

COMPLAINT/DISCIPLINE AND APPEALS POLICY

10.01.1 VIOLATION AND DISCIPLINE

Any Member, any member of the Executive, player, coach, manager, trainer, or Family Member of the Sherwood Park Titans Lacrosse Association ("Sherwood Park Titans") who violates or breaches a Bylaw, Policy, Rule and/or a Regulation is subject to discipline as set out herein.

10.01.2 CODE OF CONDUCT

All Members, members of the Executive, players, coaches, managers, trainers and Family Members shall:

- (a) attempt at all times to work toward the goals and objectives of the Sherwood Park Titans and the game of lacrosse, and towards the betterment of its members;
- (b) strive to heighten the image and dignity of the Sherwood Park Titans and the sport of lacrosse as a whole, and to refrain from behaviour which may discredit or embarrass the Sherwood Park Titans or the game;
- (c) always be courteous and objective in dealings with others;
- (d) except when made through proper channels, refrain from unfavourable criticism of others;
- (e) strive to achieve excellence in the sport while supporting the concepts of Fair Play and a drug-free sport concepts;
- (f) show respect for the cultural, social and political values of all participants in the sport; and
- (g) as a guest in a foreign country or other province abide by the laws of the host and adhere to any social customs concerning conduct.

10.01.3 NATURAL JUSTICE

The rules of Natural Justice apply to the Sherwood Park Titans Complaint/Discipline process and Appeals process and shall apply to the Members, members of the Executive, players, coaches, managers, trainers and Family Members.

10.01.4 SUSPENSIONS

The Sherwood Park Titans may establish standard suspensions which accompany infractions committed during a lacrosse game. There is no appeal from such standard suspension.

1.01.5 JURISDICTION OF COMPLAINT/DISCIPLINE/APPEALS COMMITTEE

A complaint, disciplinary action or appeal may come within the jurisdiction of the Complaint/Discipline Committee and Appeals Committee in the following ways:

- (a) receipt of a written complaint;
- (b) referral by the President of an alleged violation;
- (c) game infractions which are subject to automatic referral to the committee;
- (d) appeal from the decision or ruling of a Member under Bylaw 1.03; or
- (e) appeal from the decision of the President pursuant to ALA Bylaw 6.03.1.1 (e).

1.01.6 HEARING PROCESS

- (a) This policy shall be read in conjunction with the Sherwood Park Titans Bylaws, including, but not exclusively limited to Section 66. Complaint/Discipline Committee and Appeals Committee.
- (b) Unless the hearing relates to matters affecting players right to play, the Chair of the Complaint/Discipline Committee may, after giving an opportunity for the parties to make submissions, decline to hear a complaint or appeal or part thereof which, the Chair decides has no merit or is moot or is of insufficient significance.
- (c) Upon receipt of the notice or information referred to in 1.01.5, the Chair shall, if the matter is pursuant to 1.01.5 (a), (b), (d) or (e) within three (3) days of verifying the complaint is valid, appoint a hearing committee of three (3), which may include the Chair, and a date, time and place for a hearing which shall be within four (4) days from the date the appointment was made.
- (d) If the Chair is unable to act, the Chair's appointee shall act as Chair.
- (e) Should appointees not be available, the Chair has the discretion to appoint individuals who may not be members of the Sherwood Park Titans in order to form a committee to hear a complaint or an appeal.
- (f) The Chair shall have the authority, to deal with complaints on a binding and summary basis, without holding a hearing with a full panel.
- (g) The Chair will advise of the procedure to be followed prior to the hearing. It is within the discretion of the Complaint/Discipline Committee to allow the hearing of witnesses or the admission of evidence at the hearing. On an appeal, it is the Appeals Committee responsibility to assess all the evidence or records presented during the hearing and to evaluate the legitimacy of any evidence or records that were not permitted or excluded during the hearing.

1.01.7 All known, interested parties shall be given reasonable notice by courier, email or fax of the hearing and are entitled to attend at their own expense. Notice must include the

particulars of the complaint or allegation or appeal.

1.01.8 The Complaint/Discipline Committee may call witnesses and require any relevant information.

1.01.9 The parties to the matter have the right to read all written material presented to the Committee, hear all witnesses who attend the hearing and be informed of all relevant information of which the Committee is aware. The parties have the right to present evidence, present witnesses, to be heard, and to cross-examine witnesses called by the Complaint/Discipline Committee or by other parties. In the case of written material or information received other than by way of the witness being present at the hearing, either personally or by telephone, any party may apply to the Complaint/Discipline Committee to have the opportunity to cross-examine the witness either at the hearing or by telephone.

1.01.10 The decision of the Complaint/Discipline Committee shall be rendered within two (2) days of the completion of the hearing with written reasons to follow within fourteen (14) days of the decision, unless an extension is granted from the Chair, and copies shall be provided within that time to all interested parties who participated in the hearing.

1.01.11 The Complaint/Discipline Committee may:

- (a) dismiss the complaint or alleged violation; or
- (b) fine, suspend, expel, impose probation with terms or assess Disciplinary Measures.

1.01.12 If the matter is pursuant to 1.01.5(c):

- (a) There shall be no hearing unless the Chair so directs, in which case the procedure set out in 1.01.6 to 1.01.10 shall apply. Otherwise, the matter shall be decided solely on information provided to the Complaint/Discipline Committee, which, in the discretion of the Complaint/Discipline Committee, the Complaint/Discipline Committee considers relevant and proper to receive. The person who committed the infraction, which led to the automatic referral to the Complaint/Discipline Committee, shall be notified of the automatic referral and may make a written submission to the Complaint/Discipline Committee. Such a person may also, upon request, receive a copy of any written material which was submitted to the Complaint/Discipline Committee and have the Complaint/Discipline Committee provide him or her with a verbal summary of any other information that was provided to the Complaint/Discipline Committee;
- (b) Automatic referrals to the Complaint/Discipline Committee shall be decided within seven (7) days of the referral;
- (c) Further Disciplinary Measures arising out of an automatic referral shall be forthwith communicated by the Complaint/Discipline Committee to the President of the Sherwood Park Titans or, in the case of the President being the person disciplined, to the Vice-

President who, shall be responsible for forthwith advising the person being disciplined;
and

- (d) In the case of an automatic referral, the person subject to the automatic suspension may be further disciplined, including suspension, notwithstanding the expiration of the automatic suspension.

