



DISCIPLINE AND COMPLAINTS POLICY	Approval / Revision Date:	April 9, 2019
	Approved by Board of Directors	
Ethics & Risk Management - Safe Sport		
	Replacing Previous Version:	October 7, 2013

Definitions

1. The following terms have these meanings in this Policy:
 - a) *“Case Manager”* – An individual appointed by the Discipline Chair to administer certain complaints under this *Discipline and Complaints Policy*. The Case Manager does not need to be a member of, or affiliated with, Gymnastics Ontario
 - b) *“Complainant”* – The Party making a complaint
 - c) *“Days”* – Days including weekends and holidays
 - d) *“Discipline Chair”* – An individual appointed by the Gymnastics Ontario Board of Directors to be the first point-of-contact for all discipline and complaint matters reported to Gymnastics Ontario.
 - e) *“Individuals”* – All categories of membership defined in Gymnastics Ontario’s Bylaws, as well as all individuals employed by, or engaged in activities with, Gymnastics Ontario and/or its Member Clubs including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, learning facilitators, Directors and Officers of Gymnastics Ontario, spectators, and parents/guardians of athletes
 - f) *“Respondent”* – The Party responding to the complaint

2. Refer to *Code of Conduct Policy, Abuse Policy and Investigations Policy* for further definitions.

Purpose

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

Discipline Chair

4. The Discipline Chair will be appointed by the Board of Directors.

5. The Discipline Chair appointed to handle a complaint or incident must be unbiased and not in a conflict of interest situation.

Application of this Policy

6. This Policy applies to all Individuals.

7. This Policy applies to matters that may arise during Gymnastics Ontario's or its Member Clubs business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with activities, and any meetings.
8. This Policy also applies to Individuals' conduct outside of Gymnastics Ontario's business, activities, and events when such conduct adversely affects relationships within Gymnastics Ontario, is detrimental to the image and reputation of Gymnastics Ontario and the sport of gymnastics, or upon the acceptance of Gymnastics Ontario. Applicability will be determined by Gymnastics Ontario at its sole discretion.
9. This Policy does not prevent immediate discipline or sanction from being applied as reasonably required either by the Gymnastics Ontario Board of Directors (as per the Gymnastics Ontario By-Laws or under the Event Discipline Procedure. 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.
10. An employee of Gymnastics Ontario who is a Respondent will be subject to appropriate disciplinary action per Gymnastics Ontario's policies for human resources 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

11. Gymnastics Ontario recognizes that Individuals may also be registered with Member Clubs. Gymnastics Ontario requires that Member Clubs submit formal complaints and discipline decisions, relating to, but not limited to, ethical conduct, minors, sexual or pornography matters, physical violence, criminal activity, etc. involving Individuals to Gymnastics Ontario and Gymnastics Ontario, at its discretion, may take further action.
12. If Gymnastics Ontario decides to take further action upon becoming aware of an Individual who has been disciplined by a Member Club, the Individual will be the Respondent to a complaint initiated under the terms of this Policy. Gymnastics Ontario may act as the Complainant if the original Complainant is unwilling or unavailable to participate in this process.
13. The Discipline Chair will review and consider the decision by the Member Club when deciding on the complaint per the terms of this Policy.

Adult Representative

14. 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.

15. Communication from the Discipline Chair or Case Manager, as applicable, must be directed to the minor's representative.

16. A minor is not required to attend an oral hearing, if held.

Process

17. Any Individual may report an incident or complaint to the Chief Executive Officer in writing.

18. The Chief Executive Officer will notify and provide a copy of the complaint to the Gymnastics Ontario President and the Discipline Chair.

Suspension/Termination Pending a Hearing

19. Gymnastics Ontario may determine that an alleged incident is of such seriousness as to warrant suspension or termination of an Individual or Member Club pending completion of a criminal process, the hearing, or a decision of the Discipline Panel.

Criminal Convictions

20. An Individual's conviction for a *Criminal Code* offense, as determined by Gymnastics Ontario, will be deemed an infraction under this Policy and will result in expulsion from Gymnastics 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

21. The Discipline Chair may determine that the alleged incident may require an investigation. In this case, the Discipline Chair may appoint an Investigator in accordance with Gymnastics Ontario's *Investigations Policy*.

22. At Gymnastics Ontario's discretion, Gymnastics Ontario may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, Gymnastics Ontario will identify an individual to represent Gymnastics Ontario.

