

*\*\* This Discipline and Complaints Policy replaces and supersedes all pre-existing alternate Ontario Water Polo Association (OWP) discipline and/or complaints policies including those posted on the OWP website prior to January 1<sup>st</sup> 2013. \*\**

## 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) “*Parties*” – The Complainant, Respondent, and any other Members or persons affected by the complaint
  - d) “*Days*” – Days irrespective of weekend and holidays
  - e) “*Member*” - All categories of membership defined in By-law 2.1 of the OWP *Constitution and Bylaws* as well as all individuals employed by, or engaged in activities with, OWP including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, directors and officers of OWP

## Purpose

2. OWP is committed to providing an environment in which all OWP Members are treated with respect. Membership in the OWP, as well as participation in its activities, brings 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 OWP’s policies, bylaws, rules and regulations, and *Code of Conduct and Ethics*. Irresponsible behaviour by Members can result in severe damage to the integrity of OWP. Conduct that violates these values may be subject to sanctions pursuant to this Policy. Since discipline may be applied, OWP provides Members with the mechanism outlined in this Policy so that complaints are handled fairly, expeditiously, and affordably.

## Application of this Policy

3. This Policy applies to all Members defined in the ‘Definitions’ section of this Policy.
4. This Policy applies to discipline matters that may arise during the course of OWP business, activities, and events including, but not limited to, meets, tournaments, practices, tryouts, training camps, travel associated with OWP activities, and any meetings.
5. Discipline matters and complaints arising within the business, activities, or events organized by entities other than OWP will be dealt with pursuant to the policies of these other entities unless requested and accepted by OWP at its sole discretion.

## Reporting a Complaint

6. Any Member may report any complaint to the OWP Head Office. Such a complaint must be in writing and signed, and must be filed within fourteen (14) days of the alleged incident. Anonymous complaints may be accepted at the sole discretion of OWP.
7. A Complainant wishing to file a complaint outside of the fourteen (14) day period must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not

accept, the complaint outside of the fourteen (14) day period will be at the sole discretion of OWP. This decision may not be appealed.

### **Mediation**

8. Before any complaint proceeds to the formal stage, the dispute will first be referred to the OWP's Executive Director (or designate) for review, with the objective of resolving the dispute via mediation.

### **Case Manager**

9. Should the review by the OWP's Executive Director (or designate) not resolve the dispute, OWP will appoint a Case Manager to oversee management and administration of complaints submitted in accordance with this Policy and such appointment is not appealable. The Case Manager is not required to be a member of OWP. 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 specifically, the Case Manager has a responsibility to:
  - a) Determine whether the complaint is frivolous or vexatious and within 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 the acceptance or dismissal of the complaint may not be appealed
  - b) Determine if the complaint is a minor or major infraction
  - c) Appoint the Panel, if necessary, in accordance with this Policy
  - d) Coordinate all administrative aspects of the complaint
  - e) Provide administrative assistance and logistical support to the Panel as required
  - f) Provide any other service or support that may be necessary to ensure a fair and timely proceeding
10. The Case Manager will inform the Parties if the incident 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.
11. 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. Further sanctions may be applied in accordance with the procedures set out in this Policy.

### **Minor Infractions**

12. Minor infractions are **single incidents** of failing to achieve expected standards of conduct that generally do not result in harm to others, OWP, or the sport of water polo. Examples of minor infractions can include, but are not limited to, a single incident of:
  - a) Disrespectful, offensive, abusive, racist, or sexist comments or behaviour
  - b) Disrespectful conduct such as outbursts of anger or argument
  - c) Conduct contrary to the values of OWP
  - d) Being late for, or absent from, OWP events and activities at which attendance is expected or required
  - e) Non-compliance with OWP's policies, procedures, rules, or regulations
  - f) Tampering

