

## PREFACE

# WESTERN ONTARIO ATHLETIC ASSOCIATION



### BY-LAW NO. 3

A By-Law respecting Suspensions, Expulsions, Disciplines, Reprimands, Probation, Withdrawals, Protests, Appeals and Review Panel from Suspensions and certain rules which shall apply to the matters of Suspensions, Expulsions, Disciplines, Reprimands, Probation, Withdrawals, Protests and Appeals from such decisions as dealt with by the WESTERN ONTARIO ATHLETIC ASSOCIATION, a corporation without share capital subject to the *Not-for-Profit Corporations Act, 2010* (Ontario).

BE IT ENACTED AND IT IS HEREBY ENACTED AS A BY-LAW OF THE WESTERN ONTARIO ATHLETIC ASSOCIATION (herein called the Corporation) as follows:

REVISED:

**19 September 2024**

## **SUSPENSIONS, EXPULSIONS, DISCIPLINES, REPRIMANDS, PROBATION AND WITHDRAWALS**

Any disciplinary action, including suspension, expulsion, termination or reprimand shall be done in good faith and in a fair and reasonable manner. The Board, a Director, the President or Chairperson that is a Member or Director, in consultation with the appointed committee, shall have the authority to: suspend, expel, discipline or reprimand, any affiliated association, team, team official, player, game official or Director, that is a Member of the Corporation.

### **SUSPENSIONS**

1. The President's limit of suspension shall not exceed fifteen (15) games. A Chairperson, who is a Member or Director, or a specifically named Director's limit shall not exceed ten (10) games. The presiding authority may impose a probationary period not to exceed one (1) year, which shall be specified by dates.
2. Convenors limit of suspension shall not exceed five (5) games.
3. Any suspension imposed by a delegated authority, excepting those classed as automatic or pre-determined, shall be recorded by the Executive Administrator, clearly showing the tenure and reason. All suspensions shall subsequently be scrutinized by the Board.
4. Should a suspension be imposed on a Member, it shall apply to that specific sport. If the offense be of very discreditable misconduct, the Member's suspension shall apply to all Corporation activities.
5. The following limitations shall apply:
  - (a) A suspension of five (5) games or less cannot be appealed.
  - (b) Suspensions are assessed on individual infractions, they are not accumulative for appeal purposes.
  - (c) Any member having incurred a suspension, fails to adhere in full to that assessment, the suspension then shall be doubled.

### **EXPULSIONS**

When a Member has been expelled for three (3) or more years; only after the third year, that Member may request re-instatement by filing an Appeal in accordance with this By-Law No. 3. The Member must personally appear and "GIVE CAUSE".

In these instances this By-Law No. 3, APPEALS, Paragraph 2 shall not apply.

## **DISCIPLINES**

1. The Board, in their discretion may discipline any one (1) or all of the management of a local association or team which is a Member, should they fail to enforce a suspension. The individual that is a Member or that is affiliated to a Member or an organization that is a Member may be disciplined as outlined in Paragraph 3, Sub-Paragraphs (a), (b), (c).
2. Any Member or an individual that is affiliated to a Member in collusion with, or is deemed to have contradicted himself or submitted a false document shall be liable to the penalties as outlined in Paragraph 3, Sub-Paragraphs (a), (b), (c).
3. Any Member or an individual affiliated to a Member who contrives, or in collusion assists in submitting any document, is cognizant of, or is a party to tampering in any form or manner, and it is adjudged: that this type of behaviour is unsportsmanlike, improper, deceiving or mischievous, all parties that are Members or are affiliated to a Member shall be liable to one or more of the following:
  - (a) A monetary assessment not to exceed \$500.00.
  - (b) Suspended for a specified period of time.
  - (c) Expelled for three (3) or more years.

## **REPRIMANDS**

The President or a Chairperson may issue a "Letter of Reprimand". It shall be confidential and related to improper misconductual behaviour. When a Chairperson issues this type of letter, the President shall be informed.

## **PROBATION**

1. The individual that is a Member or that is affiliated to a Member when participating in any Corporation activity shall display "Good Behavioural Abilities" that are consistent with participation standards in accordance with the established Rules, Regulations, Procedures and policies.
2. During the stated period, the respective Chairperson shall be the responsible and supervising authority. He may recall the individual for verbal counseling. At that time he shall inform that person of the apparent inadequacies.

## **WITHDRAWALS**

Any Member or affiliated team member, association or game official who resorts to legal action against the Corporation without first exercising the right of Appeal to the W.O.A.A. Board and/or Review Panel, and after said review has been administered, refuses to abide by the decisions, said party shall be deemed to have withdrawn from all competition or activities.

