

BY-LAW NO. 6

A by-law relating to the particularities of

SANCTIONS AND APPEALS

BE IT ENACTED as a by-law of The Ontario 5 Pin Bowlers' Association, as follows:

6.1.00 SANCTIONS

6.1.01 Authority and Jurisdiction

The Corporation may sanction any activity or action, direct or indirect, related to 5 pin bowling within its jurisdiction.

6.1.02 Sanction Defined

Sanction shall be authorization of any activity or action included in Section 6.1.01 hereof and shall thereby include the right to intervene in such activity or action if same is not authorized under the approved Rules of the sport or the By-laws and Regulations of the Corporation.

6.1.03 Intervention by Corporation

Intervention may be by penalty or punishment which penalty or punishment may include fine, suspension of rights, cancellation of rights, or any combination of penalty or punishment.

6.1.04 Application

Sanction or intervention may be applied on any class of Member or the entities or individuals of said class. Sanction or intervention may be applied at any level within the Corporation be it at the Board of Directors or a Committee level, and the level shall be determined by the jurisdiction of the entity within the Corporation applying a sanction or intervention in the first instance.

6.2.00 APPEAL RIGHT

6.2.01 Recognized Entity or Member

Any individual or entity of the Corporation against which a sanction or intervention has been applied may appeal the sanction or intervention to the Secretary of the Corporation at the Head Office of the Corporation as it may be from time to time.

6.2.02 Appeal Action

The Executive Committee of the Corporation shall appoint a Tribunal in the first instance to review and hear the matter appealed.

6.3.00 APPEAL PROCEDURE

6.3.01 Appointments and Procedures

The Tribunal shall be established under the procedures set out in Schedule G attached hereto. The Tribunal shall conduct a hearing under the Rules delineated in Schedule H attached hereto.

6.3.02 Tribunal Responsibility

The facts of the matter under appeal shall be established by the Tribunal and from said facts there shall be no appeal. The Tribunal shall make a decision based on the facts of the matter under appeal, and said decision with the reasons therefore shall be rendered to the parties directly involved in the appeal, and filed with the Secretary of the Corporation.

6.3.03 Appeal of Tribunal by Leave Only

Either party to an appeal determined by a Tribunal may apply for leave to appeal the decision within five (5) days of the date of the Tribunal decision on grounds of improper penalty or punishment or improper application of Corporate Policy, or Rules and Regulations of the Corporation only. Application for leave to appeal under this Section shall be made to the Secretary of the Corporation, and shall be in letter form stating the grounds and reasons why leave to appeal should be granted.

6.3.04 Executive Committee Determines Leave
The Executive Committee of the Corporation shall determine within three (3) days of receipt of application for leave to appeal, whether the said leave to appeal will or will not be allowed, and their decision is final and binding. If leave to appeal is not allowed the decision of the Tribunal is confirmed and shall have force and effect forthwith. If leave to appeal is granted the Executive Committee shall appoint an Appeal Board forthwith and set a date within fifteen (15) days next for the Appeal Board to sit.

6.4.00 APPEAL BOARD

6.4.01 Appointment and Purpose
The Appeal Board shall be appointed as set out in Schedule G. An Appeal Board may make a determination on any matter included in the written submissions for leave to appeal with or without a hearing.

6.4.02 Appeal Board Powers
The Appeal Board may convene a hearing and both parties to the appeal shall be given opportunity to be heard if a hearing is convened. The Appeal Board may call any Member of the Corporation to attend to give evidence, or may call any witness, or may demand any corporate documents to determine or assist in determining the matter appealed. The Appeal Board shall convene a hearing if the Appeal Board calls any member or witness to give evidence.

6.4.03 Appeal Board Decisions
The decision of the Appeal Board shall be in writing with reasons therefore to the parties and the decision shall be filed with the Secretary of the Corporation. The decision of the Appeal Board hearing of any matter is final and binding unless appealed to the Canadian 5 Pin Bowlers' Association and, the Corporation shall ensure the carrying out of the Appeal Board's decision.

6.5.00 SCHEDULES

6.5.01 Schedules are Regulations
Schedules G and H attached hereto are deemed to be Regulations for implementing purposes only and not part of the By-law and as such may be amended from time to time by the Board of Directors by majority vote only.

ENACTED this 22nd day of June, 1984.

WITNESS THE SEAL OF THE ONTARIO 5 PIN BOWLERS' ASSOCIATION

"Jack Hales"
President

"Evelyn Wood"
Secretary

UNANIMOUSLY SANCTIONED AND CONFIRMED by the Members at a general meeting of the membership duly constituted after proper notice held on the 7th day of November, 1984.

"Jack Hales"
President

"Evelyn Wood"
Secretary

AMENDED this 22nd day of June, 1992.

WITNESS THE SEAL OF THE ONTARIO 5 PIN BOWLERS' ASSOCIATION

"Thomas Cowan"
President

"Evelyn Wood"
Secretary

UNANIMOUSLY SANCTIONED AND CONFIRMED AS AMENDED by the Members at the annual meeting of the membership duly constituted after proper notice held on the 24th day of June, 1992.

"Thomas Cowan"
President

"Evelyn Wood"
Secretary

AMENDED this 13th day of June, 1994.

WITNESS THE SEAL OF THE ONTARIO 5 PIN BOWLERS' ASSOCIATION

"Jennifer Guay"
President

"Nancy Taverna"
Secretary

UNANIMOUSLY SANCTIONED AND CONFIRMED AS AMENDED by the Members at the annual meeting of the membership duly constituted after proper notice held on the 14th day of June, 1994.

"Jennifer Guay"
President

"Nancy Taverna"
Secretary

AMENDED this 15th day of June, 2018.

WITNESS THE SEAL OF THE ONTARIO 5 PIN BOWLERS' ASSOCIATION

"John Cresswell"
President

"Mike Wilson"
Secretary

UNANIMOUSLY SANCTIONED AND CONFIRMED AS AMENDED by the Members at the annual meeting of the membership duly constituted after proper notice held on the 16th day of June, 2018.

"John Cresswell"
President

"Mike Wilson"
Secretary
