

AA Ringette Calgary Foundation (2013)

Policy 10

Complaints, Discipline and Appeals

Purpose & Application

1. The purpose of this policy is to establish and outline the policies and procedures relating to complaints and discipline within AA Ringette Calgary.
2. Membership and/or participation in AA Ringette Calgary brings with it many benefits and privileges. At the same time, individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the Foundation's Bylaws, policies, procedures, rules and regulations, and Code of Conduct and Ethics. Irresponsible behaviour by individuals can result in severe damage to the image of the Foundation. Conduct that violates these values may be subject to sanctions pursuant to this Policy.
3. As its member, AA Ringette Calgary abides by Ringette Alberta's *Safe Sport Policy* and the *Universal Code of Conduct to Prevent and Address Maltreatment in Sport ("UCCMS")*. Any conduct that violates these principles may be subject to sanctions pursuant to this Policy.
4. This Policy applies to discipline matters that may arise during the course of AA Ringette Calgary business, activities and events, including, but not limited to, its office environment, competitions, practices, training camps; travel, and any meetings.
5. Discipline matters and complaints arising within the business, activities or events organized by entities other than AA Ringette Calgary will be dealt with pursuant to the policies of these other entities unless accepted by the Foundation in its sole discretion.
6. This policy is to be read, as applicable, in conjunction with the other policies and procedures of AA Ringette Calgary.

Complaints

7. All complaints shall contain a clear and concise written summary of the grounds for the complaint, allegation or protest with particular reference to the AA Ringette Calgary policy or practice that has been violated. The complaint shall be signed and submitted to the President if the complaint is from a member, group of members, or another ringette organization (including, without limitation, Ringette Alberta, Ringette Calgary, or a Calgary ringette community association). If the complaint is by the AA Committee, the motion approving the complaint must meet the same criteria and will constitute the grounds for the complaint.
8. A member or group of members who fear reprisal or who otherwise have sufficient reason to keep their identity confidential may request that their identity be kept confidential. In such case, the Foundation will act as the complainant. Member or group of members making the complaint may nevertheless be required to participate to some extent in the process; for example providing evidence during the disciplinary process. Their identity will

be kept in the strictest confidence, to the greatest extent possible but complete anonymity may not be possible.

9. All complaints from a member or group of members shall be made within 7 days of the incident that is the subject of the complaint. All complaints from the AA Committee or another ringette community association shall be made within 14 days of the incident that is the subject of the complaint. In exceptional circumstances, as judged by the President or designate in the event of a conflict, those time periods may be reasonably extended. The decision to accept or not accept the notice of complaint outside of the specified period may not be appealed or used as grounds for defense.
10. Complaints involving player tryouts and/or team selection issues shall first be raised by the grieving party with the Division Coordinator. If the Division Coordinator is unable to arrive at a resolution satisfactory to the grieving party, then that party has the right to formally submit their complaint in writing to the President. The President will deal with such a complaint pursuant to the procedures of this policy.
11. The President, or designate in the event of conflict, will oversee the management and administration of the complaints submitted in accordance with this Policy. Assignment of a designate is not appealable.
12. With regards to administration of complaints, the President (or designate) has the responsibility to:
 - (i) Implement the procedures in this Policy in a timely manner;
 - (ii) If the complaint is by a member or group of members, determine whether the complaint is frivolous, vexatious or made in bad faith, and is within the jurisdiction of this policy, and is submitted within the required timeframe. If it is determined that the complaint is frivolous, vexatious, or made in bad faith, or outside the jurisdiction of this policy, or submitted outside of the required timeframe, the complaint will be dismissed immediately. Otherwise, the complaint will be referred to the Complaint Committee for further handling and adjudication. The decision to accept or dismiss the complaint may not be appealed;
 - (A) *Sport Dispute Resolution Centre of Canada's Investigation Guidelines* should be used to determine whether a reported complaint should be characterized as frivolous, vexatious or in bad faith.
 - (iii) If the complaint is by a motion of the AA Committee, or by another ringette association, refer the complaint to the Complaint Committee without judgement;
 - (iv) Coordinate the administrative aspects of the complaint, and ensure a fair and timely proceeding.

