

KINGSTON RINGETTE

DISCIPLINE AND COMPLAINTS POLICY

“Organization” refers to Kingston Ringette.

1.1. POLICY STATEMENT

1.1.1. The Organization is committed to providing an environment in which all Individuals involved with the Organization are treated with respect. Membership in the Organization, as well as participation in its activities, brings many benefits and privileges. At the same time, Individuals and participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the Organization’s policies, bylaws, rules and regulations, and *Code of Conduct and Ethics*. Noncompliance by Individuals can result in severe damage to the integrity of the Organization and may be subject to sanctions pursuant to this Policy. Since discipline may be applied, the Organization provides Individuals with the mechanism outlined in this Policy so that complaints are handled fairly, expeditiously, and affordably

1.2. DEFINITIONS

1.2.1. The following terms have these meanings in this Policy:

- “Days” - Days irrespective of weekend and holidays
- “Investigation” - An official inquiry into the validity of a complaint
- “Sanction” - Penalties imposed by Organization
- “Delegate” – A person in a responsible volunteer position or staff position within the Organization.
- “Individuals” – All categories of membership defined in the Organization’s Bylaws, as well as all individuals employed by, or engaged in activities with, the Organization including, but not limited to, athletes, coaches, conveners, referees, officials, volunteers, managers, administrators, committee members, directors and officers of the Organization, spectators at events, and parents/guardians of athletes

1.3. APPLICATION OF THIS POLICY

1.3.1. This Policy applies to all Individuals.

1.3.2. This Policy applies to discipline matters that may arise during the course of the Organization’s business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with the Organization activities, and any meetings.

1.3.3. This Policy does not prevent discipline from being applied, during a competition or event, according to the procedures in place for the particular event. Further discipline may be applied according to this Policy.

1.3.4. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. 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.

1.3.5. Discipline matters and complaints arising within the business, activities, or events organized by entities other than the Organization will be dealt with pursuant to the policies of these other entities unless requested and accepted by the Organization at its sole discretion.

1.4. REPORTING A COMPLAINT

1.4.1. Any Individual may report a complaint to an Organization Delegate. Such a complaint must be signed and in writing and must be filed within fourteen (14) days of the alleged incident.

1.4.2. Upon receiving a complaint, the Organization Delegate will provide it to the Organization's Executive Director or designate if the Executive Director is not available or not able to act in this capacity due to a conflict of interest.

1.4.3. At the Organization's discretion, the Organization may act as the complainant and initiate the complaint process under the terms of this Policy. In such cases, the Organization will identify an individual to represent the Organization.

1.4.4. The Executive Director or designate, will determine whether the complaint is frivolous or vexatious within ten (10) days of receiving it. If the Executive Director or designate determines the complaint is frivolous or vexatious, the complaint will be dismissed immediately.

1.4.5. A complainant wishing to file a complaint beyond the fourteen (14) days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the notice of complaint outside the fourteen (14) day period will be at the sole discretion of the Executive Director or designate. This decision may not be appealed.

1.4.6. If a complaint is determined by the Executive Director or designate to be legitimate, the complaint will be designated as a minor complaint or a major complaint and dealt with according to the appropriate sections of this Policy. It will be at the sole discretion of the Executive Director or designate to determine whether a complaint is to be dealt with as a major or minor infraction.

1.4.7. This Policy does not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behavior that constitutes either a minor or major infraction provided the individual being disciplined is told the nature of the infraction. Further sanctions may be applied, but only after review of the matter in accordance with the procedures set out in this Policy for major or minor infractions.

1.5. INVESTIGATION

1.5.1. The Executive Director or designate may appoint an independent individual to conduct an investigation to determine the validity of a complaint. 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 Executive Director or designate concluding whether or not there is validity related to the complaint and if a hearing is required.

1.6. MINOR INFRACTIONS

1.6.1. Minor infractions are **single incidents** of failing to achieve expected standards of conduct that generally do not result in harm to others, the Organization or the sport. Examples of minor infractions can include, but are not limited to, a single incident of:

- A single incident of disrespectful, offensive, abusive, racist or sexist comments or behaviour;
- Disrespectful conduct such as angry outbursts or argument;
- Conduct contrary to the values of the Organization
- Non-compliance with the Organization's policies, procedures, rules or regulations
- Minor violations of the Organization's *Code of Conduct and Ethics*
- Being late for or absent from Organization events and activities at which attendance is expected or required.

1.6.2. All disciplinary situations involving minor infractions will be dealt with by the appropriate person who has authority over both the situation and the individual involved. If applicable, discipline specific to the particular event or competition shall be applied. The person in authority can be, but is not restricted to being, staff, officials, coaches, judges, organizers, or the Organization's decision-makers.

1.6.3. Provided that the Respondent being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident, procedures for dealing with minor infractions will be informal (compared to the procedures for major infractions) and will be determined at the discretion of the person responsible for discipline of such infractions (as noted above).

1.6.4. Penalties for minor infractions, which may be applied singularly or in combination, include but are not limited to, the following:

- Verbal or written reprimand from the Organization to one of the Parties
- Verbal or written apology from one Party to the other Party
- Service or other contribution to the Organization
- Removal of certain privileges of membership for a designated period of time
- Suspension from the current competition, activity, or event
- Fines
- Any other sanction considered appropriate for the offense
- Discipline specific to the event or competition, if applicable

1.6.5. Minor infractions that result in discipline will be recorded and records will be maintained by the Organization. Repeat minor infractions may result in further such incidents being considered a major infraction.

