

**Beaumont Ringette Association**  
**DISCIPLINE AND COMPLAINTS POLICY**

**Definitions**

1. The following terms have these meanings in this Policy:
  - a) “*Case Manager*” – An individual appointed to administer complaints in accordance with this Policy.
  - b) “*Club*” – Beaumont Ringette Association
  - c) “*Complainant*” – The party alleging an infraction or complaint.
  - d) “*Days*” – Days irrespective of weekends and holidays.
  - e) “*Individuals*” – All categories of Membership within the Club Bylaws, as well as all individuals engaged in activities with the Club, including but not limited to, athletes, coaches, officials, volunteers, managers, administrators, parents or guardians, spectators, committee members, directors and officers.
  - f) “*Minor*” – A person under the age of majority.
  - g) “*Parties*” – the groups or people involved with a dispute.
  - h) “*Respondent*” – The alleged infracting party or party responding to the complaint.

**Purpose**

2. Membership and/or participation in the Club, 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 Club 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 Club. Conduct that violates these values may be subject to sanctions pursuant to this policy.

**Application of this Policy**

3. This Policy applies to all Individuals as defined in the Definitions.
4. This Policy applies to discipline matters that may arise during the course of Club business, activities and events, including, but not limited to, its office environment, competitions, practices, training camps, travel, and any meetings.
5. This Policy also applies to Individuals’ conduct outside of the business, activities, and events of the Club when such conduct adversely affects the relationships (or the work and sport environment) of the Club, is detrimental to the image and reputation of the Club, or upon the acceptance of the Club. Accordingly, applicability of this Policy will be determined by the Club upon its sole discretion.
6. 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. The Individual may be subject to further sanctions pursuant to this Policy.
7. 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.
8. In addition to being subject to disciplinary action pursuant to this Policy, an employee of the Club 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.
9. This Policy applies to Individuals who have retired from the Club where any complaint occurred when the Individual was active in the Club.

**Minors**

10. Complaints may be brought by or against an Individual who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.

11. Communication from the Case Manager or decision-maker (as applicable) must be directed to the Minor's representative.

### **Reporting a Complaint**

12. Any Individual may report to the Club's Head Office or Club's Case Manager (when identified) any complaint of an infraction by an Individual. Such a complaint must be signed and in writing. Anonymous complaints may be accepted upon the sole discretion of the Club.
13. At its discretion, the Club may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, the Club will identify an individual to represent the complaint.

### **Case Manager**

14. Upon receipt of a complaint, the Club will assign a Case Manager, if not already assigned, to oversee the management and administration of complaints submitted in accordance with this Policy and such appointment is not appealable. The Case Manager has an overall responsibility to implement this Policy in a timely manner. More specifically, the Case Manager has a responsibility to:
  - a) 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 decision to the acceptance or dismissal of the complaint may not be appealed.
  - b) Determine if the alleged incident should be investigated pursuant to Appendix A – Investigation Procedure.
  - c) Propose the use of alternative dispute resolution techniques.
  - d) Determine if the complaint is a minor or major infraction;
  - e) Appoint a Person in Authority, Mediator and/or Panel, if necessary, in accordance with this Policy;
  - f) Determine the format of the hearing in cooperation with the Panel;
  - g) Coordinate all administrative aspects of the complaint;
  - h) Provide administrative assistance and logistical support to the Panel as required; and
  - i) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
15. The Case Manager will inform the Parties if the incident is to be dealt with as a minor infraction or major infraction and the matter will be dealt with according to the applicable section relating to the minor or major infraction.

### **Minor Infractions**

16. Minor infractions are incidents of failing to achieve the expected standards of conduct that generally do not result in harm to others, the Club or to the sport of ringette.
17. All disciplinary situations involving minor infractions will be dealt with by a person appointed by the Case Manager having authority over the situation (the person in authority may include, but is not restricted to, staff, officials, coaches, organizers, or Club decision makers).
18. 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 Case Manager and the person responsible for discipline of such infractions (as noted above in point 2). 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.
19. Penalties for minor infractions, which may be applied singly or in combination, include the following:
  - a) Verbal or written warning;
  - b) Verbal or written apology;
  - c) Service or other voluntary contribution to the Club;
  - d) Removal of certain privileges of membership or participation for a designated period of time;
  - e) Suspension from the current competition, activity or event; or

- f) Any other sanction considered appropriate for the offense.
20. Minor infractions that result in discipline will be recorded and maintained by the Club. Repeat minor infractions may result in further such incidents being considered a major infraction.

### **Major Infractions**

21. 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 Club or to the sport of ringette.
22. Examples of major infractions include, but are not limited to:
- a) Repeated Minor Infractions;
  - b) Intentionally damaging Club property or improperly handling Club monies;
  - c) Incidents of abuse;
  - d) Pranks, jokes or other activities that endanger the safety of others, including hazing;
  - e) Disregard for the bylaws, policies, rules, regulations and directives of the Club;
  - f) Conduct that intentionally damages the image, credibility or reputation of the Club or the sport of ringette;
  - g) Behaviour that constitutes all forms of harassment or
  - h) Abusive use of alcohol, any use or possession of alcohol by minors, use or possession of illicit drugs and narcotics.
23. 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.

