



# ONTARIO TAEKWONDO ASSOCIATION

## OTA DISCIPLINE POLICY

### Principles

1. O.T.A. is committed to providing a sport environment, which is characterized by values of excellence, fairness, integrity, open communication and mutual respect. O.T.A. believes that these values and ideals should guide all our communications and actions, and that such conduct is in the best interest of all who participate.

### Purpose

2. This policy sets out the principles and practices of O.T.A. with regards to disciplinary procedures for violations of the Code of Conduct, Conflict of Interests and other breaches of O.T.A. policies. Membership and participation in the activities of O.T.A. offer many benefits and privileges. At the same time members and participants are expected to fulfill certain responsibilities and obligations, including complying with the Code of Conduct of O.T.A. This Code of Conduct identifies the standard of behaviour that is expected of members and participants, and those who fail to meet this standard may be subject to the disciplinary procedures set out in this policy.

### Definitions

3. These terms will have these meanings in this policy:

- Code of Conduct: Basic rules and regulations that reflect the standard of behaviour which is expected of all O.T.A. members and participants.
- Disciplinary sanctions: penalties or sanctions identified within this policy which are applied to O.T.A. members and participants who do not meet the standard of behaviour contained within the Code of conduct
- Member: refers to all categories of members of O.T.A. as well as to all individuals engaged in activities with O.T.A. including, but not limited to, athletes, coaches, officials, volunteers, directors, officers, committee chairs and members, team managers, team captains, medical and paramedical personnel.
- Days: will mean total days, irrespective of weekends or holidays.

### Scope of Application

4. This policy applies to all members of O.T.A. This policy applies to all discipline matters that may arise during the course of O.T.A. business, activities and sanctioned events, including but not limited to the competitions, practices, training camps, travel associated with competitive activities, and any meetings of committees or the Board of Directors.

### Provisions – Minor Infractions

5. Minor infractions are single incidents of misconduct that breach the Code of Conduct but generally do not result in harm to others (See Appendix A for examples of infractions). All disciplinary situations involving minor infractions will be dealt with by the appropriate person having responsibility for the individual involved: this person may include, but is not restricted to, a board member, committee member, volunteer, staff person, coach, or organizer.

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 responsible person, provided the individual being disciplined is told the nature of the infraction. This policy will not prevent an appropriate person having responsibility from taking immediate, informal, corrective disciplinary action in response to behaviour that constitutes a minor infraction. Disciplinary sanctions for minor infractions may include the following:

- verbal or written reprimands;
- verbal or written apology;
- suspension from the current activity or competition;
- any other similar sanction considered appropriate for the offense.

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An infractions report summary of the minor infraction shall be prepared by the responsible person and provided to the President or delegate within 7 days of the infraction. The summary shall detail the infraction and the sanctions that were applied. O.T.A. shall keep a record of this summary.

## Provisions – Major Infractions

6. Major infractions are instances of misconduct which violate the Code of Conduct and which result, or have the potential to result, in harm to other persons, to O.T.A. or to the sport of taekwondo (See Appendix A for examples of infractions). If the incident is a major infraction, a hearing is required. The President or delegate will notify the individual alleged to have committed a major infraction of the matter as soon as possible, and will provide the individual with a copy of the Incident Report (See Appendix B) and a copy of this policy.

If required major infractions that occur within a competition environment, may be dealt with immediately by the appropriate responsible person. The individual being disciplined will be told the nature of the infraction and will have an opportunity to provide information concerning the incident. In such situations, disciplinary sanctions will be for the duration of the competition only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this policy for major infractions. This review does not replace the appeal provisions of this policy.

## Reporting an Infraction

7. Any individual may report to the President or delegate a disciplinary infraction, using the Incident Report (Appendix B). It will be at the sole discretion of the President to determine if the infraction shall be dealt with as a minor or a major infraction in accordance with the principles of this policy. Individuals in positions of authority are obliged to raise an infraction report if a major infraction occurs.

## Investigation

8. Depending on the nature and severity of the infraction, the President or delegate may appoint an independent individual to conduct an investigation. If this is the case, the Investigator will carry out the investigation in a timely manner and at the conclusion of the investigation will submit a written report to the President.

## Discipline Panel

9. Within 7 days of receiving an Incident Report documenting a major infraction or of receiving the written report of the Investigator if an investigation was carried out, the President or delegate will appoint three unbiased individuals to serve as a Discipline Panel. Unbiased panel members shall not have a significant relationship with the complainant or respondent, shall have had no involvement with the incident being investigated, and shall be free from actual or perceived bias or conflict. The members of the Panel will select among themselves a Chairperson. The Discipline Panel will hold the hearing as soon as possible, but not more than 21 days after being appointed.

## Preliminary Meeting

10. The Panel may determine that the circumstances of the infraction warrant a preliminary meeting. The Panel may delegate to one of its members the authority to deal with these preliminary matters, which may include but are not limited to:

- date and location of the hearing;
- timelines for the exchange of documents;
- clarification of issues in the infraction;
- order and procedure of the hearing;
- evidence to be brought before the hearing;
- identification of any witnesses; or
- any other procedural matter, which may assist in expediting the hearing.

