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## DISCIPLINE AND COMPLAINTS POLICY

### Definitions

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

- a) “Case Manager” – An individual appointed by the Association, who need not be a member or affiliated with the Association, to administer this Discipline and Complaints Policy.
- b) “Complainant” – The Party alleging an infraction
- c) “Days” – Days including weekend and holidays
- d) “Member” - All categories of membership defined in the JRA AUTOBUS INC. Bylaws as well as all individuals engaged in activities with the JRA AUTOBUS INC. including, but not limited to, athletes, coaches, event organizers, commissaires, volunteers, administrators, committee members, and directors and officers of the JRA AUTOBUS INC..
- e) “Parties” – The Complainant, Respondent, and any other Members or persons affected by the complaint
- f) “Respondent” – The alleged infracting Party

### Purpose

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

Membership in the OCA, 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 OCA’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 OCA 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 OCA provides Members with the mechanism outlined in this Policy so that complaints are handled fairly, expeditiously, and affordably.

In order to comply with OCA and respect their mandate JRA Autobus Inc. 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 the course of JRA AUTOBUS INC. business, activities, and events including, but not limited to, races, rides, events, clinics, travel associated with JRA AUTOBUS INC. activities, and any meetings.
- 5. This Policy applies to discipline matters that may arise in all cycling sports: track, BMX, road, cyclo-cross, and mountain.
- 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 JRA AUTOBUS INC.’s business, activities, and events when such conduct adversely affects relationships within the JRA AUTOBUS INC. (its work and/or sport environment) or is detrimental to the image and**

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**reputation of the JRA AUTOBUS INC.. The jurisdiction of this Policy will be determined by the JRA AUTOBUS INC. at its sole discretion.**

8. An employee of the JRA AUTOBUS INC. found to have to be a Respondent will be subject to appropriate disciplinary action subject to the terms of the JRA AUTOBUS INC.'s Discipline and Complaints Policy. Violations may result in a warning, reprimand, restrictions, suspension or other disciplinary actions up to and including termination of membership.

## **Reporting a Complaint**

9. Any Member may report any complaint to the JRA AUTOBUS INC. Board of Directors. 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 the JRA AUTOBUS INC.

10. 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 JRA Autobus Inc. board of directors.

11. At the JRA AUTOBUS INC.'s discretion, the JRA AUTOBUS INC. may act as the complainant and initiate the complaint process under the terms of this Policy. In such cases, the JRA AUTOBUS INC. will identify an individual to represent the JRA AUTOBUS INC.

## **Mediation**

12. Before any complaint proceeds to the formal stage, the dispute may first be referred to the JRA AUTOBUS INC.'s President for review, with the objective of resolving the dispute via mediation.

## **Case Manager**

13. If mediation does not resolve the dispute or mediation was not initiated, the JRA AUTOBUS INC. 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 the JRA AUTOBUS INC.. 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 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

14. 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.

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15. 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

16. Minor infractions are incidents of failing to achieve expected standards of conduct that generally do not result in harm to others, the JRA AUTOBUS INC., 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 JRA AUTOBUS INC.
- d) Being late for, or absent from, JRA AUTOBUS INC. events and activities at which attendance is expected or required

- e) Non-compliance with the JRA AUTOBUS INC.'s policies, procedures, rules, or regulations

17. 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, staff, commissaires, coaches, event organizers, or JRA AUTOBUS INC. decision-makers.

18. 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).

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

- a) Verbal or written reprimand from the JRA AUTOBUS INC. 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 JRA AUTOBUS INC.
- 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

20. Minor infractions that result in discipline will be recorded and records will be maintained by the JRA AUTOBUS INC. Secretary. Repeat minor infractions may result in further such incidents being considered a major infraction.

## Major Infractions

21. 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 JRA AUTOBUS INC., 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

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- 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 interferes with a competition or with any athlete's preparation for a competition
  - g) Conduct that intentionally damages the JRA AUTOBUS INC.'s image, credibility, or reputation
  - h) Disregard for the JRA AUTOBUS INC.'s bylaws, policies, rules, and regulations
  - i) Intentionally damaging JRA AUTOBUS INC. property or improperly handling JRA AUTOBUS INC. 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
22. Major infractions occurring within competition may be dealt with immediately, if necessary, by an appropriate person having authority.
23. Major infractions will be handled using the Procedure for Major Infraction Hearing set out in this Policy.

## **Procedure for Major Infraction Hearing**

24. The Case Manager 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 Case Manager and may not be appealed.
25. The Case Manager will appoint a Discipline Panel, which shall consist of a single Adjudicator, to hear the complaint. 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.
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 still hold a hearing for the purpose of determining an appropriate sanction.
27. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
28. 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

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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, 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 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 Case Manager, and the JRA AUTOBUS INC.. 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**

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

- a) Verbal or written reprimand from the JRA AUTOBUS INC. 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 JRA AUTOBUS INC.
- d) Expulsion from the JRA AUTOBUS INC. membership
- e) Removal or suspension of certain membership privileges
- f) Suspension from certain JRA AUTOBUS INC. teams, events, and/or activities
- g) Suspension from all JRA AUTOBUS INC. 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 the JRA AUTOBUS INC. or from other sources
- k) Any other sanction considered appropriate for the offense

33. 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.

34. Major infractions that result in discipline will be recorded and records will be maintained by the JRA AUTOBUS INC. secretary.

## **Suspension Pending a Hearing**

35. The JRA AUTOBUS INC. 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**

36. A Member's conviction for a Criminal Code offense, as determined by the JRA AUTOBUS INC. Board of Directors by way of ordinary resolution, may be deemed a major infraction under this Policy and will result in expulsion from the JRA AUTOBUS INC. and/or removal from JRA AUTOBUS INC. competitions, programs, activities and events upon the sole discretion of the JRA AUTOBUS INC..

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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**

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. 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**

38. Minor and major infractions that result in discipline shall be recorded and maintained by the JRA AUTOBUS INC..

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

40. Decisions that are matters of public interest may be publicly available as determined by the JRA AUTOBUS INC..