



Discipline Policy

Scope

This policy applies to Ontario Sailing Team athletes and any situations that may arise in team related activities, including sport activities that fall outside the scope of the Racing Rules of Sailing. This would include such areas as competitions, training, training camps, travel associated with competitive activities.

This policy could also apply to a member of a member organization should an inter-club concern arise at a regatta or other event that falls outside the scope of Rule 69 of the Racing Rules of Sailing.

Please note activities that may be considered harassment are addressed under Ontario Sailing's Harassment Policy.

Policy

Membership and involvement with Ontario Sailing offers many benefits and privileges. At the same time athletes and participants are expected to fulfill certain responsibilities and obligations, as laid out in the Codes of Conduct and Ontario Sailing's other policies and procedures. Ontario Sailing's Codes of Conduct for each specific role identifies the standard of behaviour that is expected, and those who fail to meet this standard may be subject to the disciplinary procedures set out in this policy. This policy addresses misconduct which could be defined as conduct that is a breach of good manners, a breach of good sportsmanship, or unethical behaviour; or conduct that may bring the sport into disrepute.

Ontario Sailing commits to providing a fair and reasonable process for impartially reviewing discipline concerns of participants, or organizations, in a timely matter.

*Board approved last: Sept 16 2019
Review date: 2023*

Operational Procedures

Discipline Chair

- The Board of Ontario Sailing will appoint a Discipline Chair who will report to the President or designate. The Discipline Chair will be responsible for discipline and will perform critical tasks under this policy. Where the Discipline Chair is unable to perform such tasks, for whatever reason, a designate may be appointed by the Board to implement this policy.
- The person appointed as the Discipline Chair may or may not be previously associated with Ontario Sailing, but should preferably have a legal background or some experience in adjudication.

Reporting an Infraction

- Any individual may report to the Discipline Chair a complaint in writing of a disciplinary infraction. Such written complaint must be filed with the Executive Director within 14



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days of the alleged infraction. It will be at the sole discretion of the Discipline Chair to determine if the infraction is best dealt with as a minor infraction or a major infraction.

- A complainant wishing to file a notice of complaint beyond the 14 day period must provide a written request stating reasons required for an exemption to this limitation. The decision to accept, or not accept, the notice of complaint outside the 14 day period will be at the sole discretion of the Discipline Chair (or designate).
- All written correspondence related to this policy will be directed through the Ontario Sailing office.

Minor Infractions

Minor infractions are single incidents of misconduct that breach the Code of Conduct but generally do not result in harm to others. All disciplinary situations involving minor infractions will be dealt with by the appropriate person having authority over the individual involved: this person may include, but is not restricted to, the Program Manager or the Executive Director.

- 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 person having authority, provided the individual being disciplined is told the nature of the infraction. This policy will not prevent an appropriate person having authority from taking immediate, informal, corrective disciplinary action in response to behaviour that constitutes a minor infraction.
- Disciplinary sanctions for minor infractions may include the following:
 - I. Verbal reprimand
 - II. Written reprimand
 - III. Verbal or written apology
 - IV. Restriction or limitation of on-site activities and removal of certain privileges
 - V. Restitution of property or reimbursement
- When determining the sanction, the person having authority must take into account whether this infraction is a first time event or that this type of infraction has taken place in the past. In the case where infractions are repetitive, even though minor, the infraction should be dealt with as a major infraction.

Major Infractions

Major infractions are instances of misconduct that violate the Codes of Conduct and that result, or have the potential to result, in harm to other persons, to Ontario Sailing, to the sport of sailing, or to sport generally.

- The Discipline Chair, or designate, will notify the individual alleged to have committed a major infraction of the matter as soon as possible, and will provide the individual with a copy of this policy. In cases of major infractions, hearings will occur.
- The appropriate person having authority may deal with major infractions occurring at a regatta immediately, if necessary. The individual being disciplined will be told the nature of the infraction and will have an opportunity to provide information concerning the incident. In such situations, disciplinary sanctions will be for the duration of the regatta only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this policy for major infractions.



