



Calabogie Peaks Freestyle Club Inc.



October 2016

Calabogie Peaks Freestyle Club Discipline Policy

Definitions

1. The following terms have these meanings in this Policy:
 - a. Calabogie Peaks Freestyle member – All categories of membership within Calabogie Peaks Freestyle, as well as individuals employed by or engaged in activities with Calabogie Peaks Freestyle Club, including but not limited to, athletes, coaches, judges, officials, volunteers, directors, officers, spectators and parents of Calabogie Peaks Freestyle Club members.
 - b. Days – Days irrespective of weekend and holidays.
2. Case Manager – The Calabogie Peaks Freestyle Club President or someone delegated by the President to oversee the discipline or complaint process.
3. Repeated – the definition of repeated will depend on the severity of the infraction and frequency of offences within a given time to be determined by Calabogie Peaks Freestyle Club at its sole discretion.
4. Discipline Committee – This committee is in place to make decisions regarding discipline complaints. The Calabogie Peaks Freestyle Club Board of Directors will approve this committee.

Purpose

5. Calabogie Peaks Freestyle Club is committed to providing an environment in which all Calabogie Peaks Freestyle Club Members are treated with respect and characterized by the values of fairness, integrity and open communication. Membership in Calabogie Peaks Freestyle Club, as well as participation in its activities, brings with it many benefits and privileges. At the same time, members and participant are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies. Irresponsible behavior by Calabogie Peaks Freestyle Club Members can result in severe damage to the integrity of Calabogie Peaks Freestyle Club. Conduct that violates these values may be subject to sanctions pursuant to this policy. Since sanctions may be applied, it is only fair to provide Calabogie Peaks Freestyle Club Members a mechanism so complaints and discipline is dealt with fairly, expeditiously and affordably. Calabogie Peaks Freestyle Club`s policy will be based on the Freestyle Skiing Ontario Discipline policy.



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Application of Policy

6. This policy applies to all Calabogie Peaks Freestyle Club Members as defined in Definitions.
7. This policy only applies to discipline matters that arise during the course of Calabogie Peaks Freestyle Club business, activities and events, including but not limited to, competitions, training camp, travel associated with Calabogie Peaks Freestyle Club activities and any meetings.
8. Discipline matters and complaints arising within the business, activities or events organized by FSO and other FSO member clubs will be dealt with pursuant to FSO or FSO member club policies.

Reporting a Complaint

9. Any Calabogie Peaks Freestyle Club Member may report to the Calabogie Peaks Freestyle Club President any complaint. Such complaint may come in writing or by email, and must be filed within fourteen (14) days of the alleged incident. Anonymous complaints may be accepted upon the sole discretion of Calabogie Peaks Freestyle Club.
10. A complainant wishing to file a complaint beyond 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 Calabogie Peaks Freestyle Club. This decision may not be appealed.
11. Calabogie Peaks Freestyle Club will appoint a case manager to oversee the management and administration of complaints in accordance with this Policy. The Case Manager should be experienced and skilled in managing disputes and is not required to be a member of Calabogie Freestyle Skiing Club. 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, more particularly, the Case manager has a responsibility to:
 - a. Determine whether the complaint is frivolous or vexatious. If the case manager determines the complaint is frivolous or vexatious, the complaint will be dismissed immediately. The appointment of the Case manager and their decision to the acceptance or dismissal of the complaint may not be appealed.
 - b. Appoint the Panel, if necessary, in accordance with this Policy;
 - c. Provide administrative assistance and logistical support to the Panel as required; and



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d. Provide and other service or support that may be necessary to ensure a fair and timely proceeding.

12. If the Case manager determines a complaint 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 sole discretion of the case Manager, to determine whether a complaint is to be dealt with a major or minor infraction. This decision is not appealable.
13. The case manager will inform the parties of the incident if it is to be dealt with as a minor infraction or major infraction and the matter will be dealt with according to the applicable section relating to the minor or major infraction.
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 provided 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 the Policy.

Minor Infractions

15. Examples of minor infractions include, but are not limited to, a single incident of:
 - a. Disrespectful, offensive, abusive, racist or sexist comments or behavior directed towards others;
 - b. Conduct contrary to the ideals of respect such as angry outbursts or arguments;
 - c. Being late for or absent from Calabogie Peaks Freestyle Club events and activities at which attendance is expected or required; and
 - d. Not responding to a late notice of outstanding Calabogie Peaks Freestyle Club balance fees for service.
16. All disciplinary situations involving minor infractions 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, judges, officials, coach, chaperone, organizer, or Calabogie Peaks Freestyle Club 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 notes above in para 12). This is provided that the individual being disciplined is told to the nature of



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the infractions and has an opportunity to provide information concerning the incident.

18. Sanctions for minor infraction, which may be applied singly or in combination, include the following:

- a. Verbal or written reprimand which may be placed in the individuals` file;
- b. Verbal or written apology;
- c. Service or other voluntary contribution to Calabogie Peaks Freestyle Club;
- d. Suspension from the current competition, activity or event; or
- e. Any other sanction considered appropriate by an authorized Calabogie Peaks Freestyle Club person or committee for the offence.

