

## Battlefords Minor Baseball Inc.

### **Discipline and Complaints Policy**

#### **Application of this Policy**

1. The Policy applies to all Individuals coaching, volunteering, and registered as players and members of the Board of Directors of Battlefords Minor Baseball Inc. ("BMBI").
2. The Policy applies to discipline matters that may arise during the BMBI business, activities, and events including, but not limited to, competitions, tournaments, practices, tryouts, training camps, travel associated with BMBI, its Board of Director meetings and any other BMBI meetings.
3. The Policy is intended to deal with matters that are considered urgent, whether minor infractions or major infractions, requiring immediate action and non-urgent infractions, whether minor or major, which can be dealt by following formal hearing procedures. The Policy related to urgent matters is further intended to deal in an expedient and fair manner with discipline matters that could impact the ability of a coach or player to participate in a baseball season which is in progress.

#### **Minor Infractions**

4. Minor infractions are incidents of failing to achieve expected standards of conduct that generally do not result in harm to others or to BMBI. Examples of minor infractions include, but are not limited to, the following:
  - a) Disrespectful, offensive, abusive, racist, or sexist comments or behavior;
  - b) Disrespectful conduct such as outbursts of anger, abuse of officials or use of prohibited substances during training or competition;
  - c) Conduct contrary to the policies of BMBI;
  - d) Being late for, or absent from, BMBI events and activities at which attendance is expected or required;
  - a) Non-compliance with BMBI policies, procedures, rules, or regulations;
  - f) Minor violations of the Association's *The Provincial Team Policy*;
5. All minor infractions, other than those dealt with as urgent infractions, reported in writing to the BMBI Board shall be reviewed by a quorum of the Board at a regular meeting or special meeting held within 30 days of the infraction being reported.
6. Penalties for minor infractions, which may be applied singularly or in combination, include the following:
  - a) Verbal or written reprimand from BMBI to the offending person;

- b) Verbal or written apology from the offending person to the other person or persons affected;
- c) Service or other voluntary contribution to BMBI;
- d) Removal of certain privileges of membership for a designated period of time;
- e) Ejection from an ongoing game or training session in which the infraction occurs and suspension from competitions, activities, or events following the date of the minor infraction, not to exceed 7 days or 4 consecutive games whichever occurs first. While a player or coach is suspended he or she shall not attend practices or training sessions following the date of the suspension;
- e) Restriction of activities;
- g) Any other sanction considered appropriate for the offense;

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

8. In any circumstance where the SBA has imposed suspensions or sanctions against a player or coach pursuant to the SBA Discipline policies, the Board of BMBI shall to be entitled to review the conduct of the offending party at a special meeting or regular meeting of the Board held no later than 30 days of the infraction to determine, by a majority vote of a quorum of the Board, whether additional penalties or sanctions are warranted. Such meeting may be held by electronic means as permitted by the BMBI Bylaws.

9. Any person given a suspension or having a sanction imposed upon him or her following an appeal to the full Board of BMBI shall not be entitled to appeal the decision further.

### **Major Infractions**

10. 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, or to BMBI. Examples of major infractions include, but are not limited to the following:

- a) Repeated minor infractions
- b) Any incident of hazing
- c) Incidents of physical or sexual abuse
- d) Behavior that constitutes harassment, sexual harassment, or sexual misconduct
- 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 image of BMBI its credibility, or reputation
- h) Disregard for the bylaws, policies, rules, and regulations of BMBI
- j) Intentionally damaging BMBI property or the property at which the activity takes place or improperly handling of BMBI monies
- k) Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illegal drugs
- l) Any possession or use of performance enhancing substances or methods
- m) Theft of money and/or property of others
- n) Cheating during a competition
- o) Any physical abuse of an umpire during a game

11. Major infractions will be handled using the Procedure for Major Infraction Hearing set out in this Policy, except where a dispute resolution procedure of the SBA takes precedence.

