



ONTARIO VOLLEYBALL ASSOCIATION (OVA)
DISCIPLINE and COMPLAINTS POLICY
revised February 2017

Definitions

1. The following terms have these meanings in this Policy:
 - a) “*Complainant*” – The party alleging an infraction
 - b) “*Respondent*” – The alleged infracting party
 - c) “*Days*” – Days irrespective of weekend and holidays
 - d) “*Individual*” - All categories of membership defined in Section 2.1 of the Ontario Volleyball Association (OVA) constitution and by-laws including but not limited to, clubs, athletes, coaches, officials, volunteers, managers, administrators, directors and officers of the OVA, spectators at events, and parents/guardians of athletes.

Purpose

2. Membership in the Ontario Volleyball Association, as well as participation in its activities, brings many benefits and privileges. Members are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the OVA Constitution, bylaws, policies, procedures, rules and regulations, and Code of Conduct. Irresponsible behavior by Members can result in severe damage to the integrity of the OVA. Conduct that violates these values may be subject to sanctions pursuant to this Policy.

Application of this Policy

3. This Policy applies to all Individuals as defined in the Definitions.
4. This Policy applies to discipline matters that may arise during the course of OVA business, activities (including both Indoor and Beach), and events including, but not limited to, competitions, practices, training camps, travel associated with OVA activities, and any meetings.
5. This Policy does not prevent discipline from being applied, during a competition or event, according to the procedures in place for that particular event. Further discipline may be applied according to this Policy.
6. 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. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this Policy.
7. Discipline matters and complaints arising within the business, activities, or events organized by entities other than the OVA will be dealt with pursuant to the policies of these other entities unless accepted by the OVA at its sole discretion.

Reporting a Complaint

8. Any Member may report to the OVA Head Office any complaint of an infraction by a Member. Such a complaint must be signed and in writing, and must be filed within fourteen (14) days of the alleged incident. Anonymous complaints may be accepted at the sole discretion of the **OVA's Executive Director or designate, or the Case Manager**.
9. 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 OVA. This decision may not be appealed.
10. At OVA's discretion, OVA may act as the complainant and initiate the complaint process under the terms of the Policy.

Mediation

11. Upon consent of the Parties, the dispute may be referred to OVA's Dispute Resolution Policy with the objective of resolving the dispute.

Case Manager

12. Should the OVA Dispute Resolution Policy, if applicable, not resolve the dispute, the OVA will assign a Case Manager **within seven (7) days** to oversee the management and administration of a complaint submitted in accordance with this Policy and such appointment is not appealable. The Case Manager has an overall responsibility 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 or outside 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 accept or dismiss the complaint may not be appealed
 - b) Determine if the complaint is a minor or major infraction
 - c) Appoint a Mediator and/or Panel, if necessary, in accordance with this Policy
 - d) Determine the format of the hearing
 - e) Coordinate all administrative aspects of the complaint
 - f) Provide administrative assistance and logistical support to the Panel as required
 - g) Provide any other service or support that may be necessary to ensure a fair and timely proceeding
13. The Case Manager will inform the Parties if the incident is to be dealt with as a minor or major infraction and the matter will be dealt with according to the applicable sections of this Policy relating to minor or major infractions.
14. 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. Further sanctions may be applied in accordance with the procedures set out in this Policy.

Minor Infractions

15. Minor infractions are single incidents of failing to achieve expected standards of conduct that generally do not result in harm to others, the OVA, or the sport of volleyball.
16. All disciplinary situations involving minor infractions will be dealt with by the appropriate person who has authority over the situation and the individual involved. The person in authority can be, but is not restricted to being, staff, officials, coaches, organizers, or OVA decision makers.
17. 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 in section 16).
18. Penalties for minor infractions, which may be applied singularly or in combination, include the following:
 - a) Verbal or written warning
 - b) Verbal or written apology
 - c) Service or other voluntary contribution to the OVA
 - d) Removal of certain privileges of membership for a designated period of time
 - e) Suspension from the current competition, activity, or event
 - f) Any other sanction considered appropriate for the offense
19. Minor infractions that result in discipline will be recorded and records will be maintained by the OVA. Repeat minor infractions may result in further such incidents being considered a major infraction.

Major Infractions

20. 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 OVA, or to the sport of volleyball.
21. Examples of major infractions include, but are not limited to:
 - a) Repeated Minor Infractions
 - b) Intentionally damaging OVA property or improperly handling OVA monies
 - c) Incidents of physical abuse
 - d) Pranks, jokes, or other activities (including hazing) that endanger the safety of others
 - e) Disregard for the bylaws, policies, rules, regulations, and directives of the OVA
 - f) Conduct that intentionally damages the image, credibility, or reputation of the OVA
 - g) Behavior that constitutes harassment, sexual harassment, or sexual misconduct
 - h) Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
22. Major infractions will be decided using the disciplinary procedures set out in this Policy, except where a dispute resolution procedure contained within a contract or other formal written agreement takes precedence.

23. Major infractions occurring within competition may be dealt with immediately, if necessary, by an 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.

Procedure for Major Infraction Hearing

24. If the Case Manager is satisfied that the complaint is a major infraction, the Case Manager will, with the consent of the parties, seek to resolve the complaint through the OVA Dispute Resolution Policy.

25. If the complaint cannot be resolved through the OVA Dispute Resolution Policy, then a hearing before a Panel will take place. The Case Manager will appoint the Panel, which will consist of a single Adjudicator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear and decide the complaint. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.

26. 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 hold a hearing for the purpose of determining an appropriate sanction.

27. If the Respondent chooses not to participate in the hearing, the hearing will proceed in any event.

28. The Case Manager will determine the format of the hearing, which may involve an oral in-person hearing, an oral hearing by telephone, a hearing based on written submissions, 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) Decisions will be by a majority vote of Panel members

29. 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 under this Policy, that party will become a party to the complaint in question and will be bound by the decision.

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

Decision

31. After hearing the matter, the Panel will determine whether an 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 the OVA. The decision will be considered a matter of public record unless decided otherwise by the Panel.

Sanctions

32. The Panel may apply the following disciplinary sanctions, singularly or in combination, for major infractions:
- a) Verbal or written reprimand
 - b) Verbal or written apology
 - c) Service or other voluntary contribution to the OVA
 - d) Removal of certain privileges of membership
 - e) Suspension from certain OVA teams, events, and/or activities
 - f) Suspension from all OVA activities for a designated period of time
 - g) Withholding of prize money
 - h) Payment of the cost of repairs for property damage
 - i) Suspension of funding from the OVA or from other sources
 - j) Expulsion from the OVA
 - k) Any other sanction considered appropriate for the offense
33. 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 until such time as compliance occurs.
34. Major infractions that result in discipline will be recorded and records will be maintained by the OVA.

Suspension Pending a Hearing

35. The OVA may determine that an alleged incident is of such seriousness as to warrant suspension of the Respondent pending a hearing and a decision of the Panel.

Criminal Convictions

36. A Member'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 OVA and/or removal from OVA competitions, programs, activities and events upon the sole discretion of the OVA:
- 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

Confidentiality

37. The discipline and complaints process is confidential and involves only the Parties, the Case Manager, the Panel, and any independent advisors to the Panel under section 30 of this policy. 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.

Appeals Procedure

38. The decision of the Panel may be appealed in accordance with the OVA Appeal Policy.