

## NATIONAL CYCLING CENTRE HAMILTON DISCIPLINE AND COMPLAINTS POLICY

### Definitions

1. The following terms have these meanings in this Policy:
  - a) “*Complainant*” – The Party alleging an infraction
  - b) “*Days*” – Days including weekends and holidays
  - c) “*NCCH*” – National Cycling Centre of Hamilton
  - d) “*Respondent*” – The alleged infracting Party
  - e) “*Parties*” – The Complainant, Respondent, and any other Stakeholders or persons affected by the complaint
  - f) “*Stakeholders*” – All categories of membership defined in the NCCH Bylaws as well as all individuals employed by, or engaged in activities with, the NCCH including, but not limited to, athletes, coaches, officials, volunteers, managers, administrators, committee members, parents, and directors and officers of NCCH

### Purpose

2. The NCCH is committed to providing an environment in which all NCCH Stakeholders are treated with respect. Membership in the NCCH, as well as participation in its activities, brings many benefits and privileges. At the same time, Stakeholders and participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the NCCH’s policies, bylaws, rules and regulations, and *Code of Conduct and Ethics*. Irresponsible behaviour by Stakeholders can result in severe damage to the integrity of the NCCH. Conduct that violates these values may be subject to sanctions pursuant to this Policy. Since discipline may be applied, the NCCH provides Stakeholders with the mechanism outlined in this Policy so that complaints are handled fairly, expeditiously, and affordably.

### Application of this Policy

3. This Policy applies to all Stakeholders defined in the **Definitions** section of this Policy.
4. This Policy applies to discipline matters that may arise during the course of NCCH business, activities, and events including, but not limited to, competitions, races, practices, tryouts, training camps, travel associated with NCCH activities, and any meetings.
5. This Policy does not prevent discipline from being applied, during a competition, practice or event, according to the policies or rules associated with that event. Further discipline may be applied according to this Policy.
6. Discipline matters and complaints arising within the business, activities, or events organized by entities other than the NCCH will be dealt with pursuant to the policies of these other entities unless accepted by the NCCH at its sole discretion.

### Reporting a Complaint

7. Any individual may report any complaint to the NCCH Manager, or in his absence, NCCH President. Such a complaint must be in writing and signed, and must be filed within fourteen (14) days of the alleged incident. Anonymous complaints may be accepted at the sole discretion of the NCCH.
8. A Complainant wishing to file a complaint outside of the fourteen (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 of the fourteen (14) day period will be at the sole discretion of the NCCH. This decision may not be appealed.

### **Mediation**

9. Before any complaint proceeds to the formal stage, the dispute may be referred to a neutral third party with the objective of resolving the dispute via mediation.

### **Case Manager**

10. Should mediation not resolve the dispute, the NCCH 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 NCCH. The Case Manager has an overall responsibility to ensure procedural fairness is respected at all times in this Policy, and to implement this Policy in a timely manner. More specifically, the Case Manager has a responsibility to:
  - a) 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 the acceptance or dismissal of the complaint may not be appealed
  - b) Determine if the complaint is a minor or major infraction
  - c) Appoint the Panel, if necessary, in accordance with this Policy
  - d) Coordinate all administrative aspects of the complaint
  - e) Provide administrative assistance and logistical support to the Panel as required
  - f) Provide any other service or support that may be necessary to ensure a fair and timely proceeding
11. 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 infraction.
12. This Policy does not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behavior that constitutes either a minor or major infraction. Further sanctions may be applied in accordance with the procedures set out in this Policy.

### **Minor Infractions**

13. Minor infractions are **single incidents** of failing to achieve expected standards of conduct that generally do not result in harm to others, the NCCH, or the sport of cycling. Examples of minor infractions can include, but are not limited to, a single incident of:
  - a) Disrespectful, offensive, abusive, racist, or sexist comments or behaviour
  - b) Disrespectful conduct such as outbursts of anger or argument
  - c) Conduct contrary to the values of the NCCH
  - d) Being late for, or absent from, NCCH events and activities at which attendance is expected or required
  - e) Non-compliance with the NCCH's policies, procedures, rules, or regulations
  - f) Minor violations of the NCCH's *Code of Conduct and Ethics*
14. 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. The person in authority can be, but is not restricted to being, staff, officials, coaches, organizers, or NCCH decision-makers.
15. Provided that the Respondent 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 discipline of such infractions (as noted above).

