

Discipline Committee Policy

Any complaint about the conduct of an NBBA coach, player, parent or other member may be reported to the General Manager, the President, or a Vice President. The NBBA will review the complaint and conduct a confidential internal investigation as needed.

The Executive Committee may appoint a Discipline Committee of three members, at least one of whom must be a member of the board of directors, to review or investigate a complaint about the conduct of a club member.

The NBBA will ensure that the Discipline Committee does not have any real or perceived conflict of interest with any party or any other individual who could be impacted by the outcome of the complaint.

Communications

An investigation will include communication with the complainant(s), respondent(s), and any witnesses regarding the facts alleged in a complaint.

At its discretion, the NBBA may protect the identity of a complainant or witness, e.g., when the complaint is against someone in a position of authority over the complainant or witness.

If a complainant is a minor, a) the Discipline Committee will communicate through their parent or guardian if their parent or guardian submitted the complaint, and b) the complainant may request that their complaint and other submissions be anonymized.

If a respondent is a minor, the Discipline Committee will communicate through their parent or guardian.

If a witness is a minor, the Discipline Committee will communicate through their parent or guardian, and the witness may request that their statement(s) be anonymized.

Submissions

For a fair complaint process, the parties should receive and be able to address all information that a Discipline Committee will consider in reaching a decision, including submissions of parties and witness statements, all in writing.

Accordingly, the sequence of submissions by the parties is a) the complaint, b) response by the respondent(s), c) reply by the complainant(s), d) final response by the respondent(s).

Here are the submission steps and timelines in more detail:

1. A complaint is made. It may include witness statements or name witnesses.
2. The Discipline Committee provides the complaint to the respondent(s). A respondent may provide a response to the complaint to the Discipline Committee within 5 business days of receiving the complaint, unless otherwise specified. A response to the complaint may include witness statements or name witnesses.
3. If witnesses are identified, the Discipline Committee will decide which witnesses to contact at its sole discretion. Any witnesses contacted by the Discipline Committee will be given an overview of the complaint and may provide a statement to the Discipline Committee within 5 business days, unless otherwise specified. The Committee will share with the parties any such witness statements, anonymized if requested in the case of statements by minors. The parties may address any and all witness statements in their final submissions.
4. The Discipline Committee provides responses of the respondent(s) to the complainant(s). The complainant(s) may provide a reply (final) submission to the Discipline Committee within 5 business days unless otherwise specified. The reply submission may address any witness statements.
5. The Discipline Committee provides a complainant reply submission to the respondent(s). A respondent may make a final response submission within 5 business days. A final response submission may address any witness statements.

Sanctions

Through the Executive Committee, a Discipline Committee is authorized to impose disciplinary sanctions following the complaint process up to and including suspension from participation and/or probation. Lesser sanctions include an apology, verbal or written warning, education. Sanctions should be reasonable and proportionate.

Pending its report, a Discipline Committee may impose interim suspension from participation, which cannot be appealed. Interim suspension may be imposed without consulting the parties, will take effect immediately, and remain in place until a decision

is rendered by the Discipline Committee. The Discipline Committee will notify in writing the party against whom interim sanctions are imposed.

Prior to determining sanctions, the Discipline Committee will consider relevant factors including but not limited to:

- a) the severity of the violation;
- b) where applicable, the nature and duration of the respondent(s) relationship with the complainant(s), including whether there is a power imbalance;
- c) prior history of the respondent(s) and any pattern of inappropriate behaviour per NBBA records;
- d) the respective age of the individuals involved;
- e) whether there is an ongoing and/or potential threat to the safety of others from the respondent(s);
- f) voluntary admission by the respondent(s) of the offence(s), acceptance of responsibility, and/or cooperation in the investigative and/or disciplinary process;
- g) real or perceived impact of the incident on the complainant(s), the NBBA or the sporting community; and/or
- h) other mitigating and aggravating circumstances.

Discipline Committee Report

A Discipline Committee will decide by majority vote, based on a balance of probabilities, and make a report within 14 days of a final deadline to receive submissions unless otherwise specified.

The report will include a summary of submissions, witness statements, the findings, and any sanctions, and it will take effect immediately, be provided to all parties, and is binding on all parties. Unless the Discipline Committee decides otherwise, any disciplinary sanctions will begin immediately and remain in place pending the result of any appeal.

A Discipline Committee may recommend membership suspension or expulsion to the Executive Committee, which is authorized by the club by-law to suspend or expel any member from the NBBA on grounds and with notice.

Appeal

Any party to a complaint has a right to appeal a Discipline Committee report to the Executive Committee within 14 days, with a written submission. Permissible grounds for an appeal are that the Discipline Committee:

- a) did not follow the procedures laid out in this policy;
- b) was influenced by bias; or
- c) reached a decision that was grossly unfair or unreasonable in light of the circumstances of the case.

If an appeal is permitted, it will be decided by members of the Executive Committee who are not on the Discipline Committee and had no prior involvement in the complaint between the parties ("Appeal Members"). The Discipline Committee will provide the Appeal Members with all documents gathered in the course of the complaint process.

Parties to an appeal are the appellant, the Discipline Committee (the respondent), and other parties to the initial complaint.

The Appeal Members will forward the appeal to the Discipline Committee, requesting a written response within 5 business days unless otherwise specified. The Appeal Members will also forward the appeal to the other parties, who may provide written submissions within 5 business days. The Appeal Members will ensure that all parties to the appeal have all the submissions gathered in this process. At their discretion, the Appeal Members may schedule a hearing to obtain oral submissions.

The Appeal Members will provide a written decision with reasons within 14 days of a final deadline to receive submissions. In extraordinary circumstances, the Appeal Members may issue a decision without reasons quickly, with a full decision to follow.

An appeal decision may uphold, reject or modify the Discipline Committee report, including any sanctions, and is final and binding, with no further right of appeal to the NBBA.

Confidentiality

The discipline process is confidential. Once initiated and after a decision is released, none of the parties or witnesses will disclose confidential information relating to the complaint, discipline, and/or sanctions to any person not involved as a party in the proceedings, except to obtain legal advice or unless required by law.

False Allegations

A club member who submits allegations that the Discipline Committee determines to be malicious, false, not made in good faith, or made for the purpose of retribution, retaliation or vengeance may be subject to a complaint. The NBBA or the party against whom the complaint is made may act as the complainant.

Reprisal and Retaliation

Anyone who submits a complaint or who gives evidence in the course of a Discipline Committee investigation shall not be subject to reprisal or retaliation from any individual or group. Any such conduct may be subject to disciplinary proceedings. The NBBA may act as the complainant.

Approved February 27, 2023 by the Executive Committee

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