

22. DISCIPLINE AND COMPLAINTS POLICY

According to By-Law 3.7.1.1., appeals and complaints will be handled by an Appeals/Complaints Committee that will consist of at least a Chair and two additional Directors and/or individuals. The Committee members will be appointed by the Board. All appeals or complaints will be handled by a panel of 3 people.

Definitions

The following terms have these meanings in this Policy:

- a) “*Association*” – Ringette New Brunswick
- a) “*Chair*” – Chairperson of the Complaints and Discipline Committee.
- b) “*Committee*” – The Appeals and Complaints Committee.
- c) “*Complainant*” – The Party alleging an infraction.
- d) “*Days*” – Days including weekends and holidays.
- e) “*Individuals*” – All categories of membership defined in the Association’s Bylaws, as well as all individuals employed by, or engaged in activities with, the Association including, but not limited to, athletes, coaches, referees, officials, volunteers, managers, administrators, committee members, and directors and officers of the Association
- f) “*Respondent*” – The alleged infracting Party

Composition of the Committee

The Committee shall be composed of 5 members including the Chair. Three members will review appeals or complaints. Members who would be in a potential conflict of interest will not be asked to review an appeal or complaint. The Chair can remove himself from a specific appeal or complaint should he/she be in conflict of interest.

Purpose

Individuals and participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with Association’s policies, bylaws, rules and regulations, and *Codes of Conduct*. Non-compliance may result in sanctions pursuant to this Policy.

Application of this Policy

This Policy applies to all Individuals relating to matters that may arise during the course of Association’s business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with Association activities, and any meetings.

This Policies also applies to Individuals’ conduct outside of the Association’s business, activities, and events when such conduct adversely affects relationships within the Association (its work and/or sport environment) or is detrimental to the image and reputation of the Association. The jurisdiction of this Policy will be determined by the Association at its sole discretion.

This Policy does not prevent immediate discipline or sanction from being applied as reasonably required. Further discipline 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 will be for the duration of the competition, training, activity or event only.

An employee of the Association who is a Respondent will be subject to appropriate disciplinary action subject to the terms of the Association's *Human Resources Policy*, as well as the employee's Employment Agreement, as applicable. Violations may result in a warning, reprimand, restrictions, suspension or other disciplinary actions up to and including termination of employment.

Reporting a Complaint

Any Individual may report any complaint to the Executive Director and the Chair of the Appeals and Complaints Committee. A complaint must be in writing (by email or letter) and must be filed within 14 days of the alleged incident.

A Complainant wishing to file a complaint outside of the 14 days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept or deny the complaint outside of the 14 days will be at the sole discretion of the Case Manager. This decision may not be appealed.

At the Association's discretion, 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.

Resignation or lapsing of membership after a complaint is filed does not preclude disciplinary proceedings being pursued under this policy.

Case Manager

Upon the receipt of a complaint, the Committee will review the Complaint and will subsequently:

- a) Determine whether the complaint is frivolous
- b) Determine whether the complaint falls within the jurisdiction of this Policy
- c) Propose the use of the Association's *Dispute Resolution Policy*
- d) Appoint the Panel, if necessary
- e) Coordinate all administrative aspects and set timelines
- f) Provide administrative assistance and logistical support to the Panel as required
- g) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

Procedures

If the Committee determines the complaint is:

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

The Committee's decision to accept or dismiss the complaint may not be appealed.

The Committee will establish and adhere to timeframes that ensure procedural fairness and that the matter is heard in a timely fashion. The Committee will share the written complaint with the Respondent and ask for information to be provided within a specific timeframe. Information will be provided in writing.

After notifying the Parties that the complaint has been accepted, the Committee may propose the Association's *Dispute Resolution Policy* with the objective of resolving the dispute. If the dispute is not resolved or the parties refuse the *Dispute Resolution Policy*, the Committee will proceed forward with obtaining information from the Respondent to present hers/his version of facts before determining the next steps.

The Committee will decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing, which may involve direct communications with the Parties, an oral in-person hearing, an oral hearing by telephone or other telecommunications, 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 Committee deems 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, an oral hearing by telephone or other telecommunications
- b) Copies of any written documents which the parties wish to have the Committee consider will be provided to all Parties, through the Chair, in advance of the hearing and/or decision rendered
- c) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
- d) The Committee may request that any other individual participate and give evidence at the hearing
- e) The Committee 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 Committee

If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Committee will determine the appropriate disciplinary sanction. The Committee may still hold a hearing for the purpose of determining an appropriate sanction.

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

If a decision affects a 3rd party to the extent that the 3rd party would have recourse to a complaint or an appeal in their own right, that 3rd party will become a party and apart of the complaint procedure to the complaint in question and will be bound by the decision.

In fulfilling its duties, the Committee may obtain independent advice.

Decision

After hearing and/or reviewing the matter, the Committee 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 Committee's written decision, with reasons, will be distributed to all Parties and the Association. In extraordinary circumstances, the Committee 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 Committee.

Sanctions

The Committee may apply the following disciplinary sanctions, singularly or in combination. In the event of an incident, the disciplinary committee may also utilize the sanction guidelines (see sanction guideline for disciplinary committee below) as an assistance tool.

- a) Verbal or written reprimand
- b) Verbal or written apology
- c) Service or other contribution to the Association
- d) Removal of certain privileges
- e) Suspension from certain teams, events, and/or activities
- f) Suspension from all Association activities for a designated period of time
- g) Withholding of prize money or awards
- h) Payment of the cost of repairs for property damage
- i) Suspension of funding from the Association or from other sources
- j) Expulsion from the Association
- k) Any other sanction considered appropriate for the offense

Unless the Committee decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Committee will result in automatic suspension until such time as compliance occurs.

Infractions that result in discipline will be recorded and records will be maintained by the Association.

Suspension Pending a Hearing

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

Criminal Convictions

An Individual's conviction for a *Criminal Code* offense, as determined by the Association, may be deemed an infraction, as determined by the Board of Directors by way of ordinary resolution, 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
- e) Any offence involving trafficking of illegal drugs

Confidentiality

The discipline and complaints process is confidential and involves only the Parties, the Chair, the Committee, and any independent advisors to the Committee. 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.

Timelines

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 Committee may direct that these timelines be revised.

Records and Distribution of Decisions

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

Appeals Procedure

The Committee's decisions are final and cannot be appealed.

Sanction Guideline for Disciplinary Committee

The Discipline Committee may apply a disciplinary sanction in the form of a game suspension to any athlete or bench staff in presence of misconduct that merits further sanctions than the one game match;

	1 st offence	2 nd offence	3 rd offence
Spit	3		
Hair pulling	3		
Head butting	3	6	9
Spearing	4		
But Ending	4		
Stick swinging	4		
Kicking	4		
Attempt to injure	4	8	12

Fighting:

Instigating	4
Participating	2

Abuse of official:

Excessive verbal	2
Physical minimal (ie: touché/brush)	2
Physical moderate (ie: push)	3
Excessive (ie: punch/attempt to punch/punch causing fall)	7

Incident revolving parents and coaches:

Excessive verbal	3-5
Physical minimal activity	Banned for 30 days from any rink or Ringette
Excessive Physical activity/	Banned for life from any rink or any Ringette
	*Legal action could be taken from the individual

Social Media:

Offensive Post ** (ie: Comment area or	3	8
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initial post)
Non-Offensive ** Warning 3
(ie: Comment area or
Someone has “liked the
Post)

*The Appels/Complaints committee agreed that in a case where a criminal offence occurred and legal matter is taken on behalf of the individual, Ringette NB will not investigate any further.

**Along with the proposed sanctions, post should be removed immediately.