Complaint Committee

13. A Complaint Committee shall be comprised of no less than three (3) persons: the President, or designate in case of conflict, shall be the chairperson and no less than two (2) impartial, knowledgeable persons selected by the President.

14. The Complaint Committee shall have jurisdiction to adjudicate any alleged breaches of AA Ringette Calgary policy or practice.
15. The Complaint Committee shall, in its discretion, review and obtain the pertinent facts of any allegations, complaints and protests properly submitted according to the AA Ringette Calgary Operating Policies and Procedures and shall review any automatic suspension under the Code of Conduct Policy and render a just and fair verdict of its findings as quickly as practical under the circumstances.
16. The Complaint Committee may, in its discretion, attempt to mediate a resolution between the parties without holding a hearing. In any such informal mediation session, the Complaint Committee may set such parameters and procedures as it thinks fair (including timing, location, who can participate, etc.). The Complaint Committee may use a third party as a mediator in such an informal resolution. If a resolution cannot be reached in this manner, the complaint shall continue and will be handled pursuant to the remainder of this Policy.
17. Pending the final decision of the Complaint Committee, the Committee may order any interim action to be taken as it believes advisable and as permitted by these policies, including suspension of any participant(s) from any ringette related activity or function. Any decision to impose or remove an interim action is not appealable.
18. Where any person has been suspended pursuant to the automatic suspension provisions of the Code of Conduct Policy as a result of a criminal charge, no review of their suspension will be taken by the Complaint Committee until the charges have been finally dealt with in court. If there is a conviction on the charges, the individual is ineligible to be reinstated in their position subject to a decision of the AA Committee under the Code of Conduct Policy. If the individual is acquitted of the charge(s), the Complaint Committee will review the matter further to determine what action may be taken. The Complaint Committee is not bound by a court's decision to acquit an individual of a criminal charge.
19. 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. Further sanctions may be applied in accordance with the procedures set out in this Policy.
20. The Complaint Committee or a designated adjudicator will determine if the complaint is a minor or major infraction.

Minor Infractions

21. Minor infractions are single incidents of failing to achieve the expected standards of conduct that generally do not result in harm to others, to AA Ringette Calgary or to the sport of ringette.
22. All disciplinary situations involving minor infractions will be dealt with by the appropriate person having authority over the situation and the individual involved (the person in authority may include, but is not restricted to, staff, officials, coaches, organizers, or AA Board).

23. 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 person responsible for discipline of such infractions (as noted above). This is provided that the Respondent being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident.
24. Penalties for minor infractions, which may be applied singly or in combination, include the following:
 - (i) Verbal or written warning;
 - (ii) Verbal or written apology;
 - (iii) Service or other voluntary contribution to AA Ringette Calgary;
 - (iv) Removal of certain privileges of membership or participation for a designated period of time;
 - (v) Suspension from the current competition, activity or event; or
 - (vi) Any other sanction considered appropriate for the offense.
25. Minor infractions that result in discipline will be recorded and maintained by AA Ringette Calgary. Repeat minor infractions may result in further such incidents being considered a major infraction.

Major Infractions

26. 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 AA Ringette Calgary or to the sport of ringette.