16. Penalties for minor infractions, which may be applied singularly or in combination, include the following:
  - a) Verbal or written reprimand from the NCCH to one of the Parties
  - b) Verbal or written apology from one Party to the other Party
  - c) Service or other voluntary contribution to the NCCH
  - d) Removal of certain privileges of membership for a designated period of time
  - e) Suspension from the current competition, activity, or event
  - f) Fines
  - g) Any other sanction considered appropriate for the offense
17. Minor infractions that result in discipline will be recorded and records will be maintained by the NCCH. Repeat minor infractions may result in further such incidents being considered a major infraction.

### **Major Infractions**

18. 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 NCCH, or to the sport of cycling. Examples of major infractions include, but are not limited to:
  - a) Repeated minor infractions
  - b) Any incident of hazing
  - c) Incidents of physical abuse
  - d) Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
  - e) Pranks, jokes, or other activities that endanger the safety of others
  - f) Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
  - g) Conduct that intentionally damages the NCCH's image, credibility, or reputation
  - h) Disregard for the NCCH's bylaws, policies, rules, and regulations
  - i) Major or repeated violations of the NCCH's *Code of Conduct and Ethics*
  - j) Intentionally damaging NCCH property or improperly handling NCCH monies
  - k) Abusive use of alcohol, or use or possession of illicit drugs and narcotics
  - l) Any possession or use of banned performance enhancing drugs or methods
19. Major infractions occurring within competition may be dealt with immediately, if necessary, by an
20. appropriate person having authority. 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. This review does not replace the appeal provisions of this Policy.
21. Major infractions will be handled using the Procedure for Major Infraction Hearing set out in this Policy.

### **Procedure for Major Infraction Hearing**

22. 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.
23. 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.

24. If the Respondent acknowledges the facts of the 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 purpose of determining an appropriate sanction.
25. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
26. The Panel 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, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the 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
  - b) 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
  - c) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
  - d) The Panel may request that any other individual participate and give evidence at the hearing
  - e) The decision will be by a majority vote of Panel members
27. 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.
28. In fulfilling its duties, the Panel may obtain independent advice.

### **Decision**

29. After hearing the matter, the 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 Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and the NCCH. 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 fourteen (14) day period. The decision will be considered a matter of public record unless decided otherwise by the Panel.

### **Sanctions**

30. The Panel may apply the following disciplinary sanctions, singularly or in combination, for major infractions:
  - a) Verbal or written reprimand from the NCCH to one of the Parties
  - b) Verbal or written apology from one Party to the other Party
  - c) Service or other voluntary contribution to the NCCH
  - d) Expulsion from the NCCH
  - e) Removal of certain membership privileges
  - f) Suspension from certain NCCH teams, races, events, and/or activities
  - g) Suspension from all NCCH activities for a designated period of time
  - h) Withholding of prize money or awards
  - i) Payment of the cost of repairs for property damage
  - j) Suspension of funding from the NCCH or from other sources
  - k) Any other sanction considered appropriate for the offense

31. 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.
32. Major infractions that result in discipline will be recorded and records will be maintained by the NCCH.

### **Suspension Pending a Hearing or Outcome of Criminal Process**

33. The NCCH may determine that an alleged incident is of such seriousness as to warrant suspension of a Stakeholder pending a hearing or a decision of the Panel or completion of criminal proceedings.

### **Criminal Convictions**

34. A Stakeholder'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 NCCH and/or removal from NCCH competitions, programs, activities and events upon the sole discretion of the NCCH:
  - a) Any child pornography offences
  - b) Any sexual offences
  - c) Any offence of physical or psychological violence
  - d) Any offence of assault
  - e) Any offence involving trafficking of illegal drugs
  - f) Any offence involving theft

### **Confidentiality**

35. 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.

### **Records and Distribution of Decisions**

36. Minor and major infractions that result in discipline, as well as decisions of any appeals, shall be recorded and maintained by the NCCH.
37. Decisions which are deemed a matter of public interest will be publicly available with the names of the individuals redacted. Names of persons disciplined may be disclosed to the extent necessary to give effect to any sanction imposed or the protection of the public.