



Discipline and Complaints Policy

Date Approved	Date of Last Review	Date of Last Revision
August 20, 2020	August 20, 2020	August 20, 2020

Definitions

1. The following terms have these meanings in this Policy:

- a) *"Complainant"* – The Party making a complaint;
- b) *"Days"* – Days including weekends and holidays;
- c) *"Discipline Chair"* – An individual or individuals appointed by the Independent Case Manager to be the first point-of-contact for all discipline and complaint matters reported to Racquetball Ontario. The Discipline Chair must be unbiased and not in a conflict of interest;
- d) *"Individuals"* – refers to all categories of members and/or registrants of Racquetball Ontario and its affiliated clubs, as well as all people employed by, contracted by, or engaged in activities with, Racquetball Ontario, and affiliated club, including, but not limited to, employees, contractors, athletes, coaches, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, and directors and officers;
- e) *"Independent Case Manager"* – An individual appointed by Racquetball Ontario to administer certain complaints under this Policy. The Independent Case Manager does not need to be a member of, or affiliated with, Racquetball Ontario;
- f) *"Provincial/Territorial Associations"* – Provincial/Territorial Associations are the racquetball associations that are affiliated with Racquetball Canada;
- g) *"Respondent"* – The Party responding to the complaint.

Purpose

2. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with Racquetball Ontario's policies, Bylaws, rules and regulations, and the *Code of Conduct and Ethics*. Non-compliance may result in sanctions pursuant to this Policy.

Application of this Policy

3. This Policy applies to all Individuals.

4. This Policy applies to matters that may arise during Racquetball Ontario's business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with Racquetball Ontario's activities, and any meetings.
5. This Policy also applies to Individuals' conduct outside of Racquetball Ontario's business, activities, and events when such conduct adversely affects relationships within Racquetball Ontario (and its work and sport environment), is detrimental to the image and reputation of Racquetball Ontario, or upon the acceptance of Racquetball Ontario. Applicability will be determined by Racquetball Ontario at its sole discretion.
6. This Policy does not prevent immediate discipline or sanction from being applied as reasonably required. Further discipline may be applied according to this Policy. Any infractions or complaints 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.
7. An employee of Racquetball Ontario who is a Respondent will be subject to appropriate disciplinary action per the *Human Resources Policy*, as well as the employee's Employment Agreement, if applicable. Violations may result in a warning, reprimand, restrictions, suspension, or other disciplinary actions up to and including termination of employment.

Alignment

8. Racquetball Ontario recognizes that Individuals may also be registered with other Provincial/Territorial Associations and/or Clubs. Racquetball Ontario **requires** that Provincial/Territorial Associations and Clubs submit discipline decisions involving Individuals to Racquetball Ontario and Racquetball Ontario may take further action at its discretion. Further action may include the appointment of an independent third party when the decision involved an element of discrimination, harassment, workplace harassment, workplace violence, sexual harassment, or abuse.
9. If Racquetball Ontario decides to take further action upon becoming aware of an Individual who has been disciplined by a Provincial/Territorial Association and/or a Club, the Individual will be the Respondent to a complaint initiated under the terms of this Policy. Racquetball Ontario may act as the Complainant if the original Complainant is unwilling or unavailable to participate in this process.
10. The Discipline Chair or Discipline Panel, as applicable, will review and consider the decision by the Provincial/Territorial Association or Club when deciding on the complaint per the terms of this Policy.

Adult Representative

11. Complaints may be brought for or against an Individual who is a minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
12. Communication from the Discipline Chair or Independent Case Manager, as applicable, must be directed to the minor's representative.

13. A minor is not required to attend an oral hearing, if held, unless determined otherwise by the Independent Case Manager, Discipline Chair or Discipline Panel.

