



## DISCIPLINE POLICY

### DEFINITIONS

1. The following terms have these meanings in this Policy:
  - a. *“Complainant”* – the Party alleging an infraction;
  - b. *“Days”* – Calendar days, including weekends and holidays;
  - c. *“RCA Member”* -
  - d. *“Respondent”* – the alleged infracting Party.

### PURPOSE

2. Rowing Canada Aviron (RCA) is committed to providing an environment in which all RCA Members and participants are treated with respect and characterized by the value of fairness, integrity and open communication. Membership in RCA, as well as participation in its activities, brings with it many benefits and privileges. At the same time, members and participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, bylaws, rules and regulations and Code of Conduct of Rowing Canada Aviron.

Irresponsible behavior by RCA Members and Participants can result in severe damage to the integrity of Rowing Canada Aviron. Conduct that violates these values may be subject to sanctions pursuant to this policy. Since sanctions may be applied, it is fair to provide RCA Members and participants a mechanism so complaints and discipline will be dealt with fairly, expeditiously and affordably.

### APPLICATION OF THIS POLICY

3. This Policy applies to all RCA Members and Participants as defined in the Rowing Canada by-laws, including but not limited to coaches, athletes (including athletes training at a National Team training camp/centre and those selected to the National Team), team managers and team staff, regatta organizers, administrators, volunteers, staff and contractors of RCA;
4. This Policy applies to discipline matters that may arise during the course of Rowing Canada Aviron business, activities, programs and events that are under the direct control or management of Rowing Canada Aviron, as well as any other conduct that would bring our national association or Country into disrepute as determined at the sole discretion of RCA.
5. This Policy does not prevent discipline from being applied, during a competition or event, according to specific procedures in place for the particular event. However 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 Rowing Canada Aviron, including its members, will be dealt with pursuant to the policies of those other entities unless requested and accepted by Rowing Canada Aviron at its sole discretion.

## **REPORTING A COMPLAINT**

7. Any RCA Member or Participant may report to the Rowing Canada Aviron CEO any complaint. Such complaint must be signed and in writing, and must be filed within fourteen (14) days of the alleged incident.
8. 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 Rowing Canada Aviron Board of Directors. This decision may not be appealed.

## **SCREENING OF COMPLAINT**

9. Before any complaint proceeds to a formal hearing, the dispute will first be referred to Rowing Canada Aviron's Board of Directors (or "Designate" as approved by the RCA Board) for review. The RCA Board of Directors (or "Designate") will determine whether the complaint falls within the jurisdiction of RCA in accordance with Section 4 above.
10. If a complaint is determined by the RCA Board of Directors (or "Designate") to be legitimate, the complaint will be designated as a minor infraction or a major infraction and dealt with according to the appropriate sections of this Policy. It will be at the discretion of the RCA Board of Directors (or 'Designate') to determine whether a complaint is to be dealt with as a minor or major infraction. This decision is not appealable.
11. If the incident is to be dealt with as a minor infraction, the RCA Board of Directors (or "Designate") will inform the parties, and the matter will be dealt with according to the section relating to minor infractions.
12. If the incident is to be dealt with as a major infraction, the RCA Board of Directors (or "Designate") will appoint a Case Manager, and the matter will be dealt with according to the section relating to major infractions.
13. The Case Manager will oversee the management and administration of the disciplinary process used to address the major infraction. 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. The Case Manager is not required to be a member of Rowing Canada.
14. 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 provided that the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident. Further sanctions may be applied in accordance with the procedures set out in this Policy. Rowing Canada may determine that an alleged incident is of such seriousness as to warrant suspension of an individual pending a hearing and a decision of the Panel.

## MINOR INFRACTIONS

15. Examples of minor infractions include, but are not limited to:
  - a. Single instances of unsportsmanlike conduct;
  - b. Single instances of disrespectful comments or behaviour directed towards others;
  - c. Single instances of non-compliance with the policies, procedures, rules and regulations under which Rowing Canada Aviron is governed.
16. All disciplinary situations involving minor infractions, occurring within the jurisdiction of Rowing Canada Aviron will be dealt with by the appropriate person having authority over the situation and the individual involved (the person in authority may include, but is not restricted to, coach, manager, official, classifier, or Rowing Canada Aviron staff).
17. 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 responsible for discipline of such infractions (as noted above in point 15). This is provided that the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident.
18. Sanctions for minor infractions, which may be applied singly or in combination, include the following:
  - a. Verbal or written reprimand which may be placed in the individual's file;
  - b. Verbal or written apology;
  - c. Suspension from the current competition, activity or event; or
  - d. Any other sanction considered appropriate for the offense.
19. Minor infractions that result in discipline will be recorded and maintained by Rowing Canada Aviron. Repeat minor infractions may result in further such incident being considered a major infraction.

## MAJOR INFRACTIONS

20. Major infractions are instances of misconduct that result, or have the potential to result, in harm to other persons or to Rowing Canada Aviron.
21. Examples of major infractions include, but are not limited to:
  - a. Repeated minor infractions;
  - b. Activities or behavior that interfere with a competition or with any athlete's preparation for competition;
  - c. Incidents of physical abuse;
  - d. Pranks, jokes or other activities that endanger the safety of others;
  - e. Intentionally damaging RCA property or improperly handling RCA monies;
  - f. Deliberate disregard for the policies, procedures, rules and regulations under which Rowing Canada Aviron is governed;
  - g. Conduct which results in harm to the image, credibility or reputation of Rowing Canada Aviron and/or its' sponsors;
  - h. Behaviour that constitutes harassment, sexual harassment or sexual misconduct;
  - i. Abusive use of alcohol, any use of alcohol by minors, use of illicit drugs and narcotics, or use of banned performance enhancing drugs or methods.

