



## **Disciplinary Policy**

The Ontario Ball Hockey Federation (OBHF) believes that all participants and volunteers should be treated with respect and consideration and that each should consider the rights and privileges of others. Certain rules have been established to ensure a quality experience for all OBHF participants. This standard of behavior is expected of all participants. The OBHF has initiated this Disciplinary Policy to address situations in contradiction of this philosophy.

This policy applies to all OBHF members, which includes board members, Committee members, athletes, coaches, parents/guardians and officials.

All participants and volunteers share in the responsibility of orderly conduct both during and outside of competition. This includes conducting themselves in the spirit of sport and fairplay, respecting others and their property, and conducting themselves in a way that supports the OBHF's *Code of Conduct Policy* and *Social Media Policy*.

Membership and participation in the activities of OBHF offer many benefits and privileges. At the same time members and participants are expected to fulfill certain responsibilities and obligations, including complying with OBHF's Code of Conduct as well as with OBHF's other policies and procedures.

### **Disciplinary Policy Overview**

This Policy only applies to written and signed complaints received by OBHF from OBHF Representatives or parents/guardians of minor OBHF Representatives that may arise during the course of OBHF's business, activities and events including but not limited to office environment, competitions, practices, training camps, travel associated with OBHF activities, and any meetings of staff, committees or the Board of Directors. Anonymous complaints may be accepted upon the sole discretion of OBHF.

### **Procedure for Reporting a Complaint**

1. Any OBHF Representative or staff may report to an OBHF Delegate any complaint. Such complaints must be signed and in writing, and must be filed within fourteen (14) days of the alleged incident.
2. Upon receiving a complaint, the OBHF Delegate will provide it to the OBHF President or designate, who will provide it to the OBHF BOD for review. If the President is not available or not able to act in this capacity because of a conflict of interest or any other reason, the complaint can be given to any OBHF BOD member to bring it forward to the OBHF BOD for review.
3. The OBHF BOD, will determine whether the complaint is frivolous or vexatious within ten (10) days of receiving it. If the OBHF BOD determines the complaint is frivolous or vexatious, the complaint will be dismissed immediately.

4. A complainant wishing to file a complaint beyond the fourteen (14) days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the notice of complaint outside the fourteen (14) day period will be at the sole discretion of the OBHF BOD. This decision may not be appealed.
5. If a complaint is determined by the OBHF BOD to be legitimate, the complaint will be designated as a minor complaint or a major complaint and dealt with according to the appropriate sections of this Policy. It will be at the sole discretion of the OBHF BOD to determine whether a complaint is to be dealt with as a major or minor infraction.
6. This Policy does not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behaviour that constitutes either a minor or major infraction provided the individual being disciplined is told the nature of the infraction. Further sanctions may be applied, but only after review of the matter in accordance with the procedures set out in this Policy for major or minor infractions.

### **Investigation**

The OBHF BOD may appoint an independent individual to conduct an investigation to determine the validity of a complaint. 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 OBHF BOD concluding whether or not there is validity related to the complaint and if a hearing is required.

### **Minor Infractions**

Minor infractions are minor incidents of misconduct that generally do not result in harm to others. All situations involving minor infractions will be dealt with by the OBHF BOD.

#### Minor Infractions Disciplinary Process and Procedure

1. If the OBHF BOD determines the complaint is legitimate and that it is a minor infraction, an OBHF BOD representative will notify the individual alleged to have committed the minor infraction and will provide the individual with a copy of this policy.
2. 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 OBHF BOD provided the individual being disciplined is told the nature of the infraction and is provided an opportunity to respond.
3. A written record will be maintained by OBHF at their head office for minor infractions that result in a sanction.

#### Examples of Minor Infractions

Examples of minor infractions include, but are not limited to:

- a) An incident of disrespectful, offensive, abusive, racist or sexist comments or behaviour directed towards others;
- b) Conduct contrary to the ideals of respect such as angry outbursts or argument; and
- c) An incident of being late for or absent from OBHF events and activities at which attendance is expected or required.

#### Examples of Sanctions

Sanctions for minor infractions, which may be applied singly or in combination, include the following:

- a) Verbal or written reprimand;
- b) Verbal or written apology;
- c) Service or other voluntary contribution to OBHF;
- d) Suspension from the current activity; or
- e) Any other similar sanction considered appropriate for the offense.

## **Major Infractions**

Major infractions are instances of misconduct that result, or have the potential to result, in harm to other persons or to OBHF.