13. All disciplinary situations involving minor infractions will be dealt with by the appropriate person who has authority over both the situation and the individual involved. If applicable, the OWP's *Event Discipline Procedure* shall be applied. The person in authority can be, but is not restricted to being, staff, officials, coaches, organizers, or OWP decision-makers.
14. 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).
15. Penalties for minor infractions, which may be applied singularly or in combination, include the following:
  - a) Verbal or written reprimand from OWP to one of the Parties
  - b) Verbal or written apology from one Party to the other Party
  - c) Service or other voluntary contribution to OWP
  - d) Removal of certain privileges of membership for a designated period of time
  - e) Suspension from the current competition, activity, or event
  - f) Fines
  - g) Any other sanction considered appropriate for the offense
  - h) Discipline pursuant to the OWP's *Event Discipline Procedure*, if applicable
16. Minor infractions that result in discipline will be recorded and records will be maintained by OWP. Repeat minor infractions may result in further such incidents being considered a major infraction.

### **Major Infractions**

17. 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 OWP, or to the sport of water polo. Examples of major infractions include, but are not limited to:
  - a) Repeated minor infractions
  - b) Any incident of hazing
  - c) Incidents of physical abuse
  - d) Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
  - e) Pranks, jokes, or other activities that endanger the safety of others
  - f) Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
  - g) Conduct that intentionally damages the OWP's image, credibility, or reputation
  - h) Disregard for OWP's bylaws, policies, rules, and regulations
  - i) Intentionally damaging OWP property or improperly handling OWP monies
  - j) Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
  - k) Any possession or use of banned performance enhancing drugs or methods
18. 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. If applicable, the OWP's *Event Discipline Procedure* shall be applied. 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.

19. Major infractions will be handled using the Procedure for Major Infraction Hearing set out in this Policy.

### **Procedure for Major Infraction Hearing**

20. The Case Manager shall notify the Parties that the complaint is potentially legitimate and the incident shall be dealt with as a major infraction. The Case Manager shall then decide the format under which the complaint will be heard. This decision is at the sole discretion of the Case Manager and may not be appealed.

21. The Case Manager will appoint a Discipline Panel, which shall consist of a single Adjudicator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.

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

23. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.

24. The Panel will determine the format of the hearing, which may involve an oral in-person hearing, an oral hearing by telephone, (by other digital format, Zoom, Teams, etc.) a hearing based on a review of documentary evidence, 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) The decision will be by a majority vote of Panel members

25. 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 complaint in question and will be bound by the decision.

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

### **Decision**

27. After hearing the matter, the 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 Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and OWP. 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**

28. The Panel may apply the following disciplinary sanctions, singularly or in combination, for major infractions:
- a) Verbal or written reprimand from the OWP to one of the Parties
  - b) Verbal or written apology from one Party to the other Party
  - c) Service or other voluntary contribution to OWP
  - d) Expulsion from OWP
  - e) Removal of certain membership privileges
  - f) Suspension from certain OWP teams, events, and/or activities
  - g) Suspension from all OWP activities for a designated period of time
  - h) Withholding of prize money or awards
  - i) Payment of the cost of repairs for property damage
  - j) Suspension of funding from OWP or from other sources
  - k) Any other sanction considered appropriate for the offense
29. Unless the Panel decides otherwise, any disciplinary sanctions will begin immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension until such time as compliance occurs.
30. Major infractions that result in discipline will be recorded and records will be maintained by OWP.

### **Suspension Pending a Hearing**

31. OWP may determine that an alleged incident is of such seriousness as to warrant suspension of a Member pending a hearing or a decision of the Panel or completion of criminal proceedings.

### **Criminal Convictions**

32. 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 OWP and/or removal from OWP competitions, programs, activities and events upon the sole discretion of OWP:
- 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**

33. The discipline and complaints process is confidential and involves only the Parties, the Case Manager, the Panel, and any independent advisors to 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.

### **Records and Distribution of Decisions**

34. Minor and major infractions that result in discipline, as well as decisions of any appeals, shall be recorded and maintained by OWP.
35. Water Polo Canada and any other provincial water polo association may be advised of any decisions and, if there was an appeal, the appeal decision.
36. 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. Pursuant to the OWP's *Confidentiality Policy*, 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**

37. The decision of the Panel may be appealed in accordance with the OWP's *Appeal Policy*.