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

24. If the Case Manager is satisfied that the complaint is a major infraction, the Case Manager will, with the consent of the parties, seek to resolve the complaint through mediation using the services of an independent mediator or the Case Manager.
25. If the complaint cannot be resolved through mediation, then a hearing before a Panel will take place. The Case Manager will appoint the Panel, which will 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 and decide the complaint. In this event, the Case Manager will appoint one of the Panel's Individuals to serve as the Chair.
26. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
27. The Case Manager, in cooperation with the Panel, will determine the format of the hearing, which may involve an oral hearing in person, an oral hearing by telephone or other electronic means, a hearing based on written submissions or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the 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, if any.
  - 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) Decisions will be by majority vote of the Panel.

28. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Panel will determine the appropriate sanction. The Panel may still hold a hearing for the purpose of determining an appropriate sanction.
29. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
30. In fulfilling its duties, the Panel may obtain independent advice.

### **Decision**

31. After hearing the matter, the Panel will determine whether an infraction has occurred and if so what appropriate sanction will be imposed. The Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager and the Club. The decision will be considered a matter of public record unless decided otherwise by the Panel.
32. 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 thereafter.

### **Sanctions**

33. Prior to determining sanctions, the Panel, as applicable, will consider factors relevant to determining appropriate sanctions which include:
  - a) The nature and duration of the Respondent's relationship with the Complainant, including whether there is a power imbalance;
  - b) The Respondent's prior history and any pattern of inappropriate behaviour or maltreatment;
  - c) The respective age of the individuals involved;
  - d) Whether the Respondent poses an ongoing and/or potential threat to the safety of others;
  - e) The Respondent's voluntary admission of the offense(s), acceptance of responsibility for the maltreatment, and/or cooperation in the investigative and/or disciplinary process of the Club;
  - f) Real or perceived impact of the incident on the Complainant, the Club or the sporting community;
  - g) Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
  - h) A Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
  - i) Other mitigating and aggravating circumstances.
34. The Panel, as applicable, may apply the following disciplinary sanctions, singularly or in combination:
  - a) **Verbal or Written Warning** - A verbal reprimand or an official, written notice and formal admonition and that more severe sanctions will result should the Individual be involved in other violations
  - b) **Education** - The requirement that an Individual undertakes specified educational or similar remedial measures
  - c) **Probation** - Should any further violations occur during the probationary period, will result in additional disciplinary measures, likely including a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period
  - d) **Suspension** - Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, activity, event, or competition sponsored by, organized by, or under the auspices of the Club. A suspended Individual is eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Individual satisfying specific conditions noted at the time of suspension
  - e) **Eligibility Restrictions** - Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions
  - f) **Permanent Ineligibility** - Ineligibility to participate in any capacity in any program, activity, event, or competition sponsored by, organized by, or under the auspices of the Club

- g) **Other Discretionary Sanctions** - Other sanctions may be imposed, including, but not limited to, other loss of privileges, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate
35. A Participant's conviction for certain *Criminal Code* offense shall carry a presumptive sanction of permanent ineligibility from participating with the Club. Such *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
36. Unless the Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal.
37. Failure to comply with a sanction as determined by the Panel will result in an automatic suspension until such time as compliance occurs.

### **Serious Infractions**

38. The Club or Case Manager may determine that an alleged incident is of such seriousness as to warrant suspension of the Respondent pending a hearing and a decision of the Panel, completion of an investigation or criminal process.

### **Confidentiality**

39. The discipline and complaints process is confidential involving only the Club, Parties, any independent advisors, the Case Manager and 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.
40. Any failure to respect the confidentiality requirement may result in further sanctions or discipline by the Panel or person in authority.