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## Hearing

11. The Panel will govern the hearing as it sees fit, provided that:

- the individual being disciplined will be given 14 days written notice of the day, time and place of the hearing. If the individual is less than 18 years of age, the parents and/or guardians will also receive the notice;
- the individual being disciplined will receive a copy of the Investigator's report, if an investigation was carried out;
- a quorum will be all three Panel members, and decisions will be by majority vote where the Chair carries a vote;
- the individual being disciplined may be accompanied by a representative;
- the individual being disciplined will have the right to present evidence and argument;
- the Investigator may participate in the hearing at the request of the Panel;
- the Panel may request that any witness be present at the hearing or submit written evidence in advance of the hearing;
- if the individual being disciplined chooses not to participate in the hearing, the hearing will nonetheless proceed;
- the hearing will be held in private;
- once appointed, the Panel will have the authority to shorten or lengthen timelines associated with any aspect of the hearing.

After hearing the matter, the Panel will determine whether or not the individual has breached the Code of Conduct and if so, the appropriate penalty to be imposed and any measures to mitigate the harm suffered by others as a result. The Panel's written decision, with reasons, will be distributed to all parties and to the President within 7 days of the conclusion of the hearing.

Where the individual acknowledges the facts of the incident, 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.

## Sanctions

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

- written reprimand;
- removal of certain privileges of membership;
- suspension from certain events which may include suspension from the current competition or from future teams or competitions;
- suspension from certain O.T.A. activities such as competing, coaching or officiating for a designated period of time;
- suspension of funding;
- suspension from all O.T.A. activities for a designated period of time;
- expulsion from membership;
- publication of the decision either with or without the name of the individual being disciplined included in the publication;
- other sanctions, no more severe than the sanctions listed above, as may be considered appropriate for the offense.

Unless the Panel decides otherwise, any disciplinary sanctions will commence immediately. Failure to comply with a disciplinary sanction as determined by the Panel, President or delegate will result in automatic suspension of membership and participation in O.T.A. activities until such time as the sanction is complied with.

## Serious Infractions

13. The President or delegate may determine that the alleged infraction is of such seriousness as to warrant suspension of the individual pending the hearing and decision of the Panel.

In applying sanctions, the Panel may have regard to the following aggravating or mitigating circumstances:

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- the nature and severity of the infraction;
- the extent to which others have been harmed by the infraction;
- the cooperation of the individual being disciplined in the proceedings under this policy;
- whether the incident is a first offense or has occurred repeatedly;
- the individual's acknowledgment of responsibility;
- the individual's remorse and post-infraction conduct;
- the age, maturity or experience of the individual;
- whether the individual retaliated, where the incident involves harassment; and,
- the individual's prospects for rehabilitation.

## **Confidentiality**

14. Where the behaviour reported in an Incident Report may constitute harassment, or is of a similar sensitive nature, O.T.A. will keep all proceedings under this policy confidential, except where disclosure is directed by the Panel as part of a sanction, is required by law or is in the best interests of the public.

## **Appeals Procedure**

15. Except where otherwise provided, the decision of the Panel may be appealed in accordance with O.T.A. Appeal Policy. Sanctions imposed by the Disciplinary Panel will remain in effect until such times as the Appeal Panel has rendered a decision.



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## a. APPENDIX A – EXAMPLES OF INFRACTIONS

### EXAMPLES OF MINOR INFRACTIONS:

- a single incident of disrespectful, offensive, abusive, racist or sexist comments or behaviour directed towards others, including but not limited to peers, opponents, athletes, coaches, officials, administrators, spectators and sponsors;
- conduct contrary to the ideals of fair play such as angry outbursts or arguing;
- a single incident of being late for or absent from O.T.A. events and activities at which attendance is required;
- non-compliance with the rules and regulations under which O.T.A. events are conducted, whether at the local, provincial, national or international level.

### EXAMPLES OF MAJOR INFRACTIONS:

- non-compliance with the rules and regulations under which O.T.A. events are conducted, whether at the local, provincial, national or international level.
- repeated incidents of disrespectful, offensive, abusive, racist or sexist comments or behaviour directed towards others, including but not limited to peers, opponents, athletes, coaches, officials, administrators, spectators and sponsors;
- repeated conduct contrary to the ideals of fair play such as angry outbursts or arguing;
- repeated incidents of being late for or absent from O.T.A. events and activities at which attendance is required;
- activities or behaviour that interfere with the organization of a competition or with any athlete's preparation for a competition;
- pranks, jokes or other activities which endanger the safety of others or constitute abuse or harassment;
- deliberate disregard for the rules and regulations under which O.T.A. events are conducted, whether at the local, provincial, national or international level;
- any conduct that results in harm to the image, credibility or reputation of O.T.A. and/or its sponsors;
- abusive use of alcohol or any other illicit substance where abuse means a level of consumption which 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;
- abuse of facilities or equipment;
- any use of alcohol or any other illicit substance by minors;
- use of illicit drugs and narcotics;
- use of banned performance enhancing drugs or methods;
- non-payment of fees due to O.T.A. after invoices have been received and grace periods have elapsed;
- failing to disclose a conflict of interest

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## b. APPENDIX B – O.T.A. Incident Report

Date and time of incident: \_\_\_\_\_

Location of incident: \_\_\_\_\_

This incident is: \_\_\_\_\_ Minor \_\_\_\_\_ Major (See Appendix A of Discipline Policy)

Individual(s) involved in the incident:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Objective description of the incident (please be concise, accurate and non-judgmental):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact information of individuals who observed the incident:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Disciplinary sanction that was taken (if applicable):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of writer: \_\_\_\_\_

Position: \_\_\_\_\_

Signature of writer: \_\_\_\_\_

Date: \_\_\_\_\_