

Policy Category	Advocacy
Policy Name	CDMFA Discipline Process
Source	Universal Code of Conduct, Alberta Societies Act, CDMFA Discipline Committee 2022
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CDMFA Discipline Process

The CDMFA recognizes that the member organizations are vital to the maintenance of the CDMFA. The CDMFA recognizes its responsibility to offer a safe space for the development of Football within the Capital District of the city of Edmonton. A safe space means that all members of the CDMFA must feel safe while watching, playing and engaging as a CDMFA member with other CDMFA members. All members must feel safe from harassment, bullying and violence outside the normal conditions of acceptable rough game play. Behavior must align with the Universal Code of Conduct to Prevent Maltreatment in Sport as developed by the Canadian Safe Sport Program.

Members of the CDMFA are subject to its Bylaws; Rules, Policies and Procedures (RPPs) and Code of Conduct. By belonging to the CDMFA and accepting the Code of Conduct; every member has provided their consent for the CDMFA Disciplinary Regulations to have jurisdiction over their behavior while engaging in CDMFA sanctioned events or when interacting with other CDMFA members from different clubs that other CDMFA members belong. This means that consent is given by participation within the Disciplinary Process to abide by the recommendations, decisions and discipline assessed.

Primary Goal of the Disciplinary Process:

Implement the principles of Right-Touch Regulation that aim regulations and process to be:

- **Proportionate:** Regulators should only intervene when necessary. Remedies should be appropriate to the risk posed, and costs identified and minimized.
- **Consistent:** Rules and standards must be joined up and implemented fairly.
- **Targeted:** Regulation should be focused on the problem, and minimize side effects.
- **Transparent:** Regulators should be open, and keep regulations simple and user-friendly.
- **Accountable:** Regulators must be able to justify decisions, and be subject to public scrutiny.
- **Agile:** Regulation must look forward and be able to adapt to anticipate change.

Secondary Goal:

Allegations should first be reported to the member organization. The onus of a member club is to try and resolve allegations that are within the member club when at all possible. The CDMFA will directly involve itself in matters where member organizations cannot resolve the matter on their own; request assistance; the allegation consists of a CDMFA Code of Conduct breach that involves 2 members or more from at least two different organizations that are composed of CDMFA members.

1. **ALLEGATION of OCCURRENCE:**

An allegation of occurrence is reported to member club by their own member and concerns a respondent who is of the same member club;

- 1.1. Allegation is an internal member club matter; meaning where the complainant and respondent are of the same member club
 - 1.1.1. If no allegations of the CDMFA code of conduct breach are made, then the member organization is responsible to investigate / mediate / resolve the matter
 - 1.1.2. Advisement of the CDMFA only if;
 - 1.1.2.1. Allegations of the CDMFA code of conduct are made where the CDMFA will request the member club be responsible to investigate / mediate / resolve the matter.
 - 1.1.2.2. The CDMFA may be available for advice or 3rd party assistance.
 - 1.1.2.3. If the member club cannot come to a resolution
 - 1.1.2.4. If the allegation concerns a member who has been the complainant or respondent of a CDMFA disciplinary allegation prior while belonging to a different member club.
- 1.2. If the alleged occurrence involves 2 member clubs and stems from a sanctioned CDMFA event the matter must be advanced to the CDMFA for evaluation.
 - 1.2.1. Allegation is made via the CDMFA website where the “**Allegation of Code of Conduct Breach**” form is completed and emailed to the CDMFA via the Complaints email address (***Concerns/Complaints@CDMFA.ca***).
 - 1.2.2. Allegations may be made by a complainant and a request to remain anonymous may be made via the form. However, it is important to note that if the complaint is under the jurisdiction of another authority (E.g. the police or a social agency), anonymity cannot be guaranteed. It is equally important to note that if the allegation moves through the formal disciplinary process, anonymity may not be guaranteed to allow for any respondent to properly defend themselves at any hearing.
 - 1.2.3. The allegation received via ***Concerns/Complaints@CDMFA.ca*** will be received by the **President of the CDMFA, the Chair of the Disciplinary Committee, the Co-chair of the Disciplinary Committee** for initial intake and evaluation to ensure:
 - 1.2.3.1. Jurisdiction
 - 1.2.3.1.1. If the allegation is criminal in nature the complainant must be advised to refer the allegation to the police of jurisdiction (E.g. Assault or Uttering Threats)
 - 1.2.3.1.2. If the allegation is criminal in nature and involves a vulnerable person there is a duty to report the allegation to the police of jurisdiction.
 - 1.2.3.1.3. If the allegation occurs during a CDMFA sanctioned event and involves 2 member clubs
 - 1.2.3.1.3.1. The member clubs president’s or an uninvolved executive member will be requested to investigate the matter within their own club’s perspective. Such investigation should involve speaking with all involved parties and witnesses of the alleged occurrence, when at all possible.

