



Ontario 5 Pin Bowlers' Association

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DISCIPLINE AND COMPLAINT POLICY

Definitions

“O5PBA” – Ontario 5 Pin Bowlers' Association

“complainant” – the party alleging the infraction

“respondent” – the alleged infracting party

“parties” - The complainant, respondent, and any other individuals, persona, or organizations affected by the complaint

“days” – Days irrespective of weekend and holidays

“individuals – All categories of membership defined in the O5PBA by-laws, as well as all individuals employed by, or engaged in activities with O5PBA including, but not limited to, athletes, coaches, convenors, coaches, volunteers, managers, administrators, committee members, directors and officers of O5PBA, spectators of events, and parents/guardians of athletes (if applicable).

Purpose

Membership in the O5PBA, as well as participation in its activities, brings many benefits and privileges. At the same time, individuals and participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the O5PBA policies, by-laws, rules and regulations, and codes of conduct. Non-compliance by individuals may result in sanctions, pursuant to this policy.

Application of this Policy

- This policy applies to all individuals.
- This policy applies to discipline matters that may arise during the course of O5PBA's business, activities, and events, including but not limited to, competitions, practice, tryouts, training camps, travel associated with O5PBA 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 infractions or complaints occurring within the 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 this policy.
- Discipline matters and complaints arising within the business, activities, or events organized by entities other than O5PBA will be dealt with, pursuant to the policies of these other entities, unless requested and accepted by O5PBA at its sole discretion.

Reporting a Complaint

Any individual may report any complaint to the O5PBA. Such a complaint must be in writing and signed, and must be filed within 14 days of the alleged incident. Anonymous complaints may be accepted at the sole discretion of the O5PBA.

A complainant wishing to file a complaint outside of the 14 day period must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the complaint outside the 14 day period will be at the sole discretion of the O5PBA. This decision may not be appealed.

The O5PBA, at its discretion, may act as the complainant and initiate the complaint process under the terms of this policy. In such cases, the O5PBA will identify an individual to represent the O5PBA.

Mediation

Upon the consent of the parties, the dispute may be referred to the O5PBA Dispute Resolution Policy with the objective of resolving the dispute.

Case Manager

Should the review O5PBA Dispute Resolution Policy, if applicable, not resolve the dispute, the O5PBA will appoint a case manager to oversee management and administration of complaints submitted in accordance with this policy and such appointment is not appealable. The case manager is not required to be a member of the O5PBA. The case manager has a responsibility to:

- Determine whether the complaint is frivolous or vexatious and within the jurisdiction of this policy. If the case manager determines the complaint is frivolous or vexatious or outside the jurisdiction of this policy, the complaint will

be dismissed immediately. The case manager's decision to accept or dismiss the complaint may not be appealed.

- Determine if the complaint is a minor or major infraction.
- Appoint the panel, if necessary, in accordance with this policy.
- Co-ordinate all administrative aspects of the complaint.
- Provide administrative assistance to logistical support to the panel as required.
- Provide any other service or support that may be necessary to ensure a fair and timely proceeding.

The case manager will inform the parties if the incident is to be dealt with as a minor infraction or major infraction and the matter will be dealt with according to the applicable section relating to the minor or major infractions.

Minor Infractions

Minor infractions are single incidents of failing to achieve expected standards of conduct that generally do not result in harm to others, O5PBA, or the sport. Examples of minor infractions can include, but are not limited to, a single incident of:

- Disrespectful, abusive, racist, or sexist comment or behaviour.
- Disrespectful conduct.
- Conduct contrary to the values of the O5PBA.
- Neglecting attendance at O5PBA events and activities at which attendance is expected or required.
- Non-compliance with O5PBA policies, procedures, rules and regulations.
- Minor violations of O5PBA's Code of Conduct.
- Dress code violation.

All disciplinary situations involving minor infractions will be dealt with by the appropriate person who has authority over both the situation and the individual involved. If applicable, discipline specific to the particular event or competition shall be applied. The person with authority can be, but is not restricted to being staff, officials, coaches, judges, organizers, or O5PBA decision-makers.

Provided that the respondent who is being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident, procedures for dealing with minor infractions will be informal (compared to the procedures for major infractions) and will be determined at the discretion of the person responsible for such infractions.

Penalties for minor infractions, which may be applied singularly or in combination, include the following:

- Verbal or written reprimand from the O5PBA to one of the parties.
- Verbal or written apology from one party to the other party.
- Service or other contribution to O5PBA.
- Removal of certain privileges of membership for a designated period of time.
- Suspension from the current competition, activity or event.
- Fines.
- Any other sanction considered appropriate for the offense.
- Discipline specific to the event or competition, if applicable.

Minor infractions that result in discipline will be recorded and records will be maintained by the O5PBA. Repeat minor infractions may result in further such incidents being considered a major infraction.