Reporting a Complaint

14. Any Individual may report an incident or complaint to Racquetball Ontario, Racquetball Canada or Racquetball Canada's Independent Case Manager: Brian Ward, W&W Dispute Resolution, brainward@globalserve.net (613) 834-3632.
15. At the discretion of Racquetball Ontario, Racquetball Ontario may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, Racquetball Ontario will identify an individual to represent Racquetball Ontario.
16. Complaints or incident reports should be made in writing and the person making the report may contact Racquetball Ontario or Racquetball Canada for direction. Racquetball Ontario or Racquetball Canada may accept any report, in writing or not, at their sole discretion.
17. The individual Case Manager will determine the jurisdiction under which the report will be addressed and notify the Complainant. If the report should be handled by Racquetball Ontario, the applicable organization will appoint its own case manager to assume the responsibilities listed herein.

Receiving a Complaint

18. The Independent Case Manager may determine that the alleged incident requires investigation. In this case, the Independent Case Manager may appoint an Investigator to investigate the complaint.
19. Upon receipt of a complaint, the Independent Case Manager has a responsibility to:
 - a) Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy;
 - b) Propose the use of the *Dispute Resolution Policy*;
 - c) Determine if an investigation is required; and/or
 - d) Choose which process should be followed, and may use the following examples as a general guideline:

Process #1 - the Complaint alleges the following incidents:

- i. Disrespectful, abusive, racist, or sexist comments or behaviour;
- ii. Disrespectful conduct;
- iii. Minor incidents of violence (e.g., tripping, pushing, elbowing);
- iv. Conduct contrary to the values of Racquetball Ontario;
- v. Non-compliance with the organization's policies, procedures, rules, or regulations;
- vi. Minor violations of the *Code of Conduct and Ethics*.

Process #2 - the Complaint alleges the following incidents:

- i. Repeated minor incidents;
- ii. Any incident of hazing;
- iii. Behaviour that constitutes harassment, sexual harassment, or sexual misconduct;
- iv. Major incidents of violence (e.g., fighting, attacking, sucker punching);
- 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 the organization's image, credibility, or reputation;
- viii. Consistent disregard for the organization's bylaws, policies, rules, and regulations;
- ix. Major or repeated violations of the *Code of Conduct and Ethics*;
- x. Intentionally damaging the organization's property or improperly handling Racquetball Ontario's 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.

20. If the Independent Case Manager determines the complaint is frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately.

21. The Independent Case Manager's decision to accept or dismiss the complaint may not be appealed.

Process #1: Handled by Discipline Chair

Sanctions

22. Following the determination that the complaint or incident should be handled under Process #1, the Independent Case Manager will appoint a Discipline Chair who will review the submissions related to the complaint or incident and determine one or more of the following sanctions:

- a) Verbal or written reprimand;
- b) Verbal or written apology;
- c) Service or other contribution to Racquetball Ontario;
- d) Removal of certain privileges;
- e) Suspension from certain teams, events, and/or activities;
- f) Suspension from all the activities of Racquetball Ontario for a designated period;
- g) Any other sanction considered appropriate for the offence.

23. The Discipline Chair will inform the Parties of the sanction, which will take effect immediately.
24. Records of all sanctions will be maintained by Racquetball Ontario.

Request for Reconsideration

25. If there is no sanction, the Complainant may contest the non-sanction by informing the Discipline Chair, within five (5) days of receiving the decision, that the Complainant is not satisfied with the decision. The initial complaint or incident will then be handled under Process #2 of this Policy.
26. If there is a sanction, the sanction may not be appealed until the completion of a request for reconsideration. However, the Respondent may contest the sanction by submitting a Request for Reconsideration within five (5) days of receiving the sanction. In the Request for Reconsideration, the Respondent must indicate:
 - a) Why the sanction is inappropriate;
 - b) Summary of evidence to support the Respondent's position; and
 - c) What penalty or sanction (if any) would be appropriate.
27. Upon receiving a Request for Reconsideration, the Discipline Chair may decide to accept or reject the Respondent's suggestion for an appropriate sanction.
28. Should the Discipline Chair accept the Respondent's suggestion for an appropriate sanction, that sanction will take effect immediately.
29. Should the Discipline Chair not accept the Respondent's suggestion for an appropriate sanction, the initial complaint or incident will be handled under Process #2 of this Policy.