Examples of major infractions include, but are not limited to:

- (i) Repeated Minor Infractions;
- (ii) Intentionally damaging AA Ringette Calgary property or improperly handling AA Ringette Calgary monies;
- (iii) Incidents of physical abuse;
- (iv) Pranks, jokes or other activities that endanger the safety of others, including hazing;
- (v) Disregard for the bylaws, policies, rules, regulations and directives of AA Ringette Calgary;
- (vi) Conduct that intentionally damages the image, credibility or reputation of AA Ringette Calgary or the sport of ringette;
- (vii) Behaviour that constitutes harassment, sexual harassment or sexual misconduct;

- (viii) Abusive use of alcohol and/or cannabis, any use or possession of alcohol and/or cannabis by minors, use or possession of illicit drugs and narcotics.
- 27. Major infractions will be decided using the disciplinary procedures set out in this policy, except where a dispute resolution procedure contained within a contract or other formal written agreement takes precedence.
- 28. Major infractions occurring within competition may be dealt with immediately, if necessary, by an appropriate person having authority. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity or event only. Further sanctions 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.

Criminal Convictions

- 29. An individual's charge or conviction for any of the following *Criminal Code* offenses will be deemed a major infraction under this Policy and will result in expulsion and/or suspension from the AA Ringette Calgary and/or removal from all competitions, programs, activities and events upon the sole discretion of the Foundation:
 - (i) Any child pornography offences;
 - (ii) Any sexual offences;
 - (iii) Any offence of physical or psychological violence;
 - (iv) Any offence of assault; or
 - (v) Any offence involving trafficking of illegal drugs.

Involvement of Minors

- 30. Complaints may be brought by or against a member who is a minor, defined in the UCCMS as "an individual who is under the age of 19 years old." Minors must have a parent/guardian or other adult serve as their representative during this process.
- 31. If the minor's representative is not their parent/guardian, the representative must have written permission to act in such a capacity from the minor's parent/guardian.
- 32. All communications must be directed to the minor's representative.
- 33. A minor is not required to attend or participate in an oral hearing, if held, or participate in an investigation if conducted. In such circumstances, no adverse inference can be drawn against the minor.
- 34. Should a minor choose to attend or participate in an oral hearing, if held, or participate in an investigation, if conducted, in any capacity, they must be accompanied by their parent/guardian or representative at all times.

Investigations and Hearings

35. The Complaint Committee may investigate any complaint in any reasonable manner that it believes will enable it to reach a just and proper decision including, without limitation, receiving written statements or hearing oral evidence. An oral hearing will not necessarily be held.
36. The Complaint Committee shall give all individuals entitled to attend any oral hearing or provide input to the Complaint Committee such adequate and reasonable notice of the date and time set by the Complaint Committee for oral hearings or for providing information and statements as the Complaint Committee deems appropriate. If there is an oral hearing, these individuals shall have the right at any oral hearing to be present in person and/or be accompanied by a parent/guardian. If there is no oral hearing, they shall have the right to provide statements or other information to the Complaint Committee.
37. Copies of any written documents or statements which the parties wish to have the Complaint Committee consider during the hearing will be provided to all attending parties in advance of the hearing, as reasonable.
38. The Complaint Committee may restrict the persons attending any oral hearing or providing input to the parties involved, their parents or guardians, the coaches involved or any persons representing any party or coach involved together with such other person(s) as the Complaint Committee may determine. The Complaint Committee may also limit the role of anyone attending the hearing beyond the complainant and the person accused in the complaint.
39. The process will still proceed even if a party or parties choose not to participate in a hearing.
40. Reasonable requests for adjournment of hearing dates may be permitted by the Complaint Committee with the understanding that adjournments may affect whether a formal hearing will be held.
41. If an oral hearing is not being held, the Complaint Committee shall set dates for all statements or other information requested by the Complaint Committee to be received. Reasonable requests for adjournment of those dates may be permitted by the Complaint Committee.

Decisions and Discipline

42. A decision on a complaint (with or without an oral hearing) shall be made as soon as practical after all the oral hearing or all statements and information has been received (as applicable) and shall be rendered in writing with copies of the decision forwarded to all parties involved.
43. Decisions will be by a simple majority vote.
44. The decision of the Complaint Committee shall be final subject to any appeal under this Policy.
45. Where the Complaint Committee finds a complaint to be baseless, the Complaint Committee shall dismiss the complaint.