In any circumstance where the SBA has imposed suspensions or sanctions against a player or coach pursuant to the SBA Discipline policies, the Board of BMBI shall to be entitled to review the conduct of the offending party at a special meeting or regular meeting of the Board held no later than 30 days of the infraction to determine, by a majority vote of a quorum of the Board, whether additional penalties or sanctions are warranted. Such meeting may be held by electronic means as permitted by the BMBI Bylaws.

### **Game Play and Training Infractions**

12. A coach or manager shall be entitled to suspend an offending player, volunteer or fellow coach for a period not to exceed 7 days or 4 consecutive games, whichever occurs sooner, for an infraction which occurs in the course of game play or training. Such suspension or sanction shall be reported in writing to the President of BMBI by fax, personal delivery, email or text message as soon as practicable and in any event, no later than 12 hours following the occurrence of the incident giving rise to the discipline imposed.

13. Within 24 hours of a suspension or sanction being imposed, the offending party shall be entitled, with or without his or her request, to have the suspension or sanction reviewed by the President of BMBI and two other BMBI Board members who shall have the authority to confirm or amend the suspension or sanction by vote of the majority.

14. The offending party shall be entitled to appeal the suspension or sanction at a special meeting or regular meeting of the Board ("the appeal meeting) which shall be held within 48 hours of the decision of the President and two BMBI Board members to determine, by a majority vote of a quorum of the Board, whether the suspension or sanction is upheld, overturned or whether additional penalties or sanctions are warranted.

15. The appeal meeting shall be conducted as follows:

- a. The meeting may be held in person or by electronic means as permitted by the BMBI Bylaws.
- b. The offending party shall be entitled to make written or oral representations to the BMBI Board at the meeting either personally or by use of a designated representative.
- c. Written representations of the offending party shall be provided to the BMBI Board Secretary no later than 4 hours prior to the commencement of the appeal meeting to allow for review by BMBI Directors.
- d. The coach or manager who imposed the discipline shall be entitled to make oral or written representations to the BMBI Directors to provide reasons for the suspension or sanctions.
- e. Written representations of the coach or manager who imposed the discipline shall be provided to the BMBI Board Secretary no later than 4 hours prior to the commencement of the appeal meeting to allow for review by BMBI Directors.
- f. Each party shall be allowed no more than 15 minutes to present oral representations.
- g. The BMBI Board shall provide a decision to both parties within 12 hours following deliberation and a vote.

16. There shall be no further appeal from a decision of a majority of a quorum of the BMBI Board of Directors.

### **Reporting a Non-Urgent Major Infraction Complaint**

17. Any Individual may report a complaint to BMBI dealing with a Major Infraction not involving training or game play. Such a complaint must be in writing and signed, and must be filed with the BMBI Board of Directors within 30 days of the alleged incident. Anonymous complaints will not be accepted.

18. A Complainant wishing to file a complaint outside of the 30 day period must provide a written statement giving reasons for an exception to this limitation. The decision to accept, or reject the complaint outside of the 30 day period will be at the sole discretion of a majority of the BMBI Board of Directors voted upon at a regular or special meeting where a quorum of Directors are present. Such decision may not be appealed.

### **Dispute Resolution and Mediation of Major Infractions**

20. Before any complaint proceeds to a formal stage, the dispute will first be referred to a person appointed by the BMBI Board for review, with the objective of resolving the dispute via alternate dispute resolution (ADR) and/or mediation.

### **Case Manager**

21. Should the ADR not resolve the dispute, BMBI will appoint a Case Manager to oversee the management and administration of complaints submitted in accordance with this Policy and such appointment is not appealable. The Case Manager may be, but is not required to be a sitting member of the Board of BMBI. The Case Manager has an overall responsibility to ensure procedural fairness is respected at all times in this Policy, and to implement this Policy in a timely manner. More specifically, the Case Manager has a responsibility to:

- b) Determine whether the complaint is frivolous or vexatious and within the jurisdiction of this Policy. If the Case Manager determines the complaint is frivolous or vexatious or outside the jurisdiction of this Policy, the complaint will be dismissed immediately. The Case Manager's decision to accept or dismiss the complaint may not be appealed;
- c) Appoint the Hearing Panel, if necessary, in accordance with this Policy;
- d) Coordinate all administrative aspects of the complaint;
- f) Provide any other service or support that may be necessary to ensure a fair and timely proceeding;
- g) Determine whether the complaint involves factors which require referral for a Criminal investigation or intervention of other government agency, including the Department of Social Services.