23. Upon receipt of a complaint, the Discipline Chair has discretion to choose which process should be followed, and may use the following examples as a general guideline:

- a) Process #1 - the Complaint alleges the following minor incidents, including but not limited to:
 - 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 Gymnastics Ontario

- v. Non-compliance with Gymnastics Ontario's policies, procedures, rules, or regulations
- vi. Minor violations of Gymnastics Ontario's *Code of Conduct and Ethics*

- b) Process #2 - the Complaint alleges the following incidents, including but not limited to:
 - 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 Gymnastics Ontario's image, credibility, or reputation
 - viii. Consistent disregard for Gymnastics Ontario's bylaws, policies, rules, and regulations
 - ix. Major or repeated violations of Gymnastics Ontario's *Code of Conduct and Ethics*
 - x. Intentionally damaging Gymnastics Ontario's property or improperly handling Gymnastics Ontario's monies
 - xi. Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of recreational or illicit drugs and narcotics
 - xii. A conviction for any *Criminal Code* offense
 - xiii. Any possession or use of banned performance enhancing drugs or methods
 - xiv. Theft or vandalism

Process #1: Handled by Discipline Chair

Sanctions

- 24. Following the determination that the complaint or incident should be handled under Process #1, the Discipline Chair 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 Gymnastics Ontario
 - d) Removal of certain privileges
 - e) Suspension from certain teams, events, and/or activities
 - f) Suspension from all Gymnastics Ontario's activities for a designated period
 - g) Any other sanction considered appropriate for the offense

- 25. The Discipline Chair will inform the Gymnastics Ontario President prior to notifying the Respondent and the Complainant of the sanction, at which time the sanction will take effect immediately.

- 26. Records of all sanctions will be maintained by Gymnastics Ontario.

Request for Reconsideration

27. 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 four (4) days of receiving the sanction. In the Request for Reconsideration, the Respondent must indicate:
- Why the sanction is inappropriate;
 - All evidence to support the Respondent's position; and
 - What penalty or sanction (if any) would be appropriate
28. Upon receiving a Request for Reconsideration, the Discipline Chair may decide to accept or reject the Respondent's suggestion for an appropriate sanction.
29. Should the Discipline Chair accept the Respondent's suggestion for an appropriate sanction, that sanction will take effect immediately.
30. 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 Case Manager

Case Manager

31. Following the determination that the complaint or incident should be handled under Process #2, Gymnastics Ontario will appoint a Case Manager to oversee management and administration of the complaint or incident. The Case Manager should not be in a conflict of interest and should have expertise in dispute resolution matters. Such appointment is not appealable.
32. The Case Manager has a responsibility to:
- Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy
 - Propose the use of Gymnastics Ontario's *Dispute Resolution Policy*
 - Appoint the Discipline Panel, if necessary
 - Coordinate all administrative aspects and set timelines
 - Provide administrative assistance and logistical support to the Discipline Panel as required
 - Provide any other service or support that may be necessary to ensure a fair and timely proceeding

Procedures

33. If the Case Manager determines the complaint is:
- Frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately
 - Not frivolous and within the jurisdiction of this Policy, the Case Manager will notify the Parties that the complaint is accepted and of the applicable next steps
34. The Case Manager's decision to accept or dismiss the complaint may not be appealed.

35. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
36. After notifying the Parties that the complaint has been accepted, the Case Manager may propose using Gymnastics Ontario's *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 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 Case Manager, a Discipline Panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Discipline Panel's members to serve as the Chair.
37. The 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 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 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
38. 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.
39. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
40. 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.

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

Decision

42. 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 Case Manager, and Gymnastics 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.

43. Notwithstanding Section 41, the Discipline Panel will notify the Gymnastics Ontario Board of Directors, via the President, with a summary of their decision at least forty-eight hours prior to the distribution of the decision described in Section 41. The President may waive this section at their discretion or reduce the forty-eight-hour notice period.

Sanctions

44. 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 Gymnastics Ontario
- d) Removal of certain privileges
- e) Suspension from certain teams, events, and/or activities
- f) Suspension from all Gymnastics Ontario's activities for a designated period
- g) Payment of the cost of repairs for property damage
- h) Suspension of funding from Gymnastics Ontario or from other sources
- i) Expulsion from Gymnastics Ontario
- j) Any other sanction considered appropriate for the offense

45. 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.

46. Records of all decisions will be maintained by Gymnastics Ontario.

Appeals

47. The decision of the Discipline Panel may be appealed in accordance with Gymnastics Ontario's *Appeal Policy*.

Confidentiality

48. The discipline and complaints process is confidential and involves only Gymnastics Ontario, including, but not limited to, its CEO, President and Board of Directors, the Parties, the Case Manager, the Discipline Panel, any independent advisors to the Discipline Panel, Gymnastics Canada and any applicable Club. 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

49. 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

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

Reciprocation

51. Gymnastics Ontario will:

- a) Recognize, enforce and respect the disciplinary sanctions imposed by either Gymnastics Canada or a Provincial/Territorial Organization responsible for gymnastics in Canada.