



MLA DISCIPLINE AND COMPLAINTS POLICY

Purpose

1. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with Manitoba Lacrosse Association's (MLA) policies, bylaws, rules and regulations, and *Code of Conduct and Ethics*. Noncompliance may result in sanctions pursuant to this Policy.

Discipline Chair

2. The Discipline Chair will be an individual appointed by the MLA Board of Directors, or Safe Sport Officer to handle the duties of the Discipline Chair as described hereunder. The MLA Board of Directors or Safe Sport Officer may, if justified by the circumstances, choose to appoint three (3) individuals to serve as the Discipline Chair and, in this case, decisions of the Discipline Chair will be by majority vote.

3. The Discipline Chair appointed to handle a complaint or incident must be unbiased and not in a conflict-of-interest situation.

Application of this Policy

4. This Policy applies to all Individuals.

5. This Policy applies to matters that may arise during MLA's business, activities, and Events for which the MLA is the governing or ruling body for the Event including, but not limited to, competitions, practices, tryouts, training camps, travel associated with the MLA's activities, and any meetings.

6. This Policy also applies to Individuals' conduct outside of the MLA's business, activities and Events when such conduct adversely affects relationships within the MLA (and its work and sport environment), is detrimental to the image and reputation of the MLA, or upon the acceptance of the MLA. Applicability will be determined by the MLA at its sole discretion.

7. This Policy does not prevent immediate discipline or a sanction from being applied as reasonably required. Specifically, the MLA Board of Directors may, at their sole discretion, 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 Chair or discipline panel. Further, 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 will be for the duration of the competition, training, activity, or event only.

8. An employee of the MLA who is a Respondent will be subject to appropriate disciplinary action in accordance with any of the MLA's applicable policies, as well as the employee's employment agreement, if



applicable. Violations may result in a warning, reprimand, restrictions, suspension, or other disciplinary actions up to and including termination of employment.

Alignment

9. The MLA recognizes that Individuals may also be registered with Member Clubs. The MLA requires that Member Clubs submit discipline decisions involving Individuals to the MLA for the purpose of record keeping. Decisions rendered by Member Clubs will be recognized and implemented by the MLA. Member Clubs must also recognize and implement decisions rendered by the MLA.

Adult Representative

10. 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.

11. Communication from the Executive Director, Safe Sport Officer, Discipline Chair or Case Manager, as applicable, must be directed to the Minor's representative.

12. A Minor is not required to attend an oral hearing, if held.

Process

13. Any Individual may report an incident or complaint to the Safe Sport Officer or to the Executive Director in writing, within fourteen (14) days of the alleged incident. This timeline can be waived or extended at the Safe Sport Officer or Executive Director's discretion. If the complaint or incident involves the Executive Director, it shall be made to the Safe Sport Officer, who shall then retain authority to make any determinations that would have been within the authority of the Executive Director under this Policy.

14. The MLA may, in its sole discretion, act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, the MLA will identify an individual representative of the organization.

15. Upon receiving a report of an incident or a complaint, the Safe Sport Officer or MLA Board of Directors, as applicable, may, at its sole discretion and depending on the nature of the issue, appoint a Discipline Chair, who will be responsible for following process #1, as described in Sections 18-24, or, alternatively, appoint a Case Manager, who will be responsible for following Sections 25 and following. The MLA Board of Directors or Safe Sport Officer's decision to appoint a Discipline Chair or a Case Manager is not subject to appeal.

16. When determining whether to appoint a Discipline Chair or a Case Manager, the MLA Board of Directors or Safe Sport Officer has the discretion to choose which process should be followed, and may use the following examples as a general guideline:

- a) Process #1 - the complaint 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 MLA
- v. Non-compliance with the MLA's policies, procedures, rules, or regulations
- vi. Minor violations of the MLA's *Code of Conduct and Ethics*

b) Process #2 - the complaint 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 MLA's image, credibility, or reputation
- viii. Consistent disregard for the MLA's bylaws, policies, rules, and regulations
- ix. Major or repeated violations of the MLA's *Code of Conduct and Ethics*
- x. Intentionally damaging the MLA's property or improperly handling the MLA's monies
- xi. Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
- xii. A conviction for any Criminal Code offense
- xiii. Any possession or use of prohibited substances or methods

17. The MLA Board of Directors or Safe Sport Officer, as applicable, may determine that the alleged incident may contain an element of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, Maltreatment or Abuse. In this case, the MLA Board of Directors or Safe Sport Officer may appoint an investigator in accordance with the MLA's *Investigations Policy - Discrimination, Harassment, Abuse and Maltreatment*, and the MLA and the investigator, will have additional responsibilities as described in that Policy. When making determinations pursuant to this Section 17, the MLA Board of Directors may seek independent advice or the advice of the Safe Sport Officer.