46. Where the Complaint Committee finds there has been a breach of a AA Ringette Calgary policy or procedure, then the Complaint Committee shall apply the following disciplinary sanctions, singly or in combination, including but not limited to:
- (i) suspension from further participation in AA Ringette Calgary for any period of time deemed justified by the Complaint Committee;
 - (ii) restriction on further participation in AA Ringette Calgary for any period of time deemed justified by the Complaint Committee;
 - (iii) requiring a written apology for any conduct the Complaint Committee has found to be a breach of AA Ringette Calgary policy or procedure;
 - (iv) directing the offending party to take any necessary steps to correct or prevent further breaches including, without limitation, further training or guidance;
 - (v) payment of any costs incurred by AA Ringette Calgary as a result of the conduct found to be a breach of AA Ringette Calgary policy or procedure; and/or
 - (vi) such further and other corrective action or discipline as the Complaint Committee finds appropriate in the circumstances.
47. Unless the Panel decides otherwise, any disciplinary sanctions will commence immediately.
48. Anyone who knowingly ignores a Complaint Committee's decision may, subject to the President's discretion, face further disciplinary action pursuant to this Policy.

Appeals

49. These terms will have these meanings in this policy:
- (i) “Appellant”- The party appealing a decision.
 - (ii) “Days” - Days regardless of weekends or holidays.
 - (iii) “Individuals” – All categories of Membership within the AA Ringette Calgary Bylaws, as well as all individuals engaged in activities with AA Ringette Calgary, including but not limited to, athletes, coaches, officials, volunteers, managers, administrators, directors and officers.
 - (iv) “Respondent” - The body whose decision is being appealed.
50. This Policy will apply to decisions relating to conflict of interest, eligibility, selection, discipline, membership or any other matter deemed appropriate by AA Ringette Calgary.
51. This Policy will not apply to decisions relating to:
- (i) Decisions made external to the AA Ringette Calgary;
 - (ii) Matters of AA Board composition, AA Ringette Calgary committees, AA Ringette Calgary team staffing;

- (iii) Commercial matters;
- (iv) Matters of budgeting and budget implementation, including fees, dues and levies;
- (v) Infractions for doping offences which are dealt with pursuant to the *Canadian Anti-Doping Program* or any successor policy;
- (vi) The rules of ringette or disputes over competition rules;
- (vii) Matters relating to the substance, content and establishment of policies, procedures or criteria;
- (viii) Disputes arising within competitions which have their own appeal procedures;
- (ix) Any decisions made under this Policy.

Timing of Appeal

52. Members who wish to appeal a decision will have 48 hours from the date on which they learned of the decision, to submit in writing to the President the following:
- (i) Notice of their intention to appeal;
 - (ii) Contact information of the Appellant;
 - (iii) Name of the Respondent;
 - (iv) Ground(s) for the appeal;
 - (v) Detailed reason(s) for the appeal;
 - (vi) All evidence that supports the reasons and grounds for an appeal;
 - (vii) The remedy or remedies requested, and
 - (viii) A payment of two hundred dollars (\$200), which may be refundable.
53. If the Appellant is successful in their appeal, AA Ringette Calgary will reimburse the \$200.00 payment to the Appellant no later than fourteen (14) days of receipt of the appeal decision. If the Appellant is unsuccessful in their appeal, the \$200.00 is non-refundable.

Grounds for Appeal

54. Decisions may only be appealed on procedural grounds which are limited to the Respondent:
- (i) Making a decision for which it did not have authority or jurisdiction as set out in the applicable governing documents;
 - (ii) Failing to follow procedures as laid out in the bylaws or approved policies of AA Ringette Calgary;

