

# OAKVILLE GYMNASTICS CLUB DISCIPLINE PROCEDURES

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## 1. Introduction

The Oakville Gymnastics Club (the "**Club**") has implemented the following discipline procedures to govern how the Club will discipline an athlete, member, coach, staff member or volunteer (the "**Members**") when their behavior violates the Code of Conduct or other Club policies.

## 2. Relevant Definitions

"**Statutory Investigation**" means a review or investigation initiated or conducted in virtue of a Federal, provincial or territorial statute. Such Statutory Investigations may include, but are not limited to, police, family services, information and privacy commissions, and professional organization (e.g. teachers, dentists, doctors, etc.).

## 3. Official Discipline Procedures

### 3.1 *Suspension*

- (a) The Executive Director may suspend a Member pending a formal review ("**Formal Review**") of the member's behaviour.
- (b) Members may be suspended when:
  - (i) they are the subject of a criminal investigation or charge;
  - (ii) their presence at Club events may pose a risk to others;
  - (iii) they have committed or are alleged to have committed serious breaches of the Code of Conduct.
- (c) During periods of suspension, Members shall not:
  - (i) take part in any activity connected to the Club or Gymnastics Ontario;
  - (ii) enter Club property or premises (including premises rented or leased by the Club; and
  - (iii) if such Member is an adult, contact members under the age of 18 years old.

- (d) A Member is suspended while the Club verifies the facts of the allegations and determines whether that person may continue to be a Member;
- (e) Periods of suspension should not normally last longer than thirty (30) days. An extension of the period of suspension of up to thirty (30) days may be approved by the Executive Director or the Executive Committee of the Board of Directors. Any further extensions must be approved by a majority of the Board of Directors.
- (f) Section 3.1(e) notwithstanding, when statutory investigations or criminal investigations/proceedings are ongoing, the extension of the suspension is renewed until final resolution of the matter.
- (g) Any breaches of the terms of suspension will be considered as grounds for immediate termination of membership (see Section 3.4(a)).
- (h) It is also considered grounds for immediate termination of membership if any Member facilitates or conceals a suspended Member's violation of the terms of suspension.
- (i) The Executive Director will notify the suspended Member of the reason for and conditions of the suspension in writing (the suspension letter), unless such disclosure would jeopardize any review or statutory investigation.
- (j) The suspended Member must be informed of the conditions of suspension and offered a support person (usually a coach if the Member is an athlete). These details will be confirmed in the suspension letter.
- (k) When the Member to be suspended is under 18 years of age, they will be informed of the reason for and conditions of the suspension in the presence of their parents.
- (l) The Executive Director will amend the Member's record to show that they are suspended.
- (m) If the suspended Member is an athlete, a copy of the suspension letter will be provided to the relevant coaches.
- (n) If the suspended Member is an athlete, the Executive Director will determine whether members of the suspended Member's training group and their parents are to be informed of the suspension and/or the conclusion of the suspension.

### **3.2 Formal Review**

- (a) The Formal Review of the alleged conduct of the suspended Member, shall be conducted by the Disciplinary Committee as soon as practically possible after the

suspension has been issued. For each Formal Review, the Board of Directors shall constitute a Disciplinary Committee consisting of:

- (i) the Executive Director; and
- (ii) a two (2) member(s) of the Board of Directors.

All members of the Disciplinary Committee shall not be involved with the gymnastics discipline of the suspended Member.

- (b) Where special expertise may be needed to conduct the Formal Review, the Disciplinary Committee may request that the Board of Directors authorize that:
  - (iii) suitable experts be engaged to assist the Disciplinary Committee in the Formal Review; or
  - (iv) an external investigation be conducted by suitably qualified individuals.
- (c) All Members shall give their full co-operation to the Disciplinary Committee, reviewers or investigators.
- (d) In the event that a Statutory Investigation is conducted, permission must be sought from the Executive Director to proceed with a Formal Review. It may be necessary for the Club to wait for the outcome of a Statutory Investigation before completing its Formal Review.
- (e) The Formal Review should seek to gather sufficient information to enable an informed decision to be made. The suspended Member will be afforded an opportunity to provide a response and their version of the relevant facts. The Disciplinary Committee, reviewer or investigators, as applicable, must provide a concise written report (the "**Disciplinary Report**") to the Board of Directors for consideration.
- (f) Upon review of the Disciplinary Report, the Board of Directors may require a further review or work to be undertaken.
- (g) Periods of suspension will remain in place until the suspended member is advised in writing of the end of the period of suspension.

### ***3.3 Disciplinary Committee Findings***

- (a) The Disciplinary Committee will make one of the following recommendations regarding the status of the suspended Member to the Board of Directors, who will decide how the period of suspension will end. Periods of suspension may come to an end in three ways:

- (i) with reinstatement and no further action;
  - (ii) with reinstatement and disciplinary action (see Section 3.3(d)), additional training, or a change in role; or
  - (iii) with termination of membership (see Section 3.4(a)).
- (b) The Board of Directors shall provide a decision on the Disciplinary Committee recommendations within 48 hours of receiving such recommendations.
  - (c) Within 24 hours of the completion of the Board of Directors providing a decision pursuant to Section 3.3(b), the suspended Member must be promptly informed by the Executive Director of the decision and the status of the period of suspension.
  - (d) Disciplinary action imposed on the suspended Member may include, without limitation, a verbal or written warning, further training, conditions on membership, or reassignment and shall clearly outline any action required to address any outstanding issues. A copy of any written warning must be kept on file.
  - (e) Failing to comply with any disciplinary action or conditions of reinstatement is a serious matter. The Board of Directors may terminate members who fail to meet any such conditions.

### **3.4 Termination of Membership**

- (a) Decisions to terminate members will be taken by the Board of Directors in accordance with the Club's By-Laws. The Board of Directors shall be free to consult with external experts in making such a decision.
- (b) Members over the age of 18 will be automatically terminated by the Board of Directors if such Member is convicted of an offence under the *Criminal Code of Canada*.
- (c) In the event that a suspended Member is terminated by the Board of Directors pursuant to Section 3.4(a), the terminated Member may apply to appeal the decision made, pursuant to the Appeal Procedures in Section 3.5 below. Applications for appeals ("**Application for Appeal**") must be submitted to the Executive Committee of the Board of Directors within 30 days of the completion of the applicable Formal Review.

### **3.5 Appeals Procedures**

- (a) Once an application to appeal a decision to terminate a Member is received by the Executive Committee of the Board of Directors, it shall either send the Application for Appeal to:

- (i) Gymnastics Ontario for review under their Discipline and Complaints Policy;  
or
  - (ii) the Club's Ombudsperson Committee, if one is constituted at the time when the Application for Appeal has been received.
- (b) Application for Appeals are to be accompanied by supporting documentation with respect to the initial termination and as to the present and recent past good behaviour of the person, and any other information to justify a request for the reinstatement as a member of the Club.
- (c) Gymnastics Ontario or the Ombudsperson Committee, as applicable, at their absolute discretion reserve the right to seek additional information and/or documentation from the subject in appropriate circumstances; however, shall be under no obligation to do so.
- (d) Appeal decisions will be communicated to the subject in writing.
- (e) Appeal decisions made by Gymnastics Ontario or the Ombudsperson Committee are final.