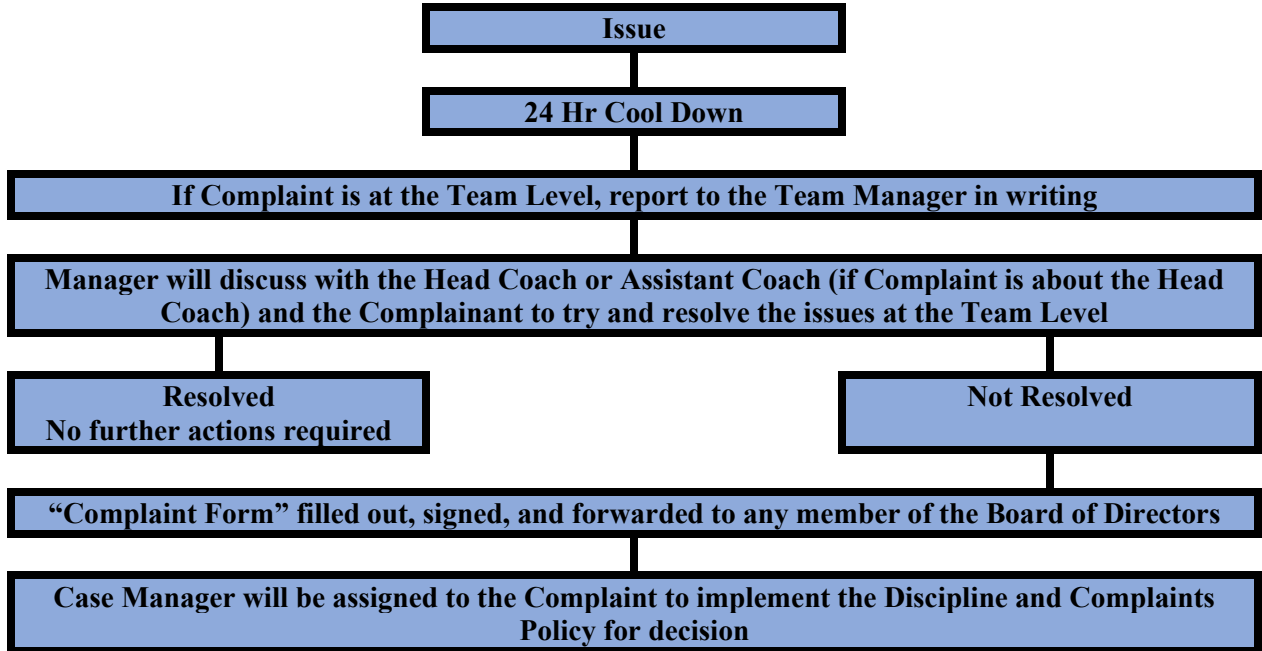
### **Records and Distribution of Decisions**

41. After receiving a copy of a decision, for transparency and educational purposes, the Club may, unless otherwise directed by the Panel (as applicable), make the decision publicly available.
42. Prior to publishing the decision, the Club will remove any confidential or sensitive material from the decision, including any identifying information about individual persons named, unless these persons are subject to a sanction and/or discipline in the decision.
43. Identifying information regarding minors will never be published.
44. Other individuals or organizations, including but not limited to, Provincial/Territorial sport organizations, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.

### **Appeals Procedure**

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

**Appendix A: Complaint Flowchart**



*a. Appendix A – Investigation Procedure*

**Determination**

1. When a complaint is submitted pursuant to the *Discipline and Complaints Policy*, the Case Manager will determine if the incident should be investigated.

**Investigation**

2. The Case Manager will appoint an Investigator. The Investigator must be an independent third-party skilled in investigating. The Investigator must not be in a conflict of interest situation and should have no connection to either party.
3. Federal and/or Provincial legislation related to workplace harassment may apply to the investigation if Harassment was directed toward a worker in a workplace. The Investigator should review workplace safety legislation, the organization's policies for human resources, and/or consult independent experts to determine whether legislation applies to the complaint.
4. The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial legislation. The investigation may include:
  - 1) Interviews with the Complainant
  - 2) Witness interviews
  - 3) Statement of facts (Complainant's perspective) prepared by Investigator, acknowledged by the Complainant and provided to the Respondent
  - 4) Interviews with the Respondent
  - 5) Statement of facts (Respondent's perspective) prepared by Investigator, acknowledged by the Respondent and provided to the Complainant

**Investigator's Report**

5. Upon completion of their investigation, the Investigator shall prepare a report that should include a summary of evidence from the parties (including both statements of facts, if applicable) and recommendations from the Investigator of whether, on a balance of probabilities, a breach of the Club's governing documents occurred.
6. The Investigator must be aware that sport-specific differences exist with respect to such aspects as acceptable levels of touch, physical contact, and aggression during training or competition and will consider such differences during the investigative process.
7. The Investigator's Report will be provided to the Case Manager who will disclose it, at their discretion, to the Club.
8. Should the Investigator find that there are possible instances of offence under the *Criminal Code*, particularly related to Criminal Harassment (or Stalking), Uttering Threats, Assault, Sexual Interference, or Sexual Exploitation, the Investigator shall advise the Complainant and the Club to refer the matter to police.
9. The Investigator must also inform the Club of any findings of criminal activity. The Club may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of prohibited substances or methods (as indicated in the version of the World Anti-Doping Agency's Prohibited List currently in force), any sexual crime involving Minors, fraud against the Club, or other offences where the lack of reporting would bring the Club into disrepute.

**Reprisal and Retaliation**

10. A Participant who submits a complaint to the Club or who gives evidence in an investigation may not be subject to reprisal or retaliation from any individual or group. Any such conduct will be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy*.

**False Allegations**

11. A Participant who submits allegations that the Investigator determines to be malicious, false, or for the purpose of retribution, retaliation or vengeance (or that otherwise fall within the definition of Maltreatment) may be subject to a complaint under the terms of the *Discipline and Complaints Policy* and may be required to pay for the costs of any investigation that comes to this conclusion. The Club or the person against whom the allegations were submitted, may act as the Complainant.

**Confidentiality**

12. The Investigator will make reasonable efforts to preserve the anonymity of the complainant, respondent, and any other party. However, the Club recognizes that maintaining full anonymity during an investigation may not be feasible.