

WILMOT SOFTBALL ASSOCIATION

DISCIPLINE PROCEDURE AND APPEALS



Preamble

It is the hope of Softball Ontario that Softball Leagues and Associations can run effectively and within the spirit of the game. It is however recognized that from time to time issues arise that have the potential to harm the reputation of a Softball Association or League and softball in general. To that end a guideline has been devised to best help Softball Associations deal with these issues internally and in doing so minimize any 'ripple effect'. Softball Associations and Leagues should be aware that these guidelines are secondary to any Softball Ontario Policies and Rules or Provincial/ Federal Law.

This procedure, once adopted may be used by a Softball Association to address issues of discipline that do not fall under any of the aforementioned regulations.

Definitions

- a) 'Days' - Days irrespective of weekends and holidays
- b) 'Wilmot Softball Association Stakeholders' - Players, Coaches, Referees, Parents, Guardians, Volunteers, Contracted Staff as well as individuals employed or engaged in activities with Wilmot Softball Association, (hereinafter referred to as Stakeholders).

Purpose

Wilmot Softball Association Inc. is committed to providing an environment in which all Stakeholders are treated with respect.

Irresponsible behaviour can result in severe damage to the integrity of Wilmot Softball Association.

Conduct that violates these values may be subject to disciplinary measures contained in this policy. Since disciplinary measures may be applied, it is only fair to provide Stakeholders a mechanism so complaints and discipline is dealt with fairly, expeditiously and affordably. Wilmot Softball Association is committed to providing an environment that is characterized by the value of fairness, integrity, open communication and mutual respect. Participation in

Wilmot Softball Association activities bring with it many benefits and privileges. At the same time, Softball Association Members are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, procedures, rules and regulations and Code of Conduct and Ethics.

Application of this Policy

This Policy applies to all Stakeholders as defined in the Definitions. This Policy only applies to discipline matters that may arise during the course of Wilmot Softball Association business, activities and events, including but not limited to; training activities, events and meetings.

Reporting a Complaint

Any individual may report a complaint following the correct procedure. The complaint, in writing, must be signed and filed within thirty (30) days of the alleged incident. Anonymous complaints may be accepted upon the sole discretion of Wilmot Softball Association Board of Directors. A complainant wishing to file a complaint beyond the thirty (30) days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept,

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the notice of complaint outside the thirty (30) days period will be at the sole discretion of the Wilmot Softball Association Board of Directors.

This decision may not be appealed.

Discipline and Complaints Policy

1. If a complaint is determined by Wilmot Softball Association, or designate, to be legitimate, the complaint will be designated as a minor infraction or a major infraction and dealt with according to the appropriate sections of this Policy. It will be at the sole discretion of Wilmot Softball Association, or designate, to determine whether a complaint is to be dealt with as a major or minor infraction. This decision is not appealable.
2. If the incident is to be dealt with as a minor infraction, Wilmot Softball association, or designate, will inform the alleged offender, and the matter will be dealt with according to the section relating to minor infractions.
3. If the incident is to be dealt with as a major infraction and if Wilmot Softball Association, or designate, determines that a hearing is required, the alleged offender will be notified as quickly as possible and the matter will be dealt with according to the section relating to major infractions.
4. This Policy does not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behaviour that constitutes either a minor or major infraction provided that the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident. Further disciplinary measures may be applied in accordance with the procedures set out in this Policy.

Minor Infractions

5. Examples of minor infractions include, but are not limited to, a single incident of:
 - a. Disrespectful, offensive, abusive, racist or sexist comments or behaviour directed towards others;
 - b. Conduct contrary to the ideals of respect such as angry outbursts or argument; and
 - c. Non-compliance with the Policies and Procedures under which Wilmot Softball Association is governed.
6. All disciplinary situations involving minor infractions occurring will be dealt with by the Wilmot Softball Association.
7. 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 Wilmot Softball Association Board of Directors. This is provided that the Individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident.
8. Disciplinary measures for minor infractions, which may be applied singly or in combination, include the following:
 - a. Verbal or written reprimand which may be placed in the individual's file;
 - b. Verbal or written apology;
 - c. Service or other voluntary contribution to Wilmot Softball Association;

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- d. Retraining;
 - e. Suspension from the current training, activity or event; or any other disciplinary measure considered appropriate for the offense;
 - f. Repeated incidents of being late for or absent from Wilmot Softball Association events activities at which attendance is expected or required.
9. Minor infractions that result in discipline will be recorded and maintained by Wilmot Softball Association. Repeat minor infractions may result in further such incident being considered a major infraction.

Major Infractions

10. Major infractions are instances of misconduct that result, or have the potential to result, in harm to other persons or Wilmot Softball Association.
11. Examples of major infractions include, but are not limited to:
- a. Repeated incidents of disrespectful, offensive, abusive, racist or sexist comments or behaviour directed towards others;
 - b. Repeated conduct contrary to the ideals of respect such as angry outbursts or argument;
 - c. Incidents of physical abuse;
 - d. Pranks, jokes or other activities that endanger the safety of others;
 - e. Disregard for the rules and regulations under which Wilmot Softball Association training, events and programs are conducted;
 - f. Conduct which results in harm to the image, credibility or reputation of Wilmot Softball Association and/or its' sponsors;
 - g. Abusive use of alcohol where abuse means a level of consumption that 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; or i) Any use of illicit drugs and narcotics.
12. Major infractions may be dealt with immediately, if necessary, by Wilmot Softball Association representatives, provided the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident. In such situations, disciplinary measures will be for the duration of the training, program or event only. Further disciplinary measures may be applied but only after review of the matter in accordance with the procedures set out in this Policy. This review does not replace the appeal provisions of this Policy.