22. The Case Manager will inform the Parties if the incident is to be dealt with as a major infraction and the matter will be dealt with according to the applicable section relating a major infraction.

23. 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. Further sanctions may be applied in accordance with the procedures set out in this Policy.

24. Any infractions or complaints occurring within competition will be dealt with pursuant to the appropriate procedures at that competition. 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.

### **Procedure for Major Infraction Hearing**

25. The Case Manager shall notify the Parties that the complaint is potentially legitimate and the incident shall be dealt with as a major infraction. The Case Manager shall then decide the format under which the complaint will be heard. This decision is at the sole discretion of the Case Manager and may not be appealed.

26. The Case Manager will appoint a Discipline Panel, which shall consist of a single Adjudicator, to hear the complaint. At the discretion of the Case Manager, a Panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.

27. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may still hold a hearing for the purpose of determining an appropriate sanction.

28. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.

29. The Case Manager will determine the format of the hearing, which may involve an oral in-person hearing, an oral hearing by telephone, 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 deems appropriate in the circumstances, provided that:

- a) The Parties will be given appropriate notice of the day, time, and place of the hearing
- b) Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing
- c) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
- d) The Panel may request that any other individual participate and give evidence at the hearing
- e) The 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 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 Panel members

30. If a decision may affect another party to the extent that the other party would have recourse to a complaint or an appeal in their own right, that party will become a Party to the complaint in question and will be bound by the decision.

31. In fulfilling its duties, the Panel may obtain independent advice.

### **Decision**

32. Following a hearing the 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 Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and the Association. In extraordinary circumstances, the 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 Panel.

### **Sanctions**

33. The Panel may apply the following disciplinary sanctions, singularly or in combination, for major infractions:

- a) Verbal or written reprimand from BMBI to one of the Parties
- b) Verbal or written apology from one Party to the other Party
- c) Service or other voluntary contribution to BMBI
- d) Suspension from BMBI competitions, activities, or events
- e) Expulsion or dismissal from BMBI
- f) Withholding of awards
- g) Payment of the cost of repairs for property damage
- h) Suspension of funding from BMBI or from other sources
- i) Any other sanction considered appropriate for the offense

34. Unless the Panel decides otherwise, any disciplinary sanctions will begin immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension from BMBI competitions, activities or events until such time as compliance occurs.

### **Suspension Pending a Hearing**

35. The Board of BMBI may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual from BMBI competitions, activities or events pending a hearing and a decision of the Panel or completion of criminal proceedings.

### **Criminal Convictions**

36. 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 ineligibility from BMBI competitions, activities or events upon the sole discretion of the Association:

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

### **Confidentiality**

37. The discipline and complaints process is confidential and involves only the Parties, the Case Manager, the Panel, and any advisors to the Parties or the 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.

### **Timelines**

38. 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 Panel may direct that these timelines be revised.

### **Records and Distribution of Decisions**

39. Minor and major infractions that result in discipline, as well as decisions of any appeals, shall be recorded and maintained by BMBI.

40. Decisions and appeals are matters of public interest and shall be publicly available with the names of the individuals redacted. Names of persons disciplined may be disclosed to the extent necessary to give effect to any sanction imposed.

### **Appeals Procedure**

41. The decision of the Panel may be appealed in accordance with the BMBI *Dispute Resolution Policy*.

Battlefords Minor Baseball Inc. Board Approval Date: \_\_\_\_\_, 2021