19. Minor infractions that result in discipline will be recorded and maintained by Calabogie Peaks Freestyle Club. Repeat minor infractions may result in the incidents 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 Calabogie Peaks Freestyle Club.

21. Examples of major infractions include, but are not limited to:

- a. Repeated incidents of disrespectful, offensive, abusive, racist or sexist comments or behavior directed towards others;
- b. Repeated conduct contrary to the ideals of respect such as angry outbursts or argument;
- c. Repeated incidents of being late or absent from Calabogie Peaks Freestyle Club events and activities at which attendance is expected or required;
- d. Activities or behavior which interfere with a competition or with any athlete`s preparation for a competition;
- e. Incidents of physical abuse;
- f. Pranks, jokes or other activities that endanger the safety of others;
- g. Disregard for the policies, procedures, rules and regulations under which Calabogie Peaks Freestyle Club is governed;
- h. Conduct which results in harm to the image, credibility or reputation of Calabogie Peaks Freestyle Club and/or its sponsors;
- i. Abusive use of alcohol where abuse means a level of consumption that impairs the individual`s ability to speak, walk or drive; causes the individual to behave in a disruptive manner; or interferes with the individual`s ability to perform effectively and safely;



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- j. Any control, possession or use of alcohol by minors;
- k. Any control, possession or use of illicit drugs and narcotics; or
- l. Any control, Possession or use of banned performance enhancing drugs or methods.

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 as follows:

- a. The panel will be comprised of one-three persons who will have no significant involvement with the alleged infraction and will be free from any other bias or conflict of interest.
- b. The Case Manager will appoint one person to act as Chairperson.

24. Having regard to the nature of the discipline matter and the potential consequences of any resulting sanctions, the Panel will decide to conduct the hearing by way of review of documentary evidence, in-person or via teleconference.

Preliminary Meeting

25. 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 of the hearing (hearing by documentary evidence, oral hearing, in-person or a combination);
- b. Timelines for exchange of documents;
- c. Clarification of issues in dispute;
- d. Clarification of evidence to be presented to the Panel;
- e. Order and procedure of hearing;
- f. Location of hearing, where the hearing is an in-person hearing;
- g. Identification of witnesses;



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- h. Remedies sought; and
- i. Any other procedural matter that may assist in expediting the appeal proceedings.

26. The Panel may delegate to its Chairperson the authority to deal with these preliminary matters on behalf of the Panel.

Procedure for the Hearing

27. The Panel will conduct the hearings by means of documentary review, conference call, or in-person.

28. Where the Panel has determined that the appeal will be held by way of oral hearing in person or via conference call, the Panel will govern the hearing by such procedures as it deems appropriate, provided that:

- a. The parties will be given three (3) days written notice of the date, time and place of the hearing;
- b. Copies of written documents that any of the parties would like the Panel to consider will be provided to the Panel and to all other parties at least three (3) days prior to the hearing;
- c. The parties will be provided copies of all evidence to be relied upon;
- d. The parties will have the right to present evidence and argument;
- e. If the decision of the Panel affects another party (the 'affected party'), who is not a complainant or respondent, to the extent that the affected party would have recourse to an appeal, the affected party will be joined to the matter and will be bound by its outcome;
- f. A representative or advisor, including legal counsel may accompany any of the parties;
- g. The Panel may direct any other person to participate or present evidence.
- h. Unless otherwise agreed by the parties, there will be no communication between the Panel and the parties except in the presence of, or by copy to, the other parties;
- i. Each party will bear their own costs; and
- j. Decisions will be by majority vote, where the Chairperson carries a vote.

Decision

29. After hearing the matter, the panel will determine whether or not the individual will be sanctioned, and if so, will determine the appropriate penalty to be imposed and any measures to mitigate the harm suffered as a result. The Panel's written decision, with reasons, will be distributed to all parties, the Case Manager and Calabogie Peaks Freestyle Ski Club within fourteen (14) days of



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the conclusion of the hearing.

30. Where the individual acknowledges the facts of the indecent, 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.

Sanctions

32. 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 Calabogie Peaks Freestyle Club teams, events and/or activities;
 - e. Suspension from all Calabogie Peaks Freestyle Club activities for a designated period of time;
 - f. Suspension from Calabogie Peaks Freestyle Club;
 - g. Expulsion from membership;
 - h. Other sanctions as may be considered appropriate for the offense.
33. Unless the Panel decides otherwise, any disciplinary sanctions will commence immediately.
34. 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 offence or has occurred repeatedly;
 - c. The individual's remorse and post-infraction conduct;
 - d. The age, maturity or experience of the individual;
 - e. Whether the individual retaliated; and
 - f. The individual's prospects for rehabilitation.
35. A written record will be maintained by Calabogie Peaks Freestyle Club for major infractions that result in sanction.

Serious Infractions



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36. Calabogie Peaks Freestyle Club 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.

Timelines

37. 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.