period of time
- viii. Withholding of prize money or awards
- ix. Payment of the cost of repairs for property damage

- x. Suspension of funding from AO or from other sources
- xi. Any other sanction considered appropriate for the offense

Unless otherwise indicated by the Panel, 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.

**(c) Suspension Pending a Hearing**

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

**(d) Criminal Convictions**

An Individual's conviction for any of the following *Criminal Code* offenses will be deemed a major infraction under this Policy and will result in expulsion from AO and/or removal from AO competitions, programs, activities, and events at the sole discretion of AO, except where a pardon has been granted:

- i. Any child pornography offences
- ii. Any sexual offences
- iii. Any offence of physical or psychological violence
- iv. Any offence of assault
- v. Any offence involving trafficking and/or use of illegal drugs
- vi. Any offence of fraud or theft

**(e) Confidentiality**

The complaint and discipline process is confidential and involves only the Parties, Board Chair or designate, 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.

**(f) Decision**

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 as per the Hearing Panel guidelines.

**(g) Records and Distribution of Decisions**

Minor and major complaints/disputes that result in discipline, as well as decisions of any appeals, shall be recorded and maintained by Athletics Ontario.

Other organizations may be advised of any decisions and, if there was an appeal, the appeal decision.

Decisions and appeals are matters of public interest and shall be publicly available with the names of the individuals redacted. Names of persons disciplined may be disclosed to the extent necessary to give effect to any sanction imposed. The Panel may determine that disclosing the person's identity would unduly violate the person's privacy and may decide that the decision, or part of the decision, shall be kept confidential.

**(h) Appeals Procedure**

The decision of the Panel may be appealed in accordance with the AO Appeal Policy.