

ROWONTARIO DISCIPLINE POLICY

Approved: November 27, 2016

Note: In this policy, "days" means total days irrespective of weekends or holidays. "Complainant" refers to the individual who reports a complaint of a disciplinary infraction, or experiences harassment, hazing or bullying and "Respondent" refers to the individual who is the subject of the complaint.

1. Policy Statement

- a. Membership and participation in the activities of ROWONTARIO offer many benefits and privileges. At the same time members and participants are expected to fulfill certain responsibilities and obligations, including complying with the Code of Conduct and Board Code of Conduct of ROWONTARIO as well as with ROWONTARIO's other policies and procedures. ROWONTARIO's Code of Conduct and Board Code of Conduct identifies the standard of behaviour that is expected of all members and participants, and those who fail to meet this standard may be subject to the disciplinary procedures set out in this policy.

2. Application of this Policy

- a. This policy applies to all categories of participants of ROWONTARIO participating in activities with or employed by ROWONTARIO. These include, but are not limited to directors, officers, organizers, coaches, umpires, athletes, managers, volunteers, medical and paramedical personnel, employees and other members of ROWONTARIO
- b. This policy applies to all discipline matters (except harassment as defined in #s 4, 5, 6 of the Code of Conduct) that may arise during the course of ROWONTARIO's business, activities and events, including but not limited to the office environment, competitions, training, training camps, travel associated with competitive activities, and any meetings of staff, committees or the Board of Directors. A procedure for dealing with harassment is described in the Harassment Complaint Procedures.
- c. The Board of ROWONTARIO will appoint a Discipline Chair who will report to the President or designate. The Discipline Chair will be responsible for discipline and will perform critical tasks under this policy. Where the Discipline Chair is unable to perform such tasks, for whatever reason, a designate may be appointed by the Board to implement this policy.
- d. The person appointed as the Discipline Chair may or may not be a member of ROWONTARIO, but should preferably have a legal background or some experience in adjudication
- e. In all cases where the Complainant and/or Respondent are employees, the Executive Director will be responsible for discipline.

3. Reporting an Infraction

- a. Any individual may report to the Discipline Chair (or Executive Director in the case of employees) a complaint in writing of a disciplinary infraction. Such written complain must be filed with the Executive

Director within 14 days of the alleged infraction. It will be at the sole discretion of the Discipline Chair (or Executive Director in the case of employees) to determine if the

- infraction is best dealt with as a minor infraction or a major infraction.
- b. A complainant wishing to file a notice of complaint beyond the 14 day period must provide a written request stating reasons required for an exemption to this limitation. The decision to accept, or not accept, the notice of complaint outside the 14 day period will be at the sole discretion of the Discipline Chair (or designate) (or Executive Director in the case of employees).
 - c. Persons who are not employees, who experience harassment or hazing while involved in a ROWONTARIO activity, event, or regatta are referred to the ROWONTARIO Harassment Complaint Procedures for action and resolution. Employees are referred to the ROWONTARIO Employees Policies and Procedures, section 26.
 - d. All written correspondence related to this policy will be directed through the ROWONTARIO office.

4. Minor Infractions

- a. Minor infractions are single incidents of misconduct that breach the Code of Conduct but generally do not result in harm to others. All disciplinary situations involving minor infractions will be dealt with by the appropriate person having authority over the individual involved: this person may include, but is not restricted to, the President, the Executive Director, a board member, committee chair or member, volunteer, staff person, coach, regatta chair or manager.
- b. 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 person having authority, provided the individual being disciplined is told the nature of the infraction. This policy will not prevent an appropriate person having authority from taking immediate, informal, corrective disciplinary action in response to behaviour that constitutes a minor infraction.
- c. Disciplinary sanctions for minor infractions may include the following:
 - i. Verbal reprimand
 - ii. Written reprimand
 - iii. Verbal or written apology
 - iv. Restriction or limitation of on-site activities and removal of certain privileges
 - v. Restitution of property or reimbursement
- d. When determining the sanction, the person having authority must take into account whether this infraction is a first time event or that this type of infraction has taken place in the past. In the case where infractions are repetitive, even though minor, the infraction should be dealt with as a major infraction.

5. Major Infractions

- a. Major infractions are instances of misconduct that violate the Code of Conduct and that result, or have the potential to result, in harm to other persons, to ROWONTARIO, to the sport of rowing, or to sport generally.
- b. If an incident is a major infraction involving an employee, the Executive Director will take appropriate disciplinary action up to and including

termination.