1.7. MAJOR INFRACTIONS

1.7.1. 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 the Organization, or to the sport. Examples of major infractions include, but are not limited to:

- Repeated minor infractions
- Any incident of hazing
- Incidents of physical abuse
- Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
- Pranks, jokes, or other activities that endanger the safety of others
- Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
- Conduct that intentionally damages the Organization's image, credibility, or reputation
- Consistent disregard for the Organization's bylaws, policies, rules, and regulations
- Major or repeated violations of the Organization's *Code of Conduct and Ethics*
- Intentionally damaging the Organization property or improperly handling the Organization monies
- Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
- Any possession or use of banned performance enhancing drugs or methods

1.7.2 Major infractions occurring within competition may be dealt with immediately, if necessary, by a person having authority. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only. If applicable, discipline specific to the particular/event or competition shall be applied. 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.

1.7.3 Major infractions will be handled using the procedures set out in this Policy, except where a dispute resolution procedure contained within a contract or other formal written agreement takes precedence.

1.7.4 Depending on the nature of the complaint, the Executive Director or designate may appoint an independent individual (the “Investigator”) to conduct an investigation in order to confirm the background and context of the dispute and to ascertain the facts. If an investigation is ordered, the Investigator shall carry out the task in a timely manner and at the conclusion shall submit a written report to the Executive Director or designate.

1.7.5 Investigators may include any third party that the Executive Director or designate considers having the appropriate skills and availability to conduct a review of the background and context of the complaint and to summarize and complete any missing details that are relevant to a thorough and balanced understanding of the complaint.

1.7.6 Once the investigator has completed their investigation, a report of the Investigator’s findings will be delivered to the Executive Director or designate.

1.8. DISCIPLINE PANEL

1.8.1. Within fourteen (14) days of notifying the respondent of a complaint of a major infraction or of receiving the written report of the Investigator if an investigation was carried out, the Executive Director, or designate, will appoint three (3) individuals to serve as a Discipline Panel (“Panel”). The members of the Panel will select from themselves a Chairperson.

1.8.2. Members of 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 of interest.

1.8.3. The Panel will hold the hearing as soon as possible, but not more than thirty (30) days after being appointed.

1.8.4. Having regard to the nature of the discipline matter and the potential consequences of any resulting sanctions, the Panel may decide to conduct the hearing by way of review of documentary evidence or by way of an Organization hearing. If the Panel decides to conduct an Organization hearing, it may decide to do so in-person or by means of telephone/video conference.

1.9. PRELIMINARY HEARING

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

- Format, date and location of the hearing;
- Timelines for the exchange of documents;
- Clarification of issues in dispute;
- Any procedural matters including order and procedure of the hearing;
- Remedies sought;
- Evidence to be brought before the hearing;
- Identification of any witnesses; or
- Any other procedural matter that may assist in expediting the hearing and that there is validity to the complaint, a hearing is required.

1.10. HEARING

1.10.1. The Panel will govern the hearing fairly and as it sees fit, provided that:

- The affected parties will be given seven (7) days written notice of the day, time and place of the hearing;
- A quorum will be all three Panel members, and decisions will be by majority vote where the

Chairperson carries a vote;

- Panel members will refrain from communicating with the parties except in the presence of, or copy to, the other parties;
- The individual being disciplined may be accompanied by a representative;
- The individual being disciplined will have the right to present evidence and argument;
- Any party potentially affected by the matter may be made party to the hearing by 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;
- Each party will bear their own costs.

1.10.2. Once appointed, the Panel will have the authority to abridge or extend timelines associated with any aspect of the hearing.

1.10.3. After hearing the matter, the Panel will determine whether or not the individual will be sanctioned, and if so, will determine 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, the Executive Director, or designate, and Organization within fourteen (14) days of the conclusion of the hearing.

1.10.4. Where the individual's acknowledge 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.

1.11. SANCTIONS

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

- Verbal or written reprimand from the Organization to one of the Parties
- Verbal or written apology from one Party to the other Party
- Service or other voluntary contribution to the Organization
- Expulsion from the Organization
- Removal of certain membership privileges
- Suspension from certain teams, events, and/or activities
- Suspension from all the Organization's activities for a designated period of time
- Withholding of prize money or awards
- Payment of the cost of repairs for property damage
- Suspension of funding from the Organization or from other sources
- Any other sanction considered appropriate for the offense

1.11.2. Unless the Panel decides otherwise, any disciplinary sanction will commence immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension of membership in Organization until such time as compliance occurs.

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

- The nature and severity of the incident;
- The extent to which others have been in harmed by the incident
- The cooperation of the individual being disciplined in the proceedings under this policy;
- Whether the incident is a first offence or has occurred repeatedly;
- The individual's acknowledgement of responsibility;
- The individual's remorse and post infraction conducts;

- The age, maturity or experience of the individual;
- Whether the individual retaliated, where the incident involves harassment; and
- The individual's prospects for rehabilitation.

1.11.4. A written record will be maintained by Organization for a period of normal business practices at their main record-keeping storage facility for major infractions that result in a sanction for a period of normal business practices.

1.12. CRIMINAL CONVICTIONS

1.12.1. An Individual's conviction for any of the following *Criminal Code* offenses will be deemed a major infraction under this Policy and will result in expulsion from the Organization and/or removal from the Organization's competitions, programs, activities and events upon the sole discretion of the Organization:

- Any child pornography offences
- Any sexual offences
- Any offence of physical or psychological violence
- Any offence of assault
- Any offence involving trafficking of illegal drugs

1.13. CONFIDENTIALITY

1.13.1. Where the conduct reported is of a sensitive or confidential nature, Organization 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.

1.14. TIMELINESS

1.14.1. 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.

1.15. APPEALS PROCEDURE

1.15.1. The decision of the Panel may be appealed in accordance with the Organization's Appeal Policy.