Major Infractions

Major infractions 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 the O5PBA, or to the sport of bowling. Examples of major infractions include, but are not limited to:

- Repeated minor infractions.
- Any incident of hazing.
- Incidents of physical abuse.
- Behaviour that constitutes harassment, sexual harassment, or sexual misconduct.
- Pranks, jokes, or other activities that endanger the safety of others.

- Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition.
- Conduct that intentionally dangers the O5PBA's image, credibility, or reputation.
- Consistent disregard for the O5PBA's by-laws, policies, rules and regulations.
- Major or repeated violations of the O5PBA's Codes of Conduct.
- Intentionally damaging O5PBA property or improperly handling O5PBA monies.
- Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics.
- A conviction for any Criminal Code offense.
- Any possession or use of banned performance enhancing drugs or methods.

Major infractions occurring with competition may be dealt with immediately, if necessary, by a person 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 will be applied. Further sanctions may be applied, but only after review of the matter in accordance with the procedures set out in this policy. This review does not replace the appeal provisions of this policy.

Major infractions will be handled using the "Procedure for Major Infraction Hearing" set out in this policy, except where the dispute resolution procedure contained within a contract, employee agreement, or other formal agreement takes precedence.

Procedure for Major Infraction Hearing

The case manager shall notify the parties that the complaint is potentially legitimate and the incident shall be dealt with as a major infraction. The case manager shall then decide the format under which the complaint will be heard. This decision is at the sole discretion of the case manager and may not be appealed.

The case manager will appoint a discipline panel, which shall consist of a single adjudicator, to hear the complaint. In extraordinary circumstances, and at the discretion of the case manager, a panel of three persons may be appointed to hear the complaint. In this event, the case manager will appoint one of the panel's members to serve as the chair.

If the respondent acknowledges the facts of this incident, 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 purposes of determining an appropriate sanction.

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

The case manager will determine the format of the hearing, which may involve an oral in-person hearing, an oral hearing by telephone, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the case manager deems appropriate in the circumstances, provided that:

- The parties will be given appropriate notice of the day, time, and place of the hearing.
- Copies of any written documents which the parties wish to have the panel consider will be provided to all parties in advance of the hearing.
- The parties may be accompanied by a representative, advisor, or legal counsel at their own expense.
- The panel may request that any other individual participating can give evidence at the hearing.
- The panel may allow as evidence at the hearing any oral evidence and document or things relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate.
- The decision will be by a majority vote of panel members.

If a decision may affect another party to the extent that the other party would have recourse to a complaint or an appeal in their own right, that party will become a party to the complaint in question and will be bound by the decision.

In fulfilling its duties, the panel may obtain independent advice.

Decision

After hearing the matter, the panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within 14 days of the hearing's conclusion, the panel's written decision with reasons will be distributed to all parties, the case manager, and the O5PBA. 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 before the end of the 14 day period. The decision will be considered a matter of public record unless decided otherwise by the panel.

Sanctions

The panel may apply the following disciplinary sanctions, singularly or in combination, for major infractions:

- Verbal or written reprimand from the O5PBA to one of the parties.
- Verbal or written apology from one party to the other party.
- Service or other contribution to the O5PBA.
- Expulsion from the O5PBA.
- Removal of certain membership privileges.
- Suspension from certain teams, events, and/or activities.
- Suspension from all O5PBA activities for a designated period of time.
- Withholding of prize money or awards.
- Payment of the cost of repairs for property damage.
- Suspension of funding from O5PBA or from other sources.
- Any other sanction considered appropriate for the offense.

Unless the panel decides otherwise, 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.

Major infractions that result in discipline will be recorded and records will be maintained by the O5PBA.

Suspension Pending a Hearing

The O5PBA 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.

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 the O5PBA

and/or removal from O5PBA's competitions, programs, activities and events upon the sole discretion of the O5PBA.

- Any child pornography offences.
- Any sexual offences.
- Any offence of physical or psychological violence.
- Any offence of assault.
- Any offence involving trafficking of illegal drugs.

Confidentiality

The discipline and complaints process is confidential and involves only the parties, the case manager, 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.

Timelines

If the circumstances of the complaint are such that adhering to the timelines outlined by this policy will not allow a timely resolution to the complaint, the panel may direct that these timelines be revised.

Records and Distribution of Decisions

Minor and major infractions that result in discipline, as well as decisions of any appeals, shall be recorded and maintained by the O5PBA.

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

Decisions and appeals are matters of public interest and shall be publicly available with the name 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.

Appeals Procedure

The decision of the panel may be appealed in accordance with the O5PBA appeal procedures set out in the Constitution.

ENACTED this 12th day of October, 2016.

WITNESS THE SEAL OF ONTARIO 5 PIN BOWLERS' ASSOCIATION

"John Cresswell"

President

"Mike Wilson"

Secretary

UNANIMOUSLY SANCTIONED AND CONFIRMED by the Board of Directors at the monthly meeting 12th day of October, 2016.

"John Cresswell"

President

"Mike Wilson"

Secretary