### Major Infractions Disciplinary Process and Procedure

1. If the OBHF BOD determines the incident is a major infraction and that there is validity to the complaint, a hearing is required. The OBHF BOD will notify the individual alleged to have committed a major infraction and will provide the individual with a copy of this policy
2. Within fourteen (14) days of notifying the respondent of a complaint of a major infraction or of receiving the written report of the Investigator if an investigation was carried out, the OBHF BOD, will appoint three individuals to serve as a Discipline Panel (“Panel”). The members of the Panel will select from themselves a Chairperson.
3. Members of the Panel will have no significant relationship with the complainant and respondent; will have had no involvement with the alleged infraction; and will be free from any other bias or conflict of interest.
4. The Panel will hold the hearing as soon as possible, but not more than thirty (30) days after being appointed.
5. Having regard to the nature of the discipline matter and the potential consequences of any resulting sanctions, the Panel will 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 telephone conference.
6. The Panel may determine that the circumstances of the complaint warrant a preliminary meeting. The Panel may delegate to one of its members the authority to deal with preliminary matters, which may include but are not limited to:
  - a) Format (hearing by documentary evidence, oral hearing or a combination of both);
  - b) Date and location of the hearing;
  - c) Timelines for the exchange of documents;
  - d) Clarification of issues in dispute;
  - e) Any procedural matters including order and procedure of the hearing;
  - f) Remedies sought;
  - g) Evidence to be brought before the hearing;
  - h) Identification of any witnesses; or
  - i) Any other procedural matter that may assist in expediting the hearing.
7. Where the Panel has determined that the hearing will be held by way of documentary submissions, the Panel will govern the hearing fairly and as it sees fit, provided that:
  - a) All parties are given a reasonable opportunity to provide written submissions to the Panel, to review written submissions of the other parties, and to provide written rebuttal and argument; and
  - b) The applicable principles and timelines set out by the Panel are respected.
8. Where the Panel has determined that an oral hearing will be held, the Panel will govern the hearing fairly and as it sees fit, provided that:
  - a) The affected parties will be given seven (7) days written notice of the day, time and place of the hearing;
  - b) A quorum will be all three Panel members, and decisions will be by majority vote where the Chairperson carries a vote;
  - c) Panel members will refrain from communicating with the parties except in the presence of, or copy to, the other parties;
  - d) The individual being disciplined may be accompanied by a representative;
  - e) The individual being disciplined will have the right to present evidence and argument;

- f) Any party potentially affected by the matter may be made party to the hearing by the Panel;
  - g) The Panel may request that any witness be present at the hearing or submit written evidence in advance of the hearing;
  - h) If the individual being disciplined chooses not to participate in the hearing, the hearing will nonetheless proceed;
  - i) The hearing will be held in private;
  - j) Each party will bear their own costs;
  - k) Once appointed, the Panel will have the authority to abridge or extend timelines associated with any aspect of the hearing.
9. After hearing the matter, the Panel will determine whether or not the individual will be sanctioned, and if so, will determine the appropriate penalty to be imposed and any measures to mitigate the harm suffered by others as a result. The Panel's written decision, with reasons, will be distributed to all parties, and the OBHF BOD within fourteen (14) days of the conclusion of the hearing.
  10. Where the individual acknowledges the facts of the incident, he or she may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may hold a hearing for the purpose of determining an appropriate sanction.

#### Examples of Major Infractions

Examples of major infractions include, but are not limited to:

- a) Repeated incidents of disrespectful, offensive, abusive, racist or sexist comments or behaviour directed towards others;
- b) Incidents of physical abuse;
- c) Angry outbursts or arguing;
- d) Repeated incidents of being late for or absent from OBHF events activities at which attendance is expected or required;
- e) Pranks, jokes or other activities that endanger the safety of others;
- f) Conduct which results in harm to the image, credibility or reputation of OBHF and/or its' sponsors;
- g) Abusive use of alcohol where abuse means a level of consumption that impairs the individual's ability to speak, walk or drive; causes the individual to behave in a disruptive manner; or interferes with the individual's ability to perform effectively and safely;
- h) Any use of alcohol by minors;
- i) Any use of illicit drugs and narcotics; or
- j) Any use of banned performance enhancing drugs or methods.

#### **Sanctions for Major Infractions**

1. The Panel may apply the following disciplinary sanctions singly or in combination, for major infractions:
  - a) Written reprimand;
  - b) Written apology;
  - c) Removal of certain privileges of membership or employment;
  - d) Suspension from certain events and/or activities;
  - e) Suspension of OBHF funding;
  - f) Payment of a financial fine in an amount to be determined by the Panel;
  - g) Suspension from all OBHF activities for a designated period of time;
  - h) Expulsion from membership;
  - i) Publication of the Panel's decision;
  - j) Other sanctions as may be considered appropriate for the offense.

2. 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 in OBHF until such time as compliance occurs.
3. In applying sanctions, the Panel may have regard to the following aggravating or mitigating circumstances:
  - a) The nature and severity of the incident;
  - b) The extent to which others have been harmed by the incident;
  - c) The cooperation of the individual being disciplined in the proceedings under this policy;
  - d) Whether the incident is a first offense or has occurred repeatedly;
  - e) The individual's acknowledgment of responsibility,
  - f) The individual's remorse and post-infraction conduct;
  - g) The age, maturity or experience of the individual;
  - h) Whether the individual retaliated, where the incident involves harassment; and
  - i) The individual's prospects for rehabilitation.
4. A written record will be maintained by OBHF at their head office for major infractions that result in a sanction for a period of normal business practices.

### **Serious Infractions**

1. The OBHF BOD may determine that an alleged incident is of such seriousness as to warrant suspension of the individual pending further investigation, a hearing and a decision of the Panel.
2. Where it is brought to the attention of the OBHF BOD, that an OBHF Representative has been charged with an offence under the Criminal Code, or has previously been convicted of a criminal offence, the OBHF BOD may suspend the OBHF Representative pending further investigation, a hearing or a decision of the Panel.
3. Notwithstanding the procedures set out in this Policy, any OBHF Representative who is convicted of a criminal offense involving sexual exploitation, invitation to sexual touching, sexual interference, sexual assault or aggravated assault will face automatic suspension from participating in any activities of the OBHF for a period of time corresponding to the length of the criminal sentence imposed by the court, and may face further disciplinary action by OBHF in accordance with this Policy.

### **Confidentiality**

Where the conduct reported is of a sensitive or confidential nature, the OBHF 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.

### **Appeals**

The decision of the Panel may be appealed in accordance with the OBHF's *Appeals Policy*.

Approved OBHF Board of Directors February 2019