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Investigation

- Depending on the nature and severity of the complaint, the Discipline Chair may appoint an independent individual to conduct an investigation or they may carry out the investigation themselves. This determination will be made within seven (7) days of receipt of the written complaint. If this is the case, 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 President (or Designate).
- Persons appointed as investigators may include any person, preferably with a legal background or some experience in conducting investigations.

Discipline Panel

- Within 14 days of receiving a report documenting a major infraction or of receiving the written report of the Investigator if an investigation was carried out, the Discipline Chair, or designate, will appoint two other individuals to serve as a Discipline Panel. The Discipline Chair will be the Chair of the Panel.
- Members of the Discipline Panel will have no relationship with the complainant and respondent; will have had no involvement with the alleged infraction; and will be free from any other actual or perceived bias or conflict.
- The Discipline Panel will hold the hearing as soon as possible, but not more than 21 days after being appointed.
- Having regard to the nature of the discipline matter and the potential consequences of any resulting sanctions, the Panel may 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 teleconference.
- If, due to reasons of urgency, complexity, sensitivity or lack of independence, the Discipline Chair, or designate, is unable to appoint a three person Discipline Panel, then the Discipline Chair may appoint an independent adjudicator to serve as a Discipline Panel under this policy.
- Persons appointed as independent adjudicators may or may not be previously associated Ontario Sailing, but should preferably have a legal background or some experience in adjudication.

Preliminary Conference

The Discipline Panel may determine that the circumstances of the complaint warrant a preliminary conference. The Panel may delegate to one of its members the authority to deal with these preliminary matters, which may include but are not limited to: format, date and location of the hearing; timelines for the exchange of documents; clarification of issues in dispute; order and procedure of the hearing; evidence to be brought before the hearing; identification of any witnesses; or any other procedural matter that may assist in expediting the hearing.

Hearing

The Discipline Panel will govern the hearing fairly and as it sees fit, provided that:

- The hearing will be held within 21 days of the Panel being appointed
- The parties will be given 10 days' written notice of the day, time and place of the hearing, with notice to be delivered by postal mail, or email, provided that it is



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acknowledged as received by affected parties

- The parties will receive a copy of the Investigator's report at the time of the notice, if an investigation was carried out.
- Where the Panel has three members, a quorum will be all three, and decisions will be by majority vote with the Chair carrying a vote
- The Panel will refrain from communicating with the parties except in the presence of, or by copy to, the other parties
- In the case of an oral hearing, the Respondent may be accompanied by a representative and have the right to present evidence and argument
- Any party the Panel deems to be potentially affected by the matter may be made a party to the hearing, The Investigator may participate in the hearing at the request of the Panel
- Both the Complainant and Respondent will be present at the hearing to respond to the Investigator's report, give evidence and to answer questions of the Panel. The hearing may proceed in the absence of either or both parties;
- Both the Complainant and the Respondent may ask questions of one another as well as the witnesses.
- In the event that one of the Panel's members is unable or unwilling to continue with the hearing, the matter will be concluded by the remaining two Panel members who will make their decision unanimously. In the event that two Panel members are unable or unwilling to continue with the hearing, the hearing may continue with consent of both interested parties.
- The Panel has the authority to determine its own procedures including rules of evidence, adjournments, and use of telephone conference or video conference.
- The Panel may request that any witness be present at the hearing or submit written evidence in advance of the hearing
- If the individual being disciplined chooses not to participate in the hearing, the hearing will nonetheless proceed
- The hearing will be held in private
- Each party will bear its own costs
- Once appointed, the Panel will have the authority to abridge or extend timelines associated with any aspect of the hearing provided they notify the Complainant and the Respondent.

