

Cold Lake Minor Soccer Association
COMPLAINT, CONFLICT RESOLUTION
AND DISCIPLINARY POLICY



Definitions

1. The following terms have these meanings in this Policy:
 - a) **Alternative Dispute Resolution** – A method of resolving the dispute (such as by mediation, negotiated settlement, or other agreement between the Parties) that does not involve a formal process (e.g., a decision-making panel is not required).
 - b) **Athlete** – Includes any individual who is registered to compete for the Association.
 - c) **Case Manager** – An individual appointed by the Association to administer this Discipline and Complaints Policy.
 - d) **Complainant** – An Individual or observer who makes a report of an incident, or a suspected incident, of Maltreatment or other behaviour that is a violation of the standards described in the Code of Conduct and Ethics.
 - e) **Days** – Days including weekends and holidays.
 - f) **Discipline Chair** – An individual appointed to handle the duties of the Discipline Chair.
 - g) **Discrimination** – As defined in the Code of Conduct and Ethics.
 - h) **Harassment** – As defined in the Code of Conduct and Ethics.
 - i) **Individuals** – Refers to all categories of members and/or registrants defined in the Bylaws of the Association who are subject to the policies of the Association, as well as all people employed by, contracted by, or engaged in activities with the Association including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, and Directors and Officers.
 - j) **Maltreatment** – As defined in the Code of Conduct and Ethics.
 - k) **Minor** – Any Individual who is under the age of majority at the time and in the jurisdiction where the alleged Maltreatment has occurred. Adults are responsible for knowing the age of majority and the age of the individual.
 - l) **Respondent** – The Party responding to a complaint.
 - m) **Sexual Harassment** – As defined in the Code of Conduct and Ethics.
 - n) **Workplace Harassment** – As defined in the Code of Conduct and Ethics.
 - o) **Workplace Violence** – As defined in the Code of Conduct and Ethics.

Purpose

2. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the Association's policies, Bylaws, rules and regulations, and Code of Conduct and Ethics. Non-compliance may result in sanctions pursuant to this Policy.

Application of this Policy

3. This Policy applies to all Individuals.
4. This Policy applies to matters that may arise during the Association's business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with the Association's activities, and any meetings.
5. This Policy also applies to Individuals' conduct outside of the Association's business, activities, and events when such conduct adversely affects relationships within the Association (and its work and sport environment), is detrimental to the image and reputation of the Association, or upon the acceptance of the Association. Applicability will be determined by the Association at its sole discretion.
6. 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).
7. In the event that it is considered appropriate or necessary on the basis of 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 Association 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 Discipline Chair or Case Manager, 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 Association to the League Director and/or Vice-President.
13. At the discretion of the Association, the Association may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, the Association will identify an individual to represent the Association.
14. Complaints or incident reports shall 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.
 - a) The written Complaint facts are to include but are not limited to:
 - i. Date, time, place of the incident in the dispute.
 - ii. Names of relevant parties and their part in the dispute. This can include potential offenders, witnesses, and club officials.
 - iii. Contact information of the complainant.
 - iv. Ground for an appeal.
 - v. Decisions being appealed.
 - vi. The Complainant shall have the burden to establish that the decision maker's decision was improper or unduly harsh under the circumstance.

Case Manager Responsibilities

15. Upon receipt of a complaint, the Case Manager shall determine whether the complaint is frivolous and/or within the jurisdiction of this Policy.
16. If the Case Manager determines the complaint is frivolous and/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.
17. If the Case Manager determines that the complaint is valid and within the jurisdiction of this Policy, the Case Manager shall determine whether the complaint should be handled by the Association or by another Association with jurisdiction (such as a Provincial/Territorial Sport Organization).

18. The Case Manager shall make this determination by taking into consideration which organization's relationships are adversely affected or which organization's image or reputation will be detrimentally affected by the incident.
19. 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) Determine whether the alleged incident may contain an element of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, or Maltreatment. The Case Manager may also appoint an Investigator to investigate the complaint and/or
 - d) Choose which process should be followed, Process #1 or Process #2:

Process #1 – the Complainant alleges the following incidents:

- i. Disrespectful, abusive, racist, or sexist comments or behaviour.
- ii. Disrespectful conduct.
- iii. Minor incidents of violence (e.g., tripping, pushing, elbowing).
- iv. Conduct contrary to the values of the Association.
- v. Non-compliance with the Association's policies, procedures, rules, or regulations.
- vi. Minor violations of the *Code of Conduct and Ethics*.