## **PROTESTS**

1. Unless stated otherwise, the following procedure shall apply:
  - (a) A Protest and Defense shall be acceptable under the following conditions:
    - (i) Be complete in providing details.
    - (ii) Include the material facts.
    - (iii) Have the appropriate fee attached.
  - (b) The Protest fee of One Hundred and Fifty Dollars (\$150.00) plus H.S.T., the Defense fee of One Hundred Dollars (\$100.00) plus H.S.T., shall be in the form of cash, certified cheque or money order. The fee shall be payable to the Executive Administrator.
  - (c) The Protest shall be received by the Executive Administrator at the W.O.A.A. Office within forty-eight (48) hours of the advertised starting time of the game (Saturday and Sunday excluded). A copy of the Protest shall be received by the opposing team's Centre/Team Contact within forty-eight (48) hours of the advertised starting time of the game (Saturday and Sunday excluded).
  - (d) Upon receipt of a Protest the Executive Administrator shall contact the opposing team's Centre/Team Contact as soon as possible, who shall then have thirty-six (36) hours (Saturday and Sunday excluded) to file a defense with the Executive Administrator stating their evidence.
  - (e) A Protest or Defense shall be valid only when it bears two (2) signatures. The signatures there on shall be those of the President and Secretary of an association, their appointees, or the Manager and Coach of the team if no association exists.
  - (f) The Protest shall be adjudicated by a committee of at least three (3) members appointed by the President and/or Chairperson.
  - (g) A decision shall be rendered. The Centre/Team Contact shall be informed of the decision by the Executive Administrator within twenty-four (24) hours. (Verbally, followed by written form).
  - (h) The Protest fee shall be refundable only if the Protest is upheld and the decision is supportive of the protesting team. If the defending team is successful, their fee is returnable. In the event of a Protest, the team found at fault with no defense submitted, shall at the discretion of the W.O.A.A. Board of Directors, be forwarded a Statement of Account for not less than \$35.00 to cover preparative costs incurred.
  - (i) A Protest Committee is not empowered to refund any fees. All monies shall be disbursed by the Executive Administrator.
  - (j) Once a Protest has been adjudicated the decision of the Protest Committee shall be final.
  - (k) In instances where there is a change in "Submission Status", Example, Withdrawal, an administrative surcharge of \$35.00 shall be levied to cover preparative costs.
  - (1) Under no circumstances will the Corporation be held liable for any claim arising from any cause whatsoever.

2. Any team member, association or game official who resorts to legal action against the Corporation after said Protest is dealt with and refuses to abide by the decisions, said party shall be deemed to have withdrawn from all competition or activities.

## **APPEALS**

1. Whenever by the By-Laws, Rules and Regulations, the Board, or other delegated body is required to make a decision on any matter, excluding decisions of a duly appointed Protest Committee; the individual, team or local association, shall have the right of Appeal. A submission shall be acceptable under the following conditions:

- (a) Be complete in providing details.
- (b) Have the appropriate fee attached.
- (c) State the decision being appealed.

2. The submission must be delivered to the Executive Administrator within seven (7) W.O.A.A. business days subsequent to the date of notification of the decision.

3. When an aggrieved individual is a member of a local association, the Appeal must be submitted by the local association and shall be signed by the President and Secretary or their appointees. Where no local association exists, the aggrieved individual being a member of the team, may submit an Appeal which shall be signed by the coach and manager of the team.

4. Where extenuating circumstances are apparent (team disbanded, no local association), the aggrieved member or members must sign and submit the Appeal as an individual. Game officials (Umpires, Referees, Linesmen) must sign and submit their Appeal individually.

5. In all instances the submission is of singular status only.

6. Submissions shall be forwarded to the Executive Administrator in writing and shall be accompanied by a Three Hundred Dollars (\$300.00) fee plus H.S.T. in the form of a certified cheque, cash or money order, payable to the Executive Administrator. This fee shall not be refundable. In instances where there is any change in Submission Status, EXAMPLE: Withdrawal, an administrative surcharge of at least \$35.00 shall be levied to cover the preparative costs.

7. Upon receipt of an Appeal, the Executive Administrator shall notify the President who will appoint a committee of at least five (5) members of the Board or delegated persons, who have not been involved in the issuance of said suspension and/or decision being appealed; to adjudicate the matter within fourteen (14) W.O.A.A. business days.