- (iii) Making a decision that was influenced by bias, where bias is defined as a lack of neutrality to such an extent that the decision-maker is unable to consider other views or that the decision was influenced by factors unrelated to the substance or merits of the decision; and/or
 - (iv) Failing to consider relevant information or taking into account irrelevant information in making the decision.
55. The Appellant will bear the onus of proof in the appeal, and thus must be able to demonstrate, on a balance of probabilities, that the Respondent has made an error as described in Section 51.
56. The President, or designate in case of a conflict, will appoint an Adjudicator to judge the appeal. The Adjudicator shall have no prior involvement, direct or indirect with the matter being appealed.
57. The Adjudicator has the responsibility to:
- (i) Implement the procedures in this Policy in a timely manner;
 - (ii) Coordinate the administrative aspects of the appeal, and ensure a fair and timely proceeding;
 - (iii) Upon receipt of the notice and grounds of appeal, supporting evidence and the required fee, review the appeal and decide if the appeal falls within the jurisdiction of this Policy, and if it satisfies procedural grounds.
 - (A) If the Adjudicator is satisfied that the appeal is not under this Policy's jurisdiction, or that there are not sufficient grounds, the parties will be notified in writing, stating the reasons. There will be no further appeal of the Adjudicator's decision on jurisdiction or grounds.
 - (B) If the Adjudicator determines that there exists jurisdiction and sufficient grounds for an appeal, the Adjudicator may, with the consent of all parties involved, seek to resolve the appeal through mediation. The Adjudicator may select an independent mediator for this purpose.
58. If the appeal cannot be resolved through mediation, a hearing will take place before the Adjudicator. The procedures set out above for hearings (section 35 to 41) shall apply to the appeal hearing except that the Adjudicator may also hear from the Complaint Committee regarding its decision. In extraordinary circumstances, and at their discretion, the Adjudicator may choose to appoint a tribunal of three or more persons to hear and decide the case. In these situations, the decision will be by majority vote.
59. After the hearing, the Adjudicator (or the tribunal) will issue their written decision, with reasons. The decision may:
- (i) Reject the appeal and confirm the decision being appealed; or
 - (ii) Uphold the appeal, identify the error(s) and refer the matter back to the original decision-maker for a new decision; or

- (iii) Uphold the appeal and vary the decision at their discretion.
- 60. The Adjudicator's (or tribunal's) decision will be issued in writing to all parties, however, where time is of the essence, the decision may be issued verbally or in summary form, with details and reasons to follow within a reasonable time period thereafter.
- 61. The Adjudicator's (or tribunal's) decision is final and binding on the parties and may not be further appealed under this Policy.
- 62. Decisions made under this Policy may be appealed to the higher ringette governing bodies, in this case Ringette Calgary, Ringette Alberta and Ringette Canada, in that order. AA Ringette Calgary will not be involved in this appeal, unless requested by the entity hearing the appeal.

Reporting of Decisions

- 63. As soon as practical, the Complaint Committee, the President or their designate, shall report in writing to Ringette Calgary any finding of a breach of AA Ringette Calgary policy or of the Code of Conduct and the corrective or disciplinary action taken as a result.

Confidentiality of Complaint or Appeal Process

- 64. All parties involved in making, handling, reviewing, adjudicating, responding to or otherwise dealing with any complaint or appeal shall keep the details of the complaint or appeal confidential throughout the process. Disclosure of any details of a complaint shall only be done as necessary:
 - (i) to obtain advice (including legal advice) from third parties (who, in turn, shall be informed of this confidentiality provision and be bound by it);
 - (ii) report the outcome of the complaint or appeal to the parties involved (or their designates, parents or guardians as appropriate);
 - (iii) report to AA Ringette Calgary, Ringette Calgary and/or Ringette Alberta (as necessary or required under their policies) and, where possible, such reporting shall be done without disclosing names of the individual(s) involved; or
 - (iv) report to any other authority or person the Complaint Committee or appeal panel reasonably believes ought to be informed including, without limitation, any insurers, or police agencies.
- 65. Any failure to respect the confidentiality requirement may result in further sanctions or discipline by the Complaint Committee, the President or their designate.

This policy has been updated:

- January 24, 2024