



BASEBALL NEWFOUNDLAND AND LABRADOR

Discipline and Complaints Policy

Purpose

1. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, Bylaws, rules and regulations of Baseball NL and its Members (as applicable). Non-compliance may result in the imposition of sanctions pursuant to this Policy.

Application of this Policy

2. This Policy applies to all Individuals.
3. This Policy applies to matters that may arise during the business, activities, and events of the Organization and its Members (as applicable) including, but not limited to, competitions, practices and training, treatment, or consultations (e.g., massage therapy), camps and clinics, travel associated with the activities of the Organization or a Member, and any meetings.
4. This Policy also applies to Individuals' conduct outside of the business, activities, and events of the Organization and its Members (as applicable) when such conduct adversely affects the relationships of the Organization and/or a Member (and the work and sport environment) or is detrimental to the image and reputation of the Organization or a Member. Accordingly, applicability of this Policy will be determined by the Organization or a Member upon its sole discretion.
5. This Policy applies to alleged breaches of the *Code of Conduct and Ethics* by Individuals who have retired from the sport where any claim regarding a potential breach of the *Code of Conduct and Ethics* occurred when the Individual was active in the sport. In addition, this Policy will apply to breaches of the *Code of Conduct and Ethics* that occurred when the Individuals involved interacted due to their mutual involvement in the sport or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Individual(s).
6. Applicability of this Policy will be determined by the Organization or a Member at its sole discretion and shall not be subject to appeal.
7. If it is considered appropriate or necessary based on the circumstances, immediate discipline or the imposition of a sanction may be applied, after which further discipline or sanctions may be applied according to this Policy. 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 may be for the duration of the competition, training, activity, or event only.
8. In addition to being subject to disciplinary action pursuant to this *Discipline and Complaints Policy*, an employee of the Organization or a Member who is a Respondent to a complaint may also be subject to consequences in accordance with the employee's Employment Agreement or policies for human resources, if applicable.

Minors

9. Complaints may be brought for or against an Individual who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
10. Communication from the Case Manager, Discipline Chair or Discipline Panel (as applicable), must be directed to the Minor's representative.
11. A Minor is not required to attend an oral hearing, if held.

Reporting a Complaint

12. Any person may report a complaint to the Organization to the Baseball NL Discipline and Complaints Case Manager.
13. At the discretion of the Organization or a Member (as applicable), the Organization or a Member 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 or a Member.
14. Complaints or incident reports should be made in writing and the person making the complaint may contact the Case Manager for direction. The Case Manager may accept any report, in writing or not, at their sole discretion.

Case Manager Responsibilities

15. Upon receipt of a complaint from an Individual (or Individuals), the Case Manager shall determine whether the complaint should be handled by Baseball NL or by a Member.
16. The Case Manager shall make this determination by taking into consideration whether the incident has occurred within the business, activities, or events of Baseball NL of a Member. If the incident has occurred *outside* of the business, activities or events, the Case Manager will determine which organization's relationships are adversely affected or which organization's image or reputation will be detrimentally affected by the incident.
17. Notwithstanding the above, the Case Manager may direct a complaint to be managed by Baseball NL if the Member is otherwise unable to manage the complaint for valid and justifiable reasons, such as a conflict of interest or due to a lack of capacity.
18. If the Case Manager determines that the complaint or incident should be handled by a Member, that Member shall appoint its own Case Manager to fulfil the responsibilities listed below. In such instance, any reference to Case Manager below shall be understood as a reference to the Member's Case Manager.
19. The Case Manager may determine that the alleged incident may contain an element of discrimination, harassment, workplace harassment, workplace violence, sexual harassment, or abuse. In this case, the Case Manager may appoint an Investigator who will investigate the complaint.

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20. Upon receipt of a complaint, the Case Manager has a responsibility to:
- a) Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy;
 - b) Determine the appropriate jurisdiction to manage the complaint;
 - c) Propose the use of alternate dispute resolution techniques;
 - d) Determine that the alleged incident may contain an element of discrimination, harassment, workplace harassment, workplace violence, sexual harassment, or abuse. The Case Manager may also appoint an Investigator to investigate the complaint; and/or
 - e) Choose which process should be followed, and may use the following examples as a general guideline:

Process #1 - the Complaint alleges the following incidents:

- a) Disrespectful, abusive, racist, or sexist comments or behaviour
- b) Disrespectful conduct
- c) Minor incidents of violence (e.g., tripping, pushing, elbowing)
- d) Conduct contrary to the values of the Organization or a Member
- e) Non-compliance with the organization's policies, procedures, rules, or regulations
- f) Minor violations of the *Code of Conduct and Ethics*

Process #2 - the Complaint alleges the following incidents:

- a) Repeated minor incidents
- b) Any incident of hazing
- c) Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
- d) Major incidents of violence (e.g., fighting, attacking, sucker punching)
- e) Pranks, jokes, or other activities that endanger the safety of others
- f) Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
- g) Conduct that intentionally damages the organization's image, credibility, or reputation
- h) Consistent disregard for the bylaws, policies, rules, and regulations
- i) Major or repeated violations of the *Code of Conduct and Ethics*
- j) Intentionally damaging the organization's property or improperly handling the organization's monies
- k) Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
- l) A conviction for any *Criminal Code* offense
- m) Any possession or use of banned performance enhancing drugs or methods

21. If the Case Manager determines the complaint is frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately.
22. The Case Manager's decision to accept or dismiss the complaint may not be appealed.