Discipline Panel and Hearing

13. Within twenty-one (21) days of notifying the respondent of a complaint of a major infraction, Wilmot Softball Association, or designate, will appoint three individuals to serve as a Discipline Panel ("Panel").
14. The Panel will have no significant relationship with the complainant and respondent; will have had no involvement with the alleged infraction; and will be free from any other bias or conflict

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of interest.

15. The Panel will hold the hearing as soon as possible, but not more than thirty (30) days after being appointed.
16. Having regard to the nature of the discipline matter and the potential consequences of any resulting disciplinary measures, the Panel will decide to conduct the hearing by way of review of documentary evidence or by way of oral hearing. If the Panel decides to conduct an oral hearing, it may decide to do so in-person or by means of telephone conference.

Documentary Review

17. Where the Panel has determined that the appeal will be held by way of documentary submissions, the Panel will govern the hearing fairly and as it sees fit, provided that:
 - a. All parties are given a reasonable opportunity to provide written submissions to the Panel, to review written submissions of the other parties, and to provide written rebuttal and argument; and
 - b. The applicable principles and timelines set out by the Panel are respected.

Oral Hearing

18. Where the Panel has determined that the appeal will be held by way of oral hearing, the Panel will govern the hearing fairly and as it sees fit, provided that:
 - a. The affected parties will be given five (5) days written notice of the day, time and place of the hearing;
 - b. The affected parties will be provided copies of all evidence to be relied upon;
 - c. Decisions will be by majority vote;
 - d. The Panel will refrain from communicating with the parties except in the presence of, or copy to, the other parties;
 - e. The individual being disciplined may be accompanied by a representative;
 - f. The individual being disciplined will have the right to present evidence and argument;
 - g. Any party potentially affected by the matter may be made party to the hearing by the Panel;
 - h. The Panel may request that any witness be present at the hearing or submit written evidence in advance of the hearing;
 - i. If the individual being disciplined chooses not to participate in the hearing, the hearing will nonetheless proceed;
 - j. The hearing will be held in private;
 - k. Each party will bear their own costs;
 - l. Once appointed, the Panel will have the authority to abridge or extend timelines associated with any aspect of the hearing.
19. After hearing the matter, the Panel will determine whether or not the individual will be disciplined, and if so, will determine the appropriate penalty to be imposed and any measures

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to mitigate the harm suffered by others as a result. The Panel's written decision, with reasons, will be distributed to all parties and Wilmot Softball Association within twenty-one (21) days of the conclusion of the hearing.

20. 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 measures. The Panel may hold a hearing for the purpose of determining an appropriate disciplinary measure.
21. If the individual being disciplined chooses not to participate in the hearing, the hearing may proceed in any event.

Disciplinary Measures

22. The Panel may apply the following disciplinary measures singly or in combination, for major infractions:
 - a. Written reprimand to be placed in the individual's file;
 - b. Written apology;
 - c. Removal of certain privileges; Wilmot Softball Association
 - d. Suspension from certain Wilmot Softball Association programs, events and/or activities;
 - e. Suspension from all Wilmot Softball Association activities for a designated period of time;
 - f. Expulsion from Wilmot Softball Association;
 - g. Publication of the Panel's decision;
 - h. Other measures may be considered appropriate for the offense.
23. Unless the Panel decides otherwise, any disciplinary measures will commence immediately. Failure to comply as determined by the Panel will result in automatic suspension within Wilmot Softball Association until such time as compliance occurs.
24. A written record will be maintained by Wilmot Softball Association at its head office for major infractions that result in disciplinary measures.

Serious Infractions

25. Wilmot Ball, or designate, may determine that an alleged incident is of such seriousness as to warrant suspension of the individual pending a hearing and a decision of the Panel.
26. Where it is brought to the attention of Wilmot Softball Association, or designate, that a Wilmot Softball Association Stakeholder has been charged with an offence under the Criminal Code, or has previously been convicted of a criminal offence, Wilmot Softball Association, or designate, may suspend the Wilmot Softball Association Stakeholder pending further investigation, a hearing, or completion of the criminal proceedings.
27. Notwithstanding the procedures set out in this Policy, any Wilmot Softball Association Stakeholder who is convicted of a criminal offence involving sexual exploitation, invitation to sexual touching, sexual interference, sexual assault or aggravated assault will face automatic suspension from participating in any activities of Wilmot Softball Association for a period of time corresponding to the length of the criminal sentence imposed by the court, and may face further disciplinary action by Wilmot Softball Association in accordance with this Policy.

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Timelines

28. If the circumstances of the complaint are such that this policy will not allow a timely conclusion, or if the circumstances of the complaint are such the complaint cannot be concluded within the timelines dictated in this policy, the Panel may direct that these timelines be revised.

References:

Ontario Soccer Association. Club Excellence Template Booklet. Vaughan: The Ontario Soccer Association, 2009.