**Note:** The definition of “repeated” will depend on the severity of the infraction and frequency of offences within a given time to be determined by Rowing Canada Aviron at its sole discretion.

22. Major infractions occurring within competition may be dealt with immediately, if necessary, by an appropriate person having authority, provided the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident. 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.

## **DISCIPLINE PANEL AND HEARING**

23. Upon notifying the Respondent of a complaint of a major infraction, the Case Manager, at their sole discretion, will appoint a Discipline Panel (“Panel”) of 1-3 individuals to hear the complaint. The members of the Panel will select from themselves a Chairperson.

24. Members of the Panel will have had no involvement with the alleged infraction and will be free from any other bias or conflict of interest.

25. The Panel will hold the hearing as soon as possible.

26. Having regard to the nature of the discipline matter and the potential consequences of any resulting sanctions, the Panel will determine whether the hearing should be conducted by way of documentary evidence, oral hearing, in-person or a combination thereof.

## **PRELIMINARY MEETING**

27. 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, in-person or a combination);
- b. Date and location of the hearing, if necessary;
- 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.

## **DOCUMENTARY REVIEW**

28. 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.

## **ORAL HEARING**

29. Where the Panel has determined that the appeal will be held by way of oral hearing, the Panel will govern the hearing fairly and as it sees fit, provided that:
- a. The affected parties will be given twenty-one (21) days written notice of the day, time and place of the hearing, unless otherwise agreed upon by the Parties;
  - b. The affected parties will be provided copies of all evidence to be relied upon;
  - c. Decisions will be by majority vote where the Chairperson carries a vote;
  - d. Panel members will refrain from communicating with the parties except in the presence of, or copy to, the other parties;
  - e. The parties may be accompanied by a representative;
  - f. The parties will have the right to present evidence and argument;
  - g. Any party potentially affected by the matter may be made party to the hearing by the Panel;
  - h. The Panel may request that any witness be present at the hearing or submit written evidence in advance of the hearing;
  - 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.
30. 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.
31. If the individual being disciplined chooses not to participate in the hearing, the hearing may proceed in any event.

## **DECISION**

32. After hearing the matter, the Panel will determine whether a Major Infraction has occurred and, if so, the sanctions to be imposed. The Panel's written decision, with reasons, will be distributed to all parties, the Case Manager and Rowing Canada Aviron within fourteen (14) days of the conclusion of the hearing. 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**

33. The Panel may apply the following disciplinary sanctions singly or in combination, for major infractions:
- a. Written reprimand to be placed in the individual's file;
  - b. Written apology;
  - c. Removal of certain privileges of membership;
  - d. Suspension from certain Rowing Canada Aviron teams, events and/or activities;
  - e. Suspension from all Rowing Canada Aviron activities for a designated period of time;

- f. Expulsion from membership;
  - g. Fine;
  - h. Other sanctions as may be considered appropriate for the offense.
34. 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 Rowing Canada Aviron until such time as compliance occurs.
35. In applying sanctions, the Panel may have regard to the following aggravating or mitigating circumstances:
- a. The nature and severity of the incident;
  - b. Whether the incident is a first offense or has occurred repeatedly;
  - c. The individual's acknowledgment of responsibility;
  - d. The individual's remorse and post-infraction conduct;
  - e. The age, maturity or experience of the individual;
  - f. Whether the individual retaliated; and
  - g. The individual's prospects for rehabilitation.
36. A written record will be maintained by Rowing Canada Aviron at their head office for major infractions that result in a sanction.

## **SERIOUS INFRACTIONS**

37. The Rowing Canada Aviron Board of Directors may determine that an alleged incident is of such seriousness as to warrant suspension of the individual pending a hearing and a decision of the Panel.
38. Where it is brought to the attention of Rowing Canada Aviron Board of Directors that a Rowing Canada Aviron Member or participant has been charged with an offence under the Criminal Code, or has previously been convicted of a criminal offence, the Board may suspend the Member or participant pending further investigation, a hearing or a decision of the Panel.
39. Notwithstanding the procedures set out in this Policy, any Rowing Canada Aviron Member or Participant who is convicted of a criminal offense involving child pornography, any sexual offenses involving a minor, any offences of assault involving a minor, any offence of physical or psychological violence involving a minor, or any offence involving trafficking of illegal drugs or substances listed on the Canadian Anti-Doping Program's Prohibited List will face automatic suspension from participating in any activities of Rowing Canada Aviron for a period of time corresponding to the length of the criminal sentence imposed by the court, and may face further disciplinary action by Rowing Canada Aviron in accordance with this Policy.

## **TIMELINES**

40. If the circumstances of the complaint are such that this policy will not allow a timely conclusion, or if the circumstances of the complaint are such the complaint cannot be concluded within the timelines dictated in this policy, the Panel may direct that these timelines be revised.

## **CONFIDENTIALITY**

41. The discipline and complaints process is confidential involving only the parties, the RCA Board of Directors and “Designate”, the RCA CEO, the Case Manager and 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.
42. Once completed, decisions and appeals are matters of public interest and shall 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. The Panel may determine that disclosing the person’s identity would unduly violate the person’s privacy and may decide that the decision, or part of the decision, shall be kept confidential.

## **APPEALS PROCEDURE**

The decision of the Panel may be appealed in accordance with Rowing Canada Aviron’s Appeal Policy.