



**ONTARIO FENCING ASSOCIATION
COMPLAINTS AND DISCIPLINARY PROCEDURES**

ARTICLE VII -

1. CHARGES

- (a) Charges that any member of the OFA has committed a breach of any provision of this Constitution and By-Laws or of any Rule or Regulation made pursuant thereto, may be filed in writing with the Secretary or the Ontario Fencing Association office. Any member may file charges on his own behalf and any member of the Executive Board or any member designated by them for that purpose may file charges on behalf of the OFA.
- (b) Members filing charges must include full particulars of the incident or incidents in question, and a list of all persons, whether members or not who may have witnessed these incidents or may have information relevant to the charges as filed.
- (c) Upon receipt of documents alleging the misconduct of a member, the Secretary /Executive Director shall forthwith transmit copies of all relevant documents to the charged member, and to each member of the Board.
- (d) Within thirty (30) days of his receipt of a copy of the charges, the charged member shall submit to the Secretary either a written statement in his defense, or a written notice of his intention to appear in person before the Executive to defend against the charges. If no reply to the charges is received by the Secretary within forty-nine (49) days of the date they were sent to the charged member, the Secretary shall so inform the President who shall forthwith call an Executive Meeting at the earliest possible date to determine the matter based on the evidence available to it.
- (e) If the charged member properly indicates his intention to appear, the President shall call an Executive Meeting at the earliest possible date to determine the validity of the charges.
- (f) If the charged member elects to submit a statement of defense, he shall be entitled to all information in the possession of the Executive relevant to the matters in question to assist him in preparing it. Once the statement of defense is submitted, the Executive shall determine the validity of the charges and assess any penalties only on the basis of the statement of defense, and the information which was available to the member who prepared it; no new evidence shall be considered from either party.
- (g) Once filed, charges may not be withdrawn without the written authorization of the charged party or parties, and the permission of the Executive.

2. TRIAL PROCEDURE

- (a) Where the charged member elects to appear before the Executive, a trial of the issues shall take place before the Executive Committee, or a majority thereof or a Trial Board composed of not less than three (3) members appointed by the Executive for that purpose.
- (b) The decision of the Trial Board and the penalties imposed by it shall be binding upon the parties' involved subject only to appeal to the next following General or Annual General meeting of the OFA-

- (c) The Trial Board shall conduct the proceedings as informally as possible consistent with the object of arriving at the truth of the matter at hand, but shall in no way infringe upon the rights of any party to the matter as guaranteed by this Constitution and By-Laws, or by the principles of natural justice.

This includes but is not limited to: the right of any party to present witnesses and/or other evidence to support his case, the right to question the evidence and witnesses of the other parties, and the right to be informed of the nature and substance of all charges and the evidence which will be adduced in support thereof not less than seven (7) days prior to the date of the trial.

- (d) After having heard all of the evidence placed before it by the parties involved, or having read the charge documents and statement of defense, the Trial Board shall retire to consider the validity of the charges, and no person not a member of the Trial Board shall be present at these deliberations.
- (e) Following its decision, the Trial Board shall forthwith inform all of the parties before it of its decision, and of any penalties imposed upon the charged party or parties.

For all procedures under this Article, the Secretary or a member appointed by him shall record all particulars of the proceedings including but not limited to: the charges and counter-charges if any, the evidence adduced by the parties, the verdict reached upon each charge, and the penalties imposed, if any. The member recording the proceedings shall not be a member of the Trial Board, and shall not be present at its deliberations.

3. PENALTIES

- (a) The Trial Board shall have, ex officio, the power to suspend or expel any member properly brought before it if the charges against that member are upheld.
- (b) The suspension of a member may entail the loss of some or all of the rights of OFA membership for a period not exceeding two (2) years.
- (c) The expulsion of a member shall entail the removal from the membership of the OFA. Expelled members shall not be eligible to re-apply for membership during the current membership year or years (as applicable).
- (d) The Trial Board shall also have the power to assess fines in lieu of, or in addition to, the penalties of suspension and expulsion.

4. APPEAL

- (a) The member may have such rights of appeal as are consistent with this Constitution and that of the CFF Constitution.