Process #2 – the Complainant alleges the following incidents:

- i. Repeated minor incidents.
- ii. Any incident of hazing.
- iii. Behaviour that constitutes Harassment, Sexual Harassment, or sexual misconduct.
- iv. Major incidents of violence (e.g., fighting, attacking, sucker punching).
- v. Pranks, jokes, or other activities that endanger the safety of others.
- vi. Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition.
- vii. Conduct that intentionally damages the Association's image, credibility, or reputation.
- viii. Consistent disregard for the Association's bylaws, policies, rules, and regulations.
- ix. Major or repeated violations of the *Code of Conduct and Ethics*.
- x. Intentionally damaging the Association's property or improperly handling the Association's monies.

- xi. Abusive use of alcohol, any use or possession of alcohol or cannabis by Minors or use or possession of illicit drugs and narcotics.
- xii. A conviction for any *Criminal Code* offense.
- xiii. Any possession, use, trafficking, or administration of prohibited substances or prohibited methods as indicated on the version of the World Anti-Doping Agency's Prohibited List currently in force.

PROCESS #1: HANDLED BY DISCIPLINE CHAIR

Process #1: Discipline Chair

20. 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.
21. Thereafter, the Discipline Chair shall determine if a breach occurred; if so, if one or more of the following sanctions should be applied:
 - a) A verbal or written reprimand,
 - b) A verbal or written apology,
 - c) A service or other contribution to the Organization,
 - d) Removal of certain privileges,
 - e) Suspension from certain teams, events, and/or activities for a designated period, or
 - f) Any other sanction considered appropriate for the offense.
22. The Discipline Chair will inform the Parties of the decision, which will take effect immediately.
23. Records of all sanctions will be maintained by the Association. The Association will disclose all decisions to the applicable Provincial/Territorial Sport Organization, which may further disclose such decisions at its discretion.

Process #1: Request for Reconsideration

24. 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.

25. If there is a sanction, 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.
26. Upon receiving a Request for Reconsideration, the Discipline Chair may decide to accept or reject the Respondent's suggestion for an appropriate sanction.
27. Should the Discipline Chair accept the Respondent's suggestion for an appropriate sanction, that sanction will take effect immediately.
28. 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

Process #2: Case Manager

29. Following the determination that the complaint or incident should be handled under Process #2, the Case Manager has a responsibility to:
 - a) Appoint the Discipline Panel, if necessary,
 - b) Coordinate all administrative aspects and set timelines,
 - c) Provide administrative assistance and logistical support to the Discipline Panel as required, and
 - d) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
30. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
31. The Case Manager may propose using Alternative 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 Alternative 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 (who are not in a conflict of interest) 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.
32. 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 evidence that is unduly repetitious, and shall place such weight on the evidence as it deems appropriate, or
 - f) The decision will be by a majority vote of the Discipline Panel.
33. 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.
34. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
35. 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 current complaint and will be bound by the decision.
36. In fulfilling its duties, the Discipline Panel may obtain independent advice.

Process #2: Decision

37. 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, and the Organization. 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.

Process #2: Sanctions

38. The Discipline Panel may apply the following disciplinary sanctions, singularly or in combination:
- a) A verbal or written reprimand,
 - b) A verbal or written apology,
 - c) Service or other contribution to the Organization,
 - 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, and/or
 - j) Any other sanction considered appropriate for the offense.
39. 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.
40. Records of all sanctions will be maintained by the Association. The Association will disclose all decisions to the applicable Provincial/Territorial Sport Organization, which may further disclose such decisions at its discretion.

Process #2: Appeals

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

Suspension Pending a Hearing

42. The Association may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending completion of a criminal process, the hearing, or a decision of the Discipline Panel.

Criminal Convictions

43. The Association 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 Association. 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, or
 - e) Any offence involving trafficking of illegal drugs

Confidentiality

44. The discipline and complaints process is confidential and involves only the Parties, the Case Manager, 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.
45. Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the Discipline Chair or Discipline Panel (as applicable).

Timelines

46. 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

47. 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.