- 1.2.3.1.3.2. The CDMFA Chair of the Disciplinary Committee, the Co-chair of the Disciplinary Committee, or other Disciplinary Committee member will review the versions obtained by each club and request the complainant and respondent participate in a mediated discussion if possible.
 - 1.2.3.1.3.2.1. Findings should consider the breach of the code of conduct
 - 1.2.3.1.3.2.2. Findings should consider the possibility of resolving the matter between involved clubs and parties informally before referral to the Disciplinary Committee.
 - 1.2.3.1.3.3. If mediation is not possible, then the Disciplinary Committee will be convened within 14 days of the complaint being brought forward to the CDMFA.
- 1.2.3.1.4. If the allegation concerns a member who has been the complainant or respondent of a CDMFA disciplinary allegation prior while belonging to a different member club.
- 1.2.3.1.5. If the allegation concerns a member club that either the CDMFA Chair of the Disciplinary Committee or the Co-chair of the Disciplinary Committee belong and the perception of a conflict exists, then another member of the Disciplinary Committee will be selected to complete the initial intake, evaluation and management of the review.

2. COMPLAINT:

- 2.1. A complaint made by a person with standing as identified within Section 22 of the Societies Act.
The Societies Act:
Arbitration
22(1) The bylaws of a society may provide that a dispute arising out of the affairs of the society and between any members of the society or between
(a) a member or a person who is aggrieved and who has for not more than 6 months ceased to be a member, or
(b) a person claiming through the member or aggrieved person or claiming under the bylaws of the society, and the society or a director or officer of the society, shall be decided by arbitration, which shall be under the Arbitration Act unless the bylaws prescribe some other method.
(2) A decision made pursuant to an arbitration is binding on all parties and may be enforced on application to the Court of Queen's Bench, and unless the bylaws otherwise provide there is no appeal from it.
RSA 1980 cS-18 s18
- 2.2. a complaint needs to be submitted in writing by using the **CDMFA Disciplinary Process; Concern/Complaint Form** in either hardcopy or electronic form and must be signed,
- 2.3. cannot be anonymously submitted, however allegations may be made by a complainant and a request to remain anonymous may be made via the form. However, it is important to note that if the complaint is under the jurisdiction of another authority (E.g. the police or a social

agency), anonymity cannot be guaranteed. It is equally important to note that if the allegation moves through the formal disciplinary process, anonymity may not be guaranteed to allow for any respondent to properly defend themselves at any hearing.

- 2.4. must contain the following information,
 - 2.4.1. time
 - 2.4.2. date
 - 2.4.3. location
 - 2.4.4. specifics
 - 2.4.5. identify the CDMFA Bylaw; RPP or Code of Conduct violation(s)
 - 2.4.6. identify a respondent by name (if known); by position; by function; by description such that it is reasonable for the subject to be identified
 - 2.4.7. identify the presence of any witnesses by name (if known); by position; by function; by description such that it is reasonable for the subject to be identified
 - 2.4.8. identify any evidentiary sources that may be relied upon (E.g. Video or Audio recordings)
 - 2.4.9. must be submitted within the **CDMFA Disciplinary Process; Concern/Complaint Form** provided on the CDMFA website
 - 2.4.10. must be submitted via the CDMFA email address, (**Concerns/Complaints@CDMFA.ca**)
- 2.5. The CDMFA Chair of the Disciplinary Committee, the Co-chair of the Disciplinary Committee, or other Disciplinary Committee member should ask during the intake and evaluation phase “What would you like to see done with the concerns you raise? Are you open to mediations?”