As soon as possible but in any event within 10 days of the conclusion of the hearing, the Panel will provide its written decision to the President, or designate, with a copy provided to both the Complainant and Respondent. The President will communicate the findings to the Executive Director and the Board.

The decision will contain:

- i. A summary of the relevant facts;
- ii. A determination as to whether the acts complained of constitute harassment as defined in this policy or breached the Code of Conduct, or other relevant Ontario Sailing policy, procedure or regulation;
- iii. Disciplinary action against the Respondent, depending on the determination; and
- iv. Measures to remedy or mitigate the harm or loss suffered by the Complainant, if the acts constitute harassment.



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When determining the sanction, the person having authority must take into account whether this infraction is a first time event or that this type of infraction has taken place in the past. In the case where infractions are repetitive, the infraction should be dealt with as a major infraction. The decision of the Panel will be final and binding upon the Complainant, the Respondent and Ontario Sailing.

Sanctions/Penalties

The Panel may apply the following disciplinary sanctions/penalties singly or in combination, for major infractions:

- i. Written reprimand
- ii. Removal of certain privileges from team membership
- iii. Suspension from certain events which may include suspension from the current regatta or from future teams or regattas
- iv. Suspension from certain Ontario Sailing activities such as competing, coaching or umpiring for a designated period of time
- v. Suspension from all Ontario Sailing activities for a designated period of time
- vi. Reimbursement to Ontario Sailing of costs or expenses incurred by Ontario Sailing to send a respondent to a regatta or event from which the respondent was dismissed or in which the respondent failed to compete as a result of the alleged infraction
- vii. Expulsion from a team, event or Ontario Sailing
- viii. Other sanctions as may be considered appropriate for the offense.

The preceding sanctions should be regarded as progressive.

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 the athlete from participation in Ontario Sailing activities and events until such time as the sanction is complied with.

In applying sanctions, the Panel may have regard to the following aggravating or mitigating circumstances:

- i. The nature and severity of the infraction
- ii. The extent to which others have been harmed by the infraction
- iii. The cooperation of the individual being disciplined in the proceedings under this policy
- iv. Whether the incident is a first offense or has occurred repeatedly
- v. The individual's acknowledgment of responsibility
- vi. The individual's remorse and post-infraction conduct
- vii. The age, maturity or experience of the individual
- viii. Whether the individual retaliated, where the incident involves harassment, and
- ix. The individual's prospects for rehabilitation.

Any athlete suspended or expelled from Ontario Sailing may apply for reinstatement by submitting a written application stating reasons. The Board of Directors will consider the application at a regularly scheduled meeting.

Serious Infractions

The Discipline Chair may determine that an alleged infraction is of such seriousness as to warrant suspension of the individual pending the hearing and decision of the Panel.



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Where it is brought to the attention of the Discipline Chair that an athlete has been charged with an offence under the Criminal Code, or has previously been convicted of a criminal offense, where it relates to his/her involvement in Ontario Sailing, the Discipline Chair may suspend the athlete pending further investigation, a hearing or a decision of the Panel.

Notwithstanding the procedures set out in this policy, any athlete of Ontario Sailing who is convicted of a criminal offense involving sexual exploitation, invitation to sexual touching, sexual interference, sexual assault or aggravated assault that occurred in connection with the athlete's participation at a Ontario Sailing event, activity or regatta, will face automatic suspension from participating in any activities of Ontario Sailing for a period of time corresponding to the length of the criminal sentence imposed by the court, and may face further disciplinary action by Ontario Sailing in accordance with this policy.

The preceding provisions may be modified, or added to, as required by the provisions of any other pertinent Ontario Sailing policy such as those dealing with doping, conflict of interest, human resources or event- specific matters. Any situation involving harassment will be addressed under the harassment policy and procedures.

Confidentiality

Ontario Sailing 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.

Last reviewed: Sept 16 2019

Operational procedures are not approved by the Board of Directors. Operational procedures are approved by the Executive Director.