



COMPLAINT & DISCIPLINE PROCEDURE

Once a complaint is received in writing the Level Coordinator will listen to the complaint and receive the information to support the claim. The Level Coordinator will explain the MMHA procedure and outline the remedies available to the complainant. The Level Coordinator will document the meeting. If there is a conflict of interest with the level coordinator, another level coordinator will be appointed.

There are four possible outcomes to this initial meeting of complainant and the Category Director:

1. The complainant and the Level Coordinator agree that the conduct does not constitute harassment. If this occurs, the Level Coordinator will take no further action and will make no written record.
2. The complainant brings evidence of maltreatment, bullying and/or harassment and chooses to pursue an informal resolution of the complaint. If this occurs, the Level Coordinator will assist the two parties to negotiate a solution acceptable to the complaint. If desired by the parties and if appropriate, the Level Coordinator may also seek the assistance of a neutral mediator.
3. If informal resolution fails to satisfy the complaint, the complainant will reserve the option of submitting a formal written complaint. If this occurs, the Level Coordinator will direct the complainant in completing the [Incident Report Form](#) to be signed by the complainant, and a copy given to the respondent without delay. The written complaint should set out the details of the incident(s), the names of any witnesses to the incident(s), and should be dated and signed.

The respondent will be given an opportunity to provide a written response to the complaint. The Category Director may assist the respondent in preparing this response.

4. After receiving the written complaint, the Level Coordinator shall submit a report to the Vice President, containing the documentation filed by both parties along with a recommendation that
 - 4.1) No further action be taken because the complaint is unfounded, or the conduct cannot reasonably be said to fall within this policy's definition of harassment as per [Hockey Alberta Maltreatment Policy](#); or
 - 4.2) The complaint should be investigated further.
 - 4.3) A copy of this report shall be provided, without delay, to both the complainant and the respondent.

5. In the event that the Vice Presidents' recommendation is to proceed with an



investigation, the Vice President shall within five days appoint the Discipline Committee consisting of Referee in Chief, Player & Coach Development Coordinator and Level Coordinator to serve as a case review panel. To ensure freedom from bias, no member of the panel shall have a "significant" personal or professional relationship with either the complainant or the respondent at the discretion of the Vice President.

6. When determining appropriate disciplinary action and corrective measures, the case review panel shall consider factors such as the following:

- 1) The nature of the harassment;
- 2) Whether the harassment involved any physical contact;
- 3) Whether the harassment was an isolated incident or part of an ongoing pattern;
- 4) The nature of the relationship between complainant and harasser;
- 5) The age of the complainant;
- 6) Whether the harasser had been involved in previous incidents;
- 7) Whether the harasser admitted responsibility and expressed a willingness to change; and
- 8) Whether the harasser retaliated against the complainant.

DISCIPLINE

7. In recommending disciplinary sanctions, the panel may consider the following options, alone or in combination, depending on the severity of the harassment:

- 1) A verbal apology;
- 2) A written apology;
- 3) A letter of reprimand from the sport organization;
- 4) A fine;
- 5) Referral to counseling;
- 6) Removal of certain privileges of membership;
- 7) Temporary suspension from volunteer or board position;
- 8) Termination of volunteer or board position; or



9) Expulsion from membership of the Association.

8. A copy of the report from the case review panel shall be provided by the Discipline Committee, to both the complainant and the respondent after the conclusion of the hearing, the Discipline Committee will deliver its written Decision to the President or designate, the Complainant and Respondent. This Decision will contain the following:

- a) A summary of the relevant facts;
- b) A determination as to whether the acts presented constitute harassment, maltreatment or bullying as defined in this policy;
- c) Disciplinary action against the Respondent, if the acts constitute harassment or bullying.
- d) In addition, the decision may contain measures to remedy or mitigate the harm or loss suffered by the Complainant, if the acts constitute harassment or bullying.
- e) While investigation takes place there may be temporary suspensions of the parties involved.
- f) The conclusion & recommendations of the Discipline Committee will be brought to the next Executive Meetings and voted on.

8.1) Where the investigation does not result in a finding of harassment, a copy of the report of the case review panel shall be placed in the Clubs archive vault. These files shall be kept confidential and access to them shall be restricted to the MMHA Administrator, and Executive.

8.2) Where the investigation results in a finding of harassment, a copy of the report of the case review panel shall be placed in the personnel or membership file of the respondent. Unless the findings of the panel are overturned upon appeal, this report shall be retained for a period of 10 years, unless new circumstances dictate that the report should be kept for a longer period of time.

8.3) The decision of the Panel will be final and binding upon the Complainant, and the Respondent. Appeals to this process must be carried out according to the process outlined below.



APPEALS

1. Both the Complainant and the Respondent shall have the right to appeal the decision and recommendations of the Discipline Committee. A notice of intention to appeal, along with the grounds for appeal, must be provided to the MMHA President within 30 days of the Complainant or Respondent receiving the Committee's report. The notice must include the grounds upon which the decision is being appealed.

Appeals may only be made on the following grounds:

- Committee members did not follow the procedure set out in this policy
 - Members of the Committee were biased or acted in an unfair manner.
 - Committee members reached a decision which could not be supported by the evidence.
 - Committee members reached a decision which was grossly unfair or unreasonable.
2. In the event that a notice of appeal is filed, a fee of \$250.00 will be submitted by the person submitting the appeal to begin the Appeal Process. The President shall appoint a minimum of three board members in accordance with MMHA Bylaw 9.4 to constitute the appeal body. These individuals must have no significant personal or professional involvement with either the complainant or respondent, and no prior involvement in the dispute between them.
 3. The appeal committee shall base its decision solely on a review of the documentation surrounding the complaint, including the complainant and respondent's statements, the reports of the Level Coordinator and Discipline Committee review, and the notice of appeal.
 4. The appeal body shall present its findings in a report to the MMHA President. The appeal body shall have the authority to uphold the decision of the panel, to reverse the decision of the panel, and/or to modify any of the panel's recommendations for disciplinary action or remedial measures. See 9.4
 5. A copy of the appeal body's report shall be provided to the complainant and respondent.
 6. If the complainant or the respondent are not satisfied, they have the right to appeal to [Hockey Alberta](#) or [Hockey Canada](#)



Record Keeping and Confidentiality

The President of MMHA shall keep a secure record of the Panel report and any appeal proceedings, and maintain these records for a minimum period of ten years. The record shall contain all relevant documents including, but not limited to, the following:

- A copy of the original complaint and report
- Responses to the complaint
- Terms of reference of the investigator
- Interim measures (if any)
- Witness statements
- Investigator's report
- Mediated solution (signed agreement)
- Decision of the Panel
- Sanctions imposed (if any)
- Any appeal(s) (if any)
- Decision of the Appeal board