3. **VETTING / EVALUATION:**

- 3.1. If the allegation is criminal in nature the complainant must be advised to refer the allegation to the police of jurisdiction
- 3.2. If the allegation is criminal and involves a vulnerable person, then the CDMFA has a duty to report and should forward the allegation to the police of jurisdiction to ensure a prompt reporting of the allegation
- 3.3. If the allegation involves an ongoing criminal investigation then the matter should be referred to the investigating member or police service for their awareness and potential involvement
- 3.4. If the allegation involves an ongoing civil matter then the matter should be referred back to the previous body (involved lawyer, court, or police if an enforceable court order exists)
- 3.5. Identify/ Evaluate if the complaint is:
 - 3.5.1. Allegation of a CDMFA Bylaw contravention
 - 3.5.2. Allegation of a CDMFA RPP contravention
 - 3.5.2.1. Including the behavior management policy
 - 3.5.3. Allegation of a CDMFA Code of Conduct contravention
 - 3.5.4. Allegation of an EFOA Suspension
- 3.6. If the complainant is open to a dispute resolution process; either informal or formal (E.g. mediation)

4. NOTIFICATION:

- 4.1. Once an allegation has been made to the CDMFA of any breach of its Bylaws, RPPs, or Code of Conduct and it has been received and evaluated by the CDMFA Chair of the Disciplinary Committee, the Co-chair of the Disciplinary Committee, or other Disciplinary Committee member; the involved member club's presidents or un-involved executive member will be notified
- 4.2. The member club president or un-involved executive member will notify the respondent and advise them of the details of the allegation
- 4.3. Although this notification may be done verbally to summarize the allegation; the initial written complaint shall be provided to the member clubs.
- 4.4. The president of the member club or un-involved executive member that the respondent belongs shall provide the written complaint to the respondent
- 4.5. Notification by the CDMFA will also include direction to the member club's presidents or un-involved executive member as to the nature of the investigation to be conducted and any identified completion dates (keeping in mind the 14 day timeline for a disciplinary committee to be assembled to hear the matter)
- 4.6. if the member identified as a respondent is a minor then the guardian shall be provided notice of the complaint
- 4.7. notification must also direct that the complainant and respondent will not contact each other while the allegation is being investigated
- 4.8. notification must also direct that the complainant's member club's president will not contact the respondent directly while the allegation is being investigated
- 4.9. notification must also direct that the respondent's member club's president will not contact the complainant directly while the allegation is being investigated

5. PROCESS:

5.1. Allegation of a CDMFA Bylaw contravention:

- if alleged breach has a course of action identified within the Bylaws; then the Bylaw remedy should be observed (Administrative process or penalty)
- Does the bylaw allow for an appeal process that may appear before the disciplinary committee?
- likely if a Bylaw breach has occurred, there may be a corresponding RPP breach that can be referred to the Disciplinary Committee (if necessary) following an investigation

5.2. Allegation of a CDMFA RPP contravention:

- CDMFA Intake position can request each involved organization to make inquiries through the president or uninvolved executive member
- If the allegation is an internal matter (as described above) then the matter should be referred to the organization in case they are not yet aware of the allegation.
- Refer to the Disciplinary Committee if necessary following investigation and findings of standing of the committee

5.3. Allegation of a CDMFA Code of Conduct contravention

- Handled as a RPP breach

5.4. Allegation of an EFOA Suspension due to a Breach of the Behavior Management Policy

- Plus 1 rule of the CDMFA policy on suspensions?
- CDMFA Plus 1 suspension appeal in front of Disciplinary Committee?

5.5. Allegation of an EFOA Suspension

- As per the rules of Canadian FB / CDMFA / EFOA can expel / suspend a player or coach etc.
- Plus 1 rule of the CDMFA policy on suspensions
- EFOA suspensions are non-appealable as they are independent of CDMFA
- CDMFA Plus 1 suspension appeal in front of Disciplinary Committee

6. FORWARD TO DISCIPLINARY COMMITTEE:

Sustained Versus Not-Sustained Complaints

6.1. Not-Sustained:

If the evaluation and investigation by the CDMFA Chair of the Disciplinary Committee, the Co-chair of the Disciplinary Committee, or other Disciplinary Committee member; and club presidents find the allegation is not-sustained (meaning that there is not any evidence that the allegation can be proved)

- 6.1.1. Matter is not sent to the Disciplinary Committee
- 6.1.2. Findings provided to the complainant by the Intake position
- 6.1.3. If the Complainant appeals the decision in writing within 14 days of the notification of decision the CDMFA President will review the allegation of occurrence and subsequent information and render a decision to agree or disagree with the finding of not-sustained

6.2. Sustained:

If the evaluation by the CDMFA Chair of the Disciplinary Committee, the Co-chair of the Disciplinary Committee, or other Disciplinary Committee member finds that the allegation is sustained (meaning that there is a possibility that it occurred)

- 6.2.1. Matter is brought before the disciplinary committee
- 6.2.2. There is no ability to appeal a sustained finding

7. HEARING PROCESS:

- 7.1. The hearing occurs as per the Bylaws and RPPs (Disciplinary Committee consisting of 3 members and an Executive member who monitors the Disciplinary Committee). Recusal of Committee members if there is any perceived conflict of interest or bias potential as necessary.
 - 7.1.1. a. If the respondent is a minor player they may have a parent accompanying them (coach or parent) and an organizational rep.