- c. If the incident is a major infraction not involving an employee, a hearing is required. The Discipline Chair, or designate, will notify the individual alleged to have committed a major infraction of the matter as soon as possible, and will provide the individual with a copy of this policy.
- d. The appropriate person having authority may deal with major infractions occurring at a regatta immediately, if necessary. The individual being disciplined will be told the nature of the infraction and will have an opportunity to provide information concerning the incident. In such situations, disciplinary sanctions will be for the duration of the regatta only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this policy for major infractions.

6. Investigation

- a. Depending on the nature and severity of the complaint, the Discipline Chair may appoint an independent individual to conduct an investigation or s/he may carry out the investigation him/herself. This determination will be made within seven (7) days of receipt of the written complaint. If this is the case, 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).
- b. Persons appointed as Investigators may include any person, preferably with a legal background or some experience in conducting investigations.

7. Discipline Panel

- a. Within 14 days of receiving a report documenting a major infraction or of receiving the written report of the Investigator if an investigation was carried out, the Discipline Chair, or designate, will appoint two other individuals to serve as a Discipline Panel. The Discipline Chair will be the Chair of the Panel.
- b. Members of the Discipline Panel will have no relationship with the complainant and respondent; will have had no involvement with the alleged infraction; and will be free from any other actual or perceived bias or conflict.
- c. The Discipline Panel will hold the hearing as soon as possible, but not more than 21 days after being appointed.
- d. Having regard to the nature of the discipline matter and the potential consequences of any resulting sanctions, the Panel may 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 teleconference.
- e. If, due to reasons of urgency, complexity, sensitivity or lack of independence, the Discipline Chair, or designate, is unable to appoint a three person Discipline Panel, then the Discipline Chair may appoint an independent adjudicator to serve as a Discipline Panel under this policy.
- f. Persons appointed as independent adjudicators may or may not be a member of ROWONTARIO, but should preferably have a legal

background or some experience in adjudication.

8. Preliminary Conference

- a. The Discipline Panel may determine that the circumstances of the complaint warrant a preliminary conference. The Panel may delegate to one of its members the authority to deal with these preliminary matters, which may include but are not limited to: format, date and location of the hearing; timelines for the exchange of documents; clarification of issues in dispute; order and procedure of the hearing; evidence to be brought before the hearing; identification of any witnesses; or any other procedural matter that may assist in expediting the hearing.

9. Hearing

- a. The Discipline Panel will govern the hearing fairly and as it sees fit, provided that:
 - i. The hearing will be held within 21 days of the Panel being appointed
 - ii. The parties will be given 10 days' written notice of the day, time and place of the hearing, with notice to be delivered by postal mail, fax, or email, provided that it is acknowledged as received by affected parties
 - iii. The parties will receive a copy of the Investigator's report at the time of the notice, if an investigation was carried out, or in the case of harassment or hazing, the Respondent will receive a copy of the formal complaint
 - iv. Where the Panel has three members, a quorum will be all three members, and decisions will be by majority vote with the Chair carrying a vote
 - v. The Panel will refrain from communicating with the parties except in the presence of, or by copy to, the other parties
 - vi. In the case of an oral hearing, the Respondent may be accompanied by a representative
 - vii. In the case of an oral hearing, the Respondent will have the right to present evidence and argument
 - viii. Any party the Panel deems to be potentially affected by the matter may be made a party to the hearing, except for cases of harassment or hazing in which case only the Complainant and Respondent and their representatives will be involved
 - ix. The Investigator may participate in the hearing at the request of the Panel
 - x. Both the Complainant and Respondent will be present at the hearing to respond to the Investigator's report, give evidence and to answer questions of the Panel. The hearing may proceed in the absence of either or both parties;
 - xi. Both the Complainant and the Respondent may ask questions of one another as well as the witnesses.
 - xii. In the event that one of the Panel's members is unable or unwilling to continue with the hearing, the matter will be concluded by the remaining two Panel members who will make their decision unanimously. In the event that two Panel members are unable or unwilling to continue with the hearing,

