

# **Energy Cycling Club Inc. (ECC)**

## **Discipline and Complaints Policy**

### **Definitions**

1. The following terms have these meanings in this Policy:

- a) “Case Manager” – An individual appointed by the Energy Cycling Club;
- b) “Complainant” – The Party alleging an infraction;
- c) “Days” – Days including weekend and holidays;
- d) “Member” - All categories of membership defined in the Energy Cycling Club Bylaws as well as all individuals engaged in activities with the Energy Cycling Club;
- e) “Parties” – The Complainant, Respondent, and any other Members or persons affected by the complaint;
- f) “Respondent” – The alleged infracting Party

### **Purpose**

2. The ECC is committed to providing an environment in which all ECC Members are treated with respect.

Membership in the ECC, 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 ECC’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 the ECC and its Members. Conduct that violates these policies and/or values may be subject to sanctions pursuant to this Policy. Since discipline may be applied, the ECC provides Members with the mechanism outlined in this Policy so that complaints are handled fairly, expeditiously, and affordably.

In order to comply with and respect their mandate Energy Cycling Club will follow the outlined disciplinary policy.

### **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 Energy Cycling Club business, activities, and events including, but not limited to, races, rides, events, clinics, travel associated with Energy Cycling Club activities, and any meetings.

5. This Policy applies to discipline matters that may arise in events within the Energy Cycling Club Calendar.

6. This Policy does not prevent discipline from being applied, during a race or event, according to the ‘Discipline and Procedures’ section of the OCA Companion Guide.

Further discipline may be applied according to this Policy.

7. This Policy also applies to Members’ conduct outside of the Energy Cycling Club’s business, activities, and events when such conduct adversely affects relationships within the Energy Cycling Club (its work and/or sport environment) or is detrimental to the image and reputation of the Energy Cycling Club. The jurisdiction of this Policy will be determined by the Energy Cycling Club at its sole discretion.

## **Reporting a Complaint**

8. Any Member may report any complaint to the Energy Cycling Club Executive. Such a complaint must be in writing and signed and must be filed within fourteen (14) days of the alleged incident.

9. 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 the Energy Cycling Club Executive.

10. At the Energy Cycling Club's discretion, the Energy Cycling Club may act as the complainant and initiate the complaint process under the terms of this Policy. In such cases, the Energy Cycling Club will identify an individual to represent the Energy Cycling Club.

## **Mediation**

11. Before any complaint proceeds to the formal stage, the dispute may first be referred to the Energy Cycling Club's President for review, with the objective of resolving the dispute via mediation.

## **Case Manager**

12. If mediation does not resolve the dispute or mediation was not initiated, the Energy Cycling Club will appoint a Review Board to oversee the management and administration of the complaint submitted in accordance with this Policy and such appointment is not appealable. The Review Board is not required to be members of the Energy Cycling Club. The Review Board has an overall responsibility to implement this Policy in a timely manner. More specifically, the Review Board has a responsibility to:

- a) Determine whether the complaint is frivolous or vexatious and within the jurisdiction of this Policy. If the Review Board determines the complaint is frivolous or vexatious or outside the jurisdiction of this Policy, the complaint will be dismissed immediately. The Review Board'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.

13. The Review Board 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.

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. Further sanctions may be applied in accordance with the procedures set out in this Policy.

## **Minor Infractions**

15. Minor infractions are incidents of failing to achieve expected standards of conduct that generally do not result in harm to others, the Energy Cycling Club, or the sport of cycling. Examples of minor infractions can include, but are not limited to, a single incident of:

- a) Disrespectful, offensive, abusive, racist, or sexist comments or behavior;

- b) Disrespectful conduct such as outbursts of anger or argument;
- c) Conduct contrary to the values of the Energy Cycling Club;
- d) Being late for, or absent from, Energy Cycling Club events and activities at which attendance is expected or required;
- e) Non-compliance with the Energy Cycling Club's policies, procedures, rules, or regulations.

16. 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. The person in authority can be, but is not restricted to being Ride Leaders/Marshals, or Energy Cycling Club Executive.

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).

18. Penalties for minor infractions, which may be applied singularly or in combination, include the following:

- a) Verbal or written reprimand from the Energy Cycling Club to one of the Parties;
- b) Verbal or written apology from one Party to the other Party;
- c) Service or other voluntary contribution to the Energy Cycling Club;
- 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 Energy Cycling Club Secretary. 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 Energy Cycling Club, or to the sport of cycling. 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) Behavior that constitutes harassment, sexual harassment, or sexual misconduct;
- e) Pranks, jokes, or other activities that endanger the safety of others;;
- f) Conduct that intentionally damages the Energy Cycling Club's image, credibility, or reputation;
- g) Disregard for the Energy Cycling Club's bylaws, policies, rules, and regulations;

h) Intentionally damaging Energy Cycling Club property or improperly handling Energy Cycling Club monies;

i) Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics.

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

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

22. The Review Board shall notify the Parties that the complaint is potentially legitimate, and the incident shall be dealt with as a major infraction. This decision is at the sole discretion of the Review Board and may not be appealed.

23. The Review Board will appoint a Discipline Panel, which shall consist of a single Adjudicator, to hear the complaint. At the discretion of the Review Board, a Panel of three persons may be appointed to hear the complaint. In this event, the Review Board will appoint one of the Panel's members to serve as the Chair.

24. 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.

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

26. The Panel will determine the format of the hearing, which may involve an oral in-person hearing, an oral hearing by telephone, 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, in the case of an oral in-person hearing, an oral hearing by telephone or other communications;

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 and/or the decision rendered;

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.

27. 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.

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

### **Decision**

29. After hearing and/or reviewing 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 Review Board, and the Energy Cycling Club. 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**

30. The Panel may apply the following disciplinary sanctions, singularly or in combination, for major infractions:

- a) Verbal or written reprimand from the Energy Cycling Club to one of the Parties;
- b) Verbal or written apology from one Party to the other Party;
- c) Service or other voluntary contribution to the Energy Cycling Club;
- d) Expulsion from the Energy Cycling Club membership;
- e) Removal or suspension of certain membership privileges;
- f) Suspension from certain Energy Cycling Club activities;
- g) Suspension from all Energy Cycling Club activities for a designated period of time; h) Payment of the cost of repairs for property damage;
- i) Any other sanction considered appropriate for the offense.

31. 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.

32. Major infractions that result in discipline will be recorded and records will be maintained by the Energy Cycling Club secretary.

### **Suspension Pending a Hearing**

33. The Energy Cycling Club may determine that an alleged incident is of such seriousness as to warrant suspension of a Member pending completion of any criminal matter, or a hearing and a decision of the Panel.

### **Criminal Convictions**

34. A Member's conviction for a Criminal Code offense, as determined by the Energy Cycling Club Executive by way of ordinary resolution, may be deemed a major infraction under this Policy and will result in expulsion from the Energy Cycling Club and/or removal from Energy Cycling Club competitions, programs, activities and events upon the sole discretion of the Energy Cycling Club. Criminal offences may include, but are not limited to:

- 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**

35. The discipline and complaints processes are confidential and involves only the Parties, the Review Board, 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**

36. Minor and major infractions that result in discipline shall be recorded and maintained by the Energy Cycling Club.

37. Cycling Canada and any other provincial cycling associations may be advised of any decisions.

38. Decisions that are matters of public interest may be publicly available as determined by the Energy Cycling Club.

**Review and Approval**

This policy is reviewed annually.