



# Discipline Policy

## **1.0 GENERAL RULES**

**1.1** Any member of the Ontario Cycling Association (the “**Association**”) and any individual that participates in an Association-sanctioned event or program shall be governed by this Policy.

**1.2** The following conduct may be considered conduct contrary to the standards of good behavior and the ethics of cycling and may cause the Association to consider disciplinary action. The following list is not exhaustive but is illustrative:

- (a) Breach of any provision of the Association's constitution, bylaws, policies, rules, or regulations;
- (b) Inappropriate behavior (including, without limitation, rudeness, swearing, lack of etiquette) at any cycling event anywhere in the world;
- (c) Fighting of any nature;
- (d) Damaging property or equipment;
- (e) Any form of harassment (including, without limitation, physical, sexual, racial or religious harassment);
- (f) Committing any criminal act;
- (g) Substance abuse (including, without limitation, abuse of drugs or alcohol) (in this context, results of doping tests conducted by the Canadian Center for Ethics and Sport - whether in or out of competition - shall be determinative of substance abuse);
- (h) Breach of any agreement with the Association; or
- (i) counseling or giving advice contrary to these rules or in relation to any conduct referred to above.

**1.3** Athletes who are supported or selected by the Association to represent the Association or Ontario at a competition or event have additional responsibilities. In addition to the conduct listed in 1.2 above, the following conduct may be considered

conduct contrary to those responsibilities and may cause the Association to consider disciplinary action. The following list is not exhaustive but is illustrative:

- (a) failure to report a medical issue to the Association in a timely fashion;
- (b) failure to report to a training camp or project that the athlete agreed to attend;
- (c) failure to attend a training session or an appointment at a training camp or event;
- (d) missing a curfew imposed by the Association;
- (e) missing a start time at a competition; and
- (f) failure to wear supplied team uniform or equipment as required.

## **2.0 PRESIDENT'S ROLE; COMMUNICATION**

**2.1** The Association's President or the President's designate shall preside over these procedures. Wherever the term "President" is used in this Policy, it shall be deemed to include the President's designate unless provided otherwise. All decisions made hereunder shall be in the sole discretion of the individual or Board making the decision.

**2.2** All correspondence to the President shall be directed through the Provincial Office to the attention of the President.

**2.3** All communications which may be or are required to be given by any person to another hereunder shall (in the absence of any specific provision to the contrary) be in writing and delivered or sent by prepaid registered mail or by facsimile transmission to the parties at their respective addresses (which addresses for certain persons are those referred to elsewhere in this Policy). If any such communication is sent by prepaid registered mail, it shall, subject to the following sentence, be conclusively deemed to have been received on the fifth (5<sup>th</sup>) day following the mailing thereof and, if delivered or so telecopied, it shall be conclusively deemed to have been received on the second (2<sup>nd</sup>) day following such delivery or transmission. Notwithstanding the foregoing provisions with respect to mailing, in the event that it may be reasonably anticipated that, due to any strike, lock-out or similar event involving an interruption in postal service, any communication will not be received by the addressee by no later than the on the fifth (5<sup>th</sup>) day following the mailing thereof, then the mailing of any such communication as aforesaid shall not be an effective means of sending the same

but rather any communication must be sent by delivery or facsimile transmission. Any person may from time to time change its address by notice to the other relevant persons in accordance with this section.

### **3.0 NOTICES OF COMPLAINT**

- 3.1** Any member of the Association (a "**Member**") or a group Members (each a "**Complainant**") may file a written "**Notice of Complaint**" delivered to the head office of the Association (the "**Provincial Office**") to the attention of the President. Such Notice of Complaint must be signed by each Complainant and filed on or before the twenty first (21st) day after the alleged infraction (the "**Notice Period**") and shall clearly state the nature of the alleged infraction, the persons allegedly involved in the infraction (each a "**Respondent**"), and each Complainant's full name, address, telephone, facsimile number (optional) and email address (optional).
- 3.2** The President (but not the President's designate) may file a Notice of Complaint delivered to the Provincial Office to the attention of the Secretary.
- 3.3** If a Notice of Complaint is filed after the Notice Period, each relevant Complainant must deliver a written request for such late filing to the Provincial Office to the attention of the President which must state reasons for such late filing. The decision to consider or not to consider a Notice of Complaint filed after the Notice Period shall be at the sole discretion of the President.
- 3.4** If a Notice of Complaint is filed by the President (not including the President's designate) after the Notice Period, the President (but not the President's designate) must provide a written request for such late filing to the Provincial Office to the attention of the Secretary which must state reasons for such late filing. The decision to consider or not to consider a Notice of Complaint filed by the President after the Notice Period shall be at the sole discretion of the Secretary.

### **4.0 PRELIMINARY INVESTIGATION**

- 4.1** If a Notice of Complaint has been filed by the President (not including the President's designate), wherever the term "President" is used in this Policy, it shall be deemed to mean the Secretary.
- 4.2** At the request of the President, designated staff of the Provincial Office shall endeavour to obtain a report from any individual who may have been a witness of the alleged infraction.
- 4.3** Each Respondent shall be notified in writing of the alleged infraction at the last address of each Respondent recorded in the Association's records. Each

Respondent shall have fourteen (14) days from the date of such notice (the "**Response Period**") to provide the Association, in writing to the Provincial Office to the attention of the President, with any information each Respondent would like to have considered.