Process #2: Handled by Independent Case Manager

Independent Case Manager

30. Following the determination that the complaint or incident should be handled under Process #2, the Independent Case Manager has a responsibility to:
 - a) Propose the use of the *Dispute Resolution Policy*;
 - b) Appoint the Discipline Panel, if necessary;
 - c) Coordinate all administrative aspects and set timelines;
 - d) Provide administrative assistance and logistical support to the Discipline Panel as required;
 - e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
31. The Independent Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.

32. The Independent Case Manager may propose using the *Dispute Resolution Policy* with the objective of resolving the dispute. If applicable, and if the dispute is not resolved, or if the parties refuse to use the *Dispute Resolution Policy*, the Independent Case Manager will appoint a Discipline Panel, which shall consist of a single Arbitrator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Independent Case Manager, a Discipline Panel of three persons may be appointed to hear the complaint. In this event, the Independent Case Manager will appoint one of the Discipline Panel's members to serve as the Chair.
33. The Independent Case Manager, in cooperation with the Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, 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 Independent Case Manager and the Discipline Panel deem appropriate in the circumstances, provided that:
 - a) The Parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing or an oral hearing by telephone or other communication medium;
 - b) Copies of any written documents which the parties wish to have the Discipline Panel consider will be provided to all Parties, through the Independent Case Manager, in advance of the hearing;
 - c) The Parties may engage a representative, advisor, or legal counsel at their own expense;
 - d) The Discipline Panel may request that any other individual participate and give evidence at the hearing;
 - e) The Discipline Panel may allow as evidence at the hearing any oral evidence and document or thing 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;
 - f) The decision will be by a majority vote of the Discipline Panel.
34. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Discipline Panel will determine the appropriate sanction. The Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
35. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
36. 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 current complaint and will be bound by the decision.

37. In fulfilling its duties, the Discipline Panel may obtain independent advice.

Decision

38. After hearing and/or reviewing the matter, the Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the hearing's conclusion, the Discipline Panel's written decision, with reasons, will be distributed to all Parties, the Independent Case Manager, and Racquetball Ontario. In extraordinary circumstances, the Discipline 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 fourteen (14) day period. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

Sanctions

39. The Discipline Panel may apply the following disciplinary sanctions, singularly or in combination:

- a) Verbal or written reprimand;
- b) Verbal or written apology;
- c) Service or other contribution to Racquetball Ontario;
- d) Removal of certain privileges;
- e) Suspension from certain teams, events, and/or activities;
- f) Suspension from certain activities for a designated period;
- g) Payment of the cost of repairs for property damage;
- h) Suspension of funding from the organization or from other sources;
- i) Expulsion from the organization;
- j) Any other sanction considered appropriate for the offense.

40. Unless the Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Discipline Panel will result in an automatic suspension until such time as compliance occurs.

41. Records of all decisions will be maintained by Racquetball Ontario.

Appeals

42. The decision of the Discipline Panel may be appealed in accordance with the *Appeal Policy*.

Suspension Pending a Hearing

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

Criminal Convictions

44. An Individual's conviction for a *Criminal Code* offense, as determined by Racquetball Ontario, will be deemed an infraction under this Policy and will result in expulsion from Racquetball Ontario. *Criminal Code* offences may include, but are not limited to:

- a) Any child pornography offences;
- b) Any sexual offences;
- c) Any offence of physical violence;
- d) Any offence of assault;
- e) Any offence involving trafficking of illegal drugs.

Confidentiality

45. The discipline and complaints process is confidential and involves only Racquetball Ontario, the Parties, the Independent Case Manager, the Discipline Panel, and any independent advisors to the Discipline 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

46. 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 Discipline Panel may direct that these timelines be revised.

Records and Distribution of Decisions

47. Other individuals or organizations, including but not limited to, national sport organizations, provincial/territorial sport associations, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.