8. If the President is the authority issuing the said suspension and/or decision, then the Vice President would implement the above procedure.

9. When an individual or multiple parties are involved, the Executive Administrator either verbally, by facsimile, or in written manner, shall inform that person or parties, they may each have a predetermined number of representatives attend the proceedings.
10. A decision shall be rendered and within forty-eight (48) hours, the Appellant shall contact the Executive Administrator who shall inform the individual or parties verbally and in a written manner of the decision(s).
11. Should the Appellant be dissatisfied he shall have the option of further considerations to:
  - (a) Higher affiliated authority, if applicable.
  - (b) Review Panel.
12. Under no circumstance, will the Corporation be held liable for any claim arising from any cause whatsoever.
13. Any team member, association or game official who resorts to legal action against the Corporation without first exercising their right of Appeal to the W.O.A.A. Board of Directors and/or Review Panel, and after said review is dealt with, refuses to abide by the decisions, said party shall be deemed to have withdrawn from all competition or activities.

## **REVIEW PANEL**

1. For situations that would advance to the Review Panel, the following procedures shall apply:
  - (a) The submission shall be adjudicated by a Review Panel appointed by the President. The President shall appoint a total of five (5) persons; two (2) shall be from the Board, one (1) to act as Chairperson, three (3) shall be "Members at Large". The aforementioned "Members at Large" shall be restricted to those persons who are conversant with and knowledgeable of Amateur Sports, W.O.A.A. By-Laws, Rules, Related Regulations and Competitions.
  - (b) The submission shall be in writing and forwarded to the Executive Administrator and clearly define the matter being appealed.
2. A Three Hundred Dollars (\$300.00) plus H.S.T. deposit shall accompany the submission, made payable to the Executive Administrator in the form of cash, certified cheque or money order.
3. A submission shall be acceptable under the following conditions, which shall be:
  - (a) Complete in providing details.
  - (b) State the decision being appealed.
4. On receiving an Appeal, the Executive Administrator shall inform the President, who shall then appoint within fourteen (14) days, a Review Panel as set out in paragraph 1 (a) hereof.

5. The Review Panel shall peruse all related documents, hear or call upon witnesses or persons, act on and adjudicate the matter with fourteen (14) days from the date of appointment of that Review Panel.
6. The Appellant, parent, legal guardian or other person having a direct interest relating to the Appeal, may appear and be heard. Any such person making representations shall firstly have filed a concise statement stating his direct connections in the matter with the Executive Administrator prior to the beginning of the proceedings.
7. An Appeal to the Review Panel must be filed within sixty (60) W.O.A.A. business days from the date of notification of the Appeal Board's decision as so stated in the minutes of such meeting resolving the matter.
8. During that period of time, in which a submission has been filed and reviewed, such person may not be permitted to play, practice, coach, manage, direct his or her team, or officiate at any game or function.
9. In instance where there is any change in submission status, Example: Withdrawal, an administrative surcharge of at least \$35.00 shall be levied to cover preparative costs.
10. After due consideration and deliberation, a statement of decision shall include one or more of the following:
  - (a) A new decision.
  - (b) A dismissal of the Appeal.
  - (c) A variation of the decision appealed from.
  - (d) Assessment of a specified monetary penalty.
  - (e) Refund a portion of the Appeal deposit subject to the deduction of legitimate committee expenses.
  - (f) Submit an itemized statement to the Executive Administrator stating expenses directly involved which shall be deducted from the Appeal deposit, then refunding the remaining portion of funds to the Appellant, through the Executive Administrator.
  - (g) Refer the Appellant to the higher authority where procedures and protocol so permits.
  - (h) Inform the Appellant and the President of the results of such findings.
  - (i) The decision so rendered shall be absolute.
11. Under no circumstance will the Corporation be held liable for any claim arising from any cause whatsoever.

Dated this 19th day of September, 2024, as By-Law No. 3 by the Directors of the Corporation at a meeting duly called and regularly held and at which a quorum was present.

WITNESS the Seal of the Corporation

LEONARD FRANCIS PERDUE  
President

LINDA MARIE ESPENSEN  
Secretary

The foregoing By-Law 3 as enacted by the Directors of the Corporation is hereby rectified, sanctioned, confirmed and approved without variation by the affirmative vote of all members, entitled to vote at a meeting of members, duly called and regularly held, at the Town of Wingham and at which a quorum was present on the 19th day of September, 2024.

LEONARD FRANCIS PERDUE  
President

LINDA MARIE ESPENSEN  
Secretary