Process #1: Handled by Discipline Chair

Discipline Chair

23. Following the determination that the complaint or incident should be handled under Process #1, the Case Manager will appoint a Discipline Chair who may:
 - a) Make a decision;
 - b) Ask the Complainant and the Respondent for either written or oral submissions regarding the complaint or incident; or
 - c) Convene the parties to a meeting, either in person or by way of video or teleconference in order to ask the parties questions.
24. Thereafter, the Discipline Chair shall determine if a breach occurred, if so, if one or more of the following sanctions should be applied:
 - a) Verbal or written reprimand
 - b) Verbal or written apology
 - c) Service or other contribution to the Organization or a Member
 - d) Removal of certain privileges
 - e) Suspension from certain teams, events, and/or activities for a designated period
 - f) Any other sanction considered appropriate for the offense
25. The Discipline Chair will inform the Parties of the decision, which will take effect immediately.
26. Records of all sanctions will be maintained by the Organization and the Member. Members will disclose all decisions to the Organization, which may disclose such decisions at its discretion.

Request for Reconsideration

27. If there is no sanction, the Complainant may contest the non-sanction by informing the Discipline Chair, within five (5) days of receiving the decision, that the Complainant is not satisfied with the decision. The initial complaint or incident will then be handled under Process #2 of this Policy.
28. If there is a sanction, the sanction may not be appealed until the completion of a request for reconsideration. However, the Respondent may contest the sanction by submitting a Request for Reconsideration within five (5) days of receiving the sanction. In the Request for Reconsideration, the Respondent must indicate:
 - a) Why the sanction is inappropriate;
 - b) Summary of evidence that the Respondent will provide to support the Respondent's position; and
 - c) What penalty or sanction (if any) would be appropriate.
29. Upon receiving a Request for Reconsideration, the Discipline Chair may decide to accept or reject the Respondent's suggestion for an appropriate sanction.
30. Should the Discipline Chair accept the Respondent's suggestion for an appropriate sanction, that sanction will take effect immediately.

31. Should the Discipline Chair not accept the Respondent's suggestion for an appropriate sanction, the initial complaint or incident will be handled under Process #2 of this Policy.

Process #2: Handled by Case Manager

Case Manager

32. Following the determination that the complaint or incident should be handled under Process #2, the Case Manager has a responsibility to:
- a) Propose the use of alternate dispute resolution techniques
 - b) Appoint the Discipline Panel, if necessary
 - c) Coordinate all administrative aspects and set timelines
 - d) Provide administrative assistance and logistical support to the Discipline Panel as required
 - e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding
33. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
34. The Case Manager may propose using alternate dispute resolution with the objective of resolving the dispute. If applicable, and if the dispute is not resolved, or if the parties refuse to attempt alternate dispute resolution (such as mediation or a negotiated settlement) the Case Manager will appoint a Discipline Panel, which shall consist of a single Arbitrator, to hear the complaint. At the discretion of the Case Manager, a Discipline Panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Discipline Panel's members to serve as the Chair.
35. The Case Manager, in cooperation with the Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Discipline Panel deem appropriate in the circumstances, provided that:
- a) The Parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing or an oral hearing by telephone or other communication medium
 - b) Copies of any written documents which the parties wish to have the Discipline Panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing
 - c) The Parties may engage a representative, advisor, or legal counsel at their own expense
 - d) The Discipline Panel may request that any other individual participate and give evidence at the hearing
 - e) The Discipline Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such

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evidence that is unduly repetitious, and shall place such weight on the evidence as it deems appropriate

- f) The decision will be by a majority vote of the Discipline Panel
36. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Discipline Panel will determine the appropriate sanction. The Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
37. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
38. In fulfilling its duties, the Discipline Panel may obtain independent advice.

Decision

39. After hearing the matter, the Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the hearing's conclusion, the Discipline Panel's written decision, with reasons, will be distributed to all parties, the Case Manager, to the Organization and the Member. In extraordinary circumstances, the Discipline Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

Sanctions

40. The Discipline Panel may apply the following disciplinary sanctions, singularly or in combination:
- a) Verbal or written reprimand
 - b) Verbal or written apology
 - c) Service or other contribution to the Organization or a Member
 - d) Removal of certain privileges
 - e) Suspension from certain teams, events, and/or activities
 - f) Suspension from certain activities for a designated period
 - g) Payment of the cost of repairs for property damage
 - h) Suspension of funding from the organization or from other sources
 - i) Expulsion from the organization
 - j) Any other sanction considered appropriate for the offense
41. Unless the Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Discipline Panel will result in an automatic suspension until such time as compliance occurs.
42. Records of all decisions will be maintained by the Organization and the Member (as applicable). Members will submit all records to the Organization.

Appeals

43. The decision of the Discipline Panel may be appealed in accordance with the *Appeal Policy*.

Suspension Pending a Hearing

44. The Organization or the Member (as applicable) may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending completion of an investigation, criminal process, the hearing, or a decision of the Discipline Panel.

Criminal Convictions

45. The Organization or the Member (as applicable) may determine in its sole discretion that an Individual's conviction for a *Criminal Code* offense will be deemed an infraction under this Policy and will result in expulsion from the Organization or the Member (as applicable).

Criminal Code offences may include, but are not limited to:

- a) Any child pornography offences
- b) Any sexual offences
- c) Any offence of physical violence
- d) Any offence of assault
- e) Any offence involving trafficking of illegal drugs

Confidentiality

46. The discipline and complaints process is confidential and involves only Baseball NL, the applicable Member(s), the parties, the Case Manager, the Discipline Chair, the Discipline Panel, and any independent advisors to the Discipline Panel. Once initiated and until a decision is released, none of the parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.

47. Any failure to respect the confidentiality requirement may result in further sanctions or discipline by the Discipline Chair or Discipline Panel (as applicable).

Timelines

48. If the circumstances of the complaint are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the complaint, the Case Manager may direct that these timelines be revised.

Records and Distribution of Decisions

49. Other individuals or organizations, including, but not limited to, national sport organizations, provincial/territorial sport organizations, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.