- 4.4 After the Response Period, the President shall examine the Notice of Complaint, any information received from each Respondent and any other information the President considers relevant.
- 4.5 The President shall endeavour to resolve the matter before making the decision referred to in 4.6.
- 4.6 After the Response Period, and after the president's endeavours pursuant to 4.5 above, the President shall decide whether or not there are sufficient grounds to conduct a hearing.
- 4.7 If the President decides that there are not sufficient grounds to conduct a hearing, the President shall communicate that decision in writing to each Complainant, each Respondent and the Provincial Office and the matter shall be deemed to be at an end (and the same Complainant or Complainants may not file thereafter a Notice of Complaint substantially similar to the first (such substantial similarity to be determined by the President)).
- 4.8 If the President decides that there are sufficient grounds for a hearing, the President shall communicate that decision in writing to each Complainant, each Respondent and the Provincial Office. The President shall then cause a Discipline Board (a "**Board**") to be established.
- 4.9 At any time after a Notice of Complaint is filed, the President may determine that there are sufficient grounds for immediate sanction with respect to any Member. In such event, the President may suspend any Member immediately.

## 5.0 **DISCIPLINE BOARD**

- 5.1 Within twenty-one (21) days after making the date on which the President communicates a decision under 4.8, the President shall appoint three (3) individuals to constitute a Board, provided that the Board shall be comprised of three (3) individuals who shall have no significant relationship with any Complainant or Respondent; shall have had no involvement with the alleged infraction; and shall be free from any other actual bias or conflict of interest.
- 5.2 Board members shall select a Chairperson from themselves.

## 6.0 **PRELIMINARY CONFERENCE**

- 6.1** The Board shall hold a preliminary conference of which each Complainant, each Respondent and the Provincial Office shall receive at least fourteen (14) days written notice.
- 6.2** The matters which may be considered at a preliminary conference include:
- a) the format for the hearing;
  - b) clarification of issues in the alleged infraction;
  - c) the order and procedure of the hearing
  - d) the date and time of the hearing;
  - e) timelines for exchange of documents
  - f) and any other matter which may assist in expediting the hearing.
- 6.3** The Board may permit any person (other than a Complainant, a Respondent and the Provincial Office) to participate in the preliminary conference or in a hearing.
- 6.4** Any hearing, unless held by way of telephone conference call, shall take place in the City of Toronto.

## **7.0 FORMAT OF THE DISCIPLINE HEARING**

- 7.1** Any Complainant or Respondent may request that the Board conduct the hearing only by way of documentary evidence. The Board may seek agreement from the other parties to proceed in this fashion: if such an agreement is not reached, the hearing shall not proceed only by way of documentary evidence.
- 7.2** The Board may order that any portion of a hearing be held by means of a telephone conference call or video conference.
- 7.3** Subject to 9.4, each party shall bear their own costs regarding any preliminary conference or hearing.

## **8.0 PROCEDURE FOR THE DISCIPLINE HEARING**

- 8.1** The Board shall govern the hearing by such procedures as it deems appropriate, provided that:
- a) The hearing shall be held within twenty-eight (28) days of the Board's appointment.
  - b) The parties shall be given fourteen (14) days written notice of the date, time and place of the hearing.

- c) Any of the parties may be accompanied by one (1) representative or advisor, including legal counsel.
- d) Subject to (e) below, a quorum of the Board shall be all Board members and Board decisions shall be by majority vote..
- e) In the event that one (1) of the Board members is unable or unwilling of continuing with the hearing, the matter shall be concluded by the remaining two (2) Board members. Should the remaining two (2) Board members not be in agreement on the final decision, a new Board shall be formed and a new hearing shall be conducted.
- g) Unless otherwise agreed by the parties, there shall be no communication between Board members and any of the parties except in the presence of, or with a copy to, each of the other parties.
- h) Copies of any written documents which any of the parties submit to the Board shall be provided to each Board member and to each of the other parties at least three (3) days prior to the date of the hearing.
- i) Translation services may be supplied as determined by the Board.
- j) Documents received which may compromise the confidentiality rights or privacy rights of any person may be withheld in whole or in part as determined by the Board.
- k) The Board may in its discretion require hearings related to two (2) or more Notices of Complaint to be heard together.

## **9.0 SCOPE OF THE DISCIPLINE BOARD'S AUTHORITY**

- 9.1** If the circumstances of the allegation are such that these procedures will not allow for a timely hearing or, external timelines are imposed by a third party, the Board may direct that the timelines specified herein be altered.
- 9.2** Within fourteen (14) days of the conclusion of the hearing, the Board shall issue its written decision, a copy of which shall be provided to each of the parties. Such decision may, but need not, include reasons.

**9.3** The Board may order disciplinary action (a "**sanction**") with respect to any party to a hearing, and such a sanction may include, but shall not be limited to, the following:

- a) a written reprimand
- b) suspension from the Association's programs and activities;
- c) suspension or expulsion from the Association; or
- d) any combination of such orders;

**9.4** In addition to or instead of a sanction, the Board may award costs against any party to a hearing, which costs may be payable to any other party to the hearing and to the Association. Without limiting the generality of the foregoing, the Board may award costs in relation to any expenses incurred by the Association to send an individual to a competition or event from which such individual was dismissed or at which such individual failed to compete.

**8.5** Failure to comply with a sanction may result in suspension of a Member who is the subject of the sanction until compliance takes place.

## **10.0** **REINSTATEMENT**

**10.1** Any Member suspended or expelled from the Association may apply for relief from such a sanction by submitting a written application to the Association to the Provincial Office to the attention of the President which application shall state the reasons for such reinstatement. The Association's Executive Committee, at its next regular meeting, shall consider such an application.

## **11.** **GENERAL**

**11.1** This Policy shall be governed and construed in accordance with the laws of the Province of Ontario.

**11.2** No action or legal proceeding shall be commenced against the Association in respect to any matter referred to herein, unless the Association has refused or failed to abide by the provisions of this Policy.