- the hearing may continue with consent of both interested parties.
- xiii. The Panel has the authority to determine its own procedures including rules of evidence, adjournments, and use of telephone conference or video conference.
 - xiv. The Panel may request that any witness be present at the hearing or submit written evidence in advance of the hearing
 - xv. If the individual being disciplined chooses not to participate in the hearing, the hearing will nonetheless proceed
 - xvi. The hearing will be held in private
 - xvii. Each party will bear its own costs
 - xviii. Once appointed, the Panel will have the authority to abridge or extend timelines associated with any aspect of the hearing provided they notify the Complainant and the Respondent.
- b. The preceding provisions may be modified, or added to, as required by the provisions of any other pertinent ROWONTARIO policy such as those dealing with doping, conflict of interest, human resources or event-specific matters.
 - c. As soon as possible but in any event within 10 days of the conclusion of the hearing, the Panel will provide its written decision to the President, or designate, with a copy provided to both the Complainant and Respondent. The President will communicate the findings to the Executive Director and the Board. In the case of harassment or hazing, the written decision will only be shared with the Complainant and Respondent.
 - d. The decision will contain:
 - i. A summary of the relevant facts;
 - ii. A determination as to whether the acts complained of constitute harassment as defined in this policy or breached the Code of Conduct, or other relevant ROWONTARIO policy, procedure or regulation;
 - iii. Disciplinary action against the Respondent, depending on the determination; and
 - iv. Measures to remedy or mitigate the harm or loss suffered by the Complainant, if the acts constitute harassment.
 - e. When determining the sanction, the person having authority must take into account whether this infraction is a first time event or that this type of infraction has taken place in the past. In the case where infractions are repetitive, the infraction should be dealt with as a major infraction.
 - f. In the case of harassment or hazing, if the Panel determines that the allegations of harassment or hazing are false, vexatious, retaliatory or frivolous, its report may direct that there be disciplinary sanctions against the Complainant.
 - g. The decision of the Panel will be final and binding upon the Complainant, the Respondent and ROWONTARIO.

10. Sanctions/Penalties

- a. The Panel may apply the following disciplinary sanctions/penalties singly or in combination, for major infractions including harassment or hazing:

- i. Written reprimand
 - ii. Removal of certain privileges of membership or employment
 - iii. Suspension from certain events which may include suspension from the current regatta or from future teams or regattas
 - iv. Suspension from certain ROWONTARIO activities such as competing, coaching or umpiring for a designated period of time
 - v. Suspension from all ROWONTARIO activities for a designated period of time
 - vi. Reimbursement to ROWONTARIO of costs or expenses incurred by ROWONTARIO to send a respondent to a regatta or event from which the respondent was dismissed or in which the respondent failed to compete as a result of the alleged infraction
 - vii. Expulsion from membership
 - viii. Publication of the decision
 - ix. Other sanctions as may be considered appropriate for the offense.
- b. The preceding sanctions may be modified, or added to, as required by the provisions of any other pertinent ROWONTARIO policy such as those dealing with doping, conflict of interest, human resources or matters that take place at events. The preceding sanctions should be regarded as progressive.
 - c. 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 or participation in ROWONTARIO activities and events until such time as the sanction is complied with.
 - d. In applying sanctions, the Panel may have regard to the following aggravating or mitigating circumstances:
 - i. The nature and severity of the infraction
 - ii. The extent to which others have been harmed by the infraction
 - iii. The cooperation of the individual being disciplined in the proceedings under this policy
 - iv. Whether the incident is a first offense or has occurred repeatedly
 - v. The individual's acknowledgment of responsibility
 - vi. The individual's remorse and post-infraction conduct
 - vii. The age, maturity or experience of the individual
 - viii. Whether the individual retaliated, where the incident involves harassment, and
 - ix. The individual's prospects for rehabilitation.
 - e. Any member suspended or expelled from ROWONTARIO may apply for reinstatement by submitting a written application stating reasons. The Board of Directors will consider the application at a regularly scheduled meeting.

11. Serious Infractions

- a. The Discipline Chair may determine that an alleged infraction is of such seriousness as to warrant suspension of the individual (from membership) pending the hearing and decision of the Panel.

- b. Where it is brought to the attention of the Discipline Chair that a Member has been charged with an offence under the Criminal Code, or has previously been convicted of a criminal offense, where it relates to his/her involvement in ROWONTARIO, the Discipline Chair may suspend the Member pending further investigation, a hearing or a decision of the Panel.
- c. Notwithstanding the procedures set out in this policy, any Member of ROWONTARIO who is convicted of a criminal offense involving sexual exploitation, invitation to sexual touching, sexual interference, sexual assault or aggravated assault that occurred in connection with the Member's participation at a ROWONTARIO event, activity or regatta, will face automatic suspension from participating in any activities of ROWONTARIO for a period of time corresponding to the length of the criminal sentence imposed by the court, and may face further disciplinary action by ROWONTARIO in accordance with this policy.

12. Confidentiality

- a. Where the behaviour reported may constitute harassment or hazing, or is of a similar sensitive nature, ROWONTARIO 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.

13. Appeals

- a. Except in the cases of harassment or hazing or where otherwise provided, the decision of the Panel may be appealed in accordance with ROWONTARIO's Appeals Policy.