Process #1: Handled by Discipline Chair

Sanctions

18. Following the determination that the complaint or incident should be handled under Process #1, the Discipline Chair will review the submissions related to the complaint or incident and determine one or more of the following sanctions:

- a) Verbal or written reprimand
- b) Verbal or written apology
- c) Service or other contribution to the MLA



- d) Removal of certain privileges
- e) Suspension from certain teams, Events, and/or activities
- f) Suspension from all or some of the MLA's activities for a designated period
- g) Any other sanction considered appropriate for the offense

19. The Discipline Chair shall provide the parties with a written decision, which shall include reasons. If applicable, the Discipline Chair will inform the Respondent of the sanction, which will take effect immediately.

20. Records of all sanctions will be maintained by the MLA.

Request for Reconsideration

21. 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 four (4) days of receiving the sanction. In the request for reconsideration, the Respondent must indicate:

- a) Why the sanction is inappropriate;
- b) All evidence to support the Respondent's position; and
- c) What penalty or sanction (if any) would be appropriate.

22. Upon receiving a request for reconsideration, the Discipline Chair may decide to accept or reject the Respondent's suggestion for an appropriate sanction.

23. Should the Discipline Chair accept the Respondent's suggestion for an appropriate sanction, that sanction will take effect immediately.

24. 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

25. Following the determination that the complaint or incident should be handled under Process #2, the MLA Board of Directors or Safe Sport Officer will appoint a Case Manager to oversee management and administration of the complaint or incident. The Case Manager should not be in a conflict of interest and should have expertise in dispute resolution matters. Such an appointment is not appealable.

26. The Case Manager has a responsibility to:

- a) Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy
- b) Propose the use of the MLA's *Dispute Resolution Policy*
- c) Appoint the discipline panel, if necessary
- d) Coordinate all administrative aspects and set timelines
- e) Provide administrative assistance and logistical support to the discipline panel as required



f) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

Procedures

27. If the Case Manager determines the complaint is:

- a) Frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately
- b) Not frivolous and within the jurisdiction of this Policy, the Case Manager will notify the Parties that the complaint is accepted and of the applicable next steps

28. The Case Manager's decision to accept or dismiss the complaint may not be appealed.

29. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.

30. After notifying the Parties that the complaint has been accepted, the Case Manager may propose using the MLA's *Dispute Resolution Policy* with the objective of resolving the dispute. If applicable, and if the dispute is not resolved, or if the parties refuse to use the *Dispute Resolution Policy*, the Case Manager will appoint a discipline panel, which shall consist of a single arbitrator, to hear the complaint. In extraordinary circumstances, and 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.

31. 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
- f) The decision will be by a majority vote of the discipline panel

32. 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.

33. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.

34. 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.

35. In fulfilling its duties, the discipline panel may obtain independent advice.

Decision

36. After hearing and/or reviewing 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 MLA Board of Directors. 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

37. 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 MLA
- d) Removal of certain privileges
- e) Suspension from certain teams, Events, and/or activities
- f) Suspension from all or some of the MLA's activities for a designated period
- g) Payment of the cost of repairs for property damage
- h) Suspension of funding from the MLA or from other sources
- i) Expulsion from the MLA
- j) Any other sanction considered appropriate for the offense

38. 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.

39. Records of all decisions will be maintained by the MLA.

Appeals

40. The decision of the discipline panel may be appealed in accordance with the MLA's *Appeal Policy*.



Decisions of the discipline panel shall remain in force pending the outcome of any appeal unless the appeal panel grants provisional measures if applied for by the Appellant.

Criminal Convictions

41. An Individual's conviction for a Criminal Code offense will be deemed an infraction under this Policy and will result in expulsion from the MLA. Criminal Code offenses may include, but are not limited to:

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

Confidentiality

42. 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. Failure to respect the aforementioned confidentiality requirements may result in disciplinary action being taken against the Party(ies) in breach.

Timelines

43. 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 discipline panel may direct that these timelines be revised.

Records and Distribution of Decisions

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

Board Approved: March 28, 2023