- 7.1.2. b. If the complainant is a minor player they may have a parent accompanying them (coach or parent) and an organizational rep.
- 7.2. Complainant presents their concern, evidence and any witness statements previously provided
- 7.3. Disciplinary Committee asks clarifying questions following complainant's evidence
- 7.4. Respondent presents their concern, evidence and any witness statements previously provided
- 7.5. Disciplinary Committee asks clarifying questions following respondent's evidence
- 7.6. Disciplinary Committee adjourns from Complainant and Respondent and discusses findings and must determine a finding based on a balance of probabilities threshold (51% or more)
- 7.7. Decision provided to executive member providing oversight
- 7.8. Discussion of penalty recommendation by Committee; based on Bylaws, RPPs, former decisions
- 7.9. Discussion with complainant, complainant organization and respondent, respondent organization about appropriate penalty
- 7.10. CDMFA President will ratify the decision of the Disciplinary Committee
- 7.11. Complainant and Respondent advised of the decision and penalty

8. RANGE OF PENALTY:

The goal of the Disciplinary Process and any resulting assessment of discipline is that the penalty is; **Proportionate, Consistent, Targeted, Transparent, Accountable, and Agile**. Thus, any assessment of discipline will need to consider who is receiving the penalty; their ability to have appreciated the gravity of the behavior; their ability to learn from the assessed penalty; and their history of involvement (if any) with the disciplinary process. If there is a history of involvement with the disciplinary process then a "STEP" process regarding discipline should be considered, particularly if the behavior is more serious than the historical involvement.

Discipline will consist of one or more of the following;

- Training (or retraining)
- Mandated Mediation
- Other Restorative Justice Concepts
- Suspensions
- Default of games
- Withdrawal of playoff opportunity
- Expulsion from CDMFA

9. APPEAL Process:

- 9.1. Appeal of Decision – an appeal of the decision needs to be made in writing within 14 days of receiving the notification of decision. The appeal must identify the reasons why the decision was incorrect. The appeal will be reviewed by the CDMFA Executive Board Member who monitored the hearing, and who will render a decision.
- 9.2. Response of Appeal of decision by the reviewing CDMFA Executive Board Member:

- 9.2.1. If the appeal is granted; a new hearing will be held and heard by new members of the Disciplinary Committee along with a new monitoring member of the CDMFA Executive. A written decision outlining why the appeal is granted will be required and notification provided to the Complainant and Respondent. **There is no further appeal of this appealed decision.**
- 9.2.2. If the appeal is denied; a written notification provided to the Complainant and Respondent will be completed with no explanation required. **There is no further appeal of this appealed decision.**
- 9.2.3. A written notification of decision will be provided within 14 days of receipt of the appeal.
- 9.3. Appeal of Penalty – an appeal of the penalty needs to be made in writing within 14 days of receiving the notification of penalty. Any appeal must present an alternative penalty and list why the assigned penalty is inappropriate. The appeal will be reviewed by the CDMFA Executive Board Member who monitored the hearing, and who will render a decision.
- 9.4. Response of Appeal of penalty by the reviewing CDMFA Executive Board Member:
 - 9.4.1. If the appeal is granted then the penalty will be set aside and the matter sent back to the presiding Disciplinary Committee members for further consideration.
 - 9.4.2. If the appeal is denied; a written notification provided to the Complainant and Respondent will be completed with no explanation required. **There is no further appeal of this appealed decision.**
 - 9.4.3. A written notification of decision will be provided within 14 days of receipt of the appeal.

If the penalty consists of a suspension or expulsion then the penalty will commence during the appeal process to ensure the appeal process is not abused and used to stall the implementation of a penalty and allow the respondent or respondent organization the benefit of the respondent attending games. Similarly if the penalty is a default of a game(s) or the suspension of playoff eligibility; and playoffs are set to begin within the timeline of the assessment of the appeal, then the penalty will still commence so as not to interfere with the playoff schedule.