1.02 A quorum of the Complaint/Discipline Committee shall be three (3), provided that the three (3) members are non-interested parties to the matter being described.

1.03 APPEAL FROM DECISION OF MEMBER

In the event that a Member, member of the Executive, player, coach, manager, trainer or Family Member is dissatisfied with a decision or ruling made by the Complaint/Discipline Committee and provided that:

- (a) the decision or ruling relates to the subject matter of the Bylaws, Policies, Rules and Regulations and;
- (b) all appeal avenues as provided by the Member have been exhausted;

the said Member, member of the Executive, player, coach, manager, trainer or Family Member may appeal the aforesaid decision or ruling to the Appeals Committee.

1.04 EFFECT OF APPEAL

- (a) An appeal to the Appeals Committee does not operate as a stay of the decision or ruling appealed from, except so far as the Chairperson, as the case may be, may direct upon written application of the appellant, after providing the respondent an opportunity to be heard.
- (b) The Chairperson may, upon application, grant a stay of the decision appealed from upon such terms as the Chairperson may determine.

1.05 APPEAL TO APPEALS COMMITTEE

An appeal is referred to the Appeals Committee from the whole or any part of a decision or ruling made by the Complaint/Discipline Committee pursuant to this policy except for any appeals provided for by the Regulations where it is provided that there is no such appeal.

1.06 NOTICE OF APPEAL

All appeals shall be initiated by notice in writing ("Notice of Appeal") addressed to the Chairperson and filed within seven (7) days of the date of the written decision being appealed. The Notice of Appeal may be filed by courier, email or facsimile.

1.07 CONTENTS OF NOTICE OF APPEAL

The Notice of Appeal shall contain the following:

- a) a statement of the decision which is being appealed, including a copy of the written decision, if any;
- b) concise statements of the grounds for appeal in numbered paragraphs;
- c) concise statements of the facts, in numbered paragraphs, alleged by the applicant;
- d) a summary of the evidence which the appellant intends to produce at the appeal hearing, whether by document or via voice (with the living voice) evidence; and
- e) a concise statement of desired outcome.

1.08 APPEAL FEES

Appellants shall be required to pay the Sherwood Park Titans a fee for an appeal, which fee shall be payable with the filing of the Notice of Appeal of Three Hundred Dollars (\$300.00). The appeal fee is refundable in the event the appellant is successful.

1.09 The time deadlines in Bylaw 1.01.6, 1.01.10, and 1.01.12 (ii) may be extended by the Chairperson, or, in the event of the absence of the Chairperson, by the Chairperson's appointee, but no longer than 30 days from the receipt of the complaint to appoint a date, time and place for the hearing and no longer than 90 days from the receipt of the complaint to conduct a hearing.

1.10 PROCEDURE FOR APPEALS TO APPEALS COMMITTEE

1.10.1 Upon receipt of a Notice of Appeal to the Appeals Committee, the Chairperson shall, within three (3) days appoint an Appeal Committee composed of three (3) non-conflicted Appeal Committee members.

1.10.2 In appeals to the Appeal Committee, the procedures applicable to appeals apply and the Chairperson will notify the appellant and respondent of the applicable procedures prior to the appeal hearing.

1.01.11 The Appeals Committee may:

- (a) dismiss the appeal;
- (b) uphold the fine, suspension, expulsion or imposition of probation with terms;
- (c) quash the decision from the Complaint/Discipline Committee and impose in its place any decision that the Complaint/Discipline Committee could have imposed;
- (d) quash the decision from the Complaint/Discipline Committee;

- (e) award costs to the appellant or respondent against the other, if the Appeals Committee is of the opinion that the conduct of either party was grossly unreasonable or in bad faith, but in such case, no award of costs may be made without giving the parties an opportunity to be heard on the issue of costs;

1.11 APPEALS COMMITTEE – FINAL AND BINDING

All Members, members of the Executive, players, coaches, managers, trainers or Family Members and any other person, who has registered with and/or is recognized by the Sherwood Park Titans in any capacity, recognizes and acknowledges that any decision from the Appeals Committee is final and binding.

1.12 DEFINITIONS

Unless the subject matter or context requires a different interpretation, the words and phrases shall, in this Regulation, have the meanings as defined as follows:

- (a) "Abuse" means any form of physical, emotional and/or sexual mistreatment, or lack of care which causes physical injury or emotional damages to a child, whether done in person or through technology, by a person in a position of power. Abuse is a protection issue for the victim. In Alberta, a person is considered a child up to the age of 18 years. For more information on abuse, refer to Service Alberta (<http://www.servicealberta.ca/>);
- (b) "ALA" means the Alberta Lacrosse Association;
- (c) "Appeals Committee" means a committee selected by the Chairperson from a pool of volunteers from each novice, peewee, bantam and midget lacrosse teams registered in the given year with the Sherwood Park Titans;
- (d) "Bullying" means repeated, unwanted aggressive behavior by one or more individuals towards another. Bullying involves an observed or perceived power imbalance, and can result in physical, social or academic harm or distress for the targeted individual. Bullying is typically behavior that is repeated. A bully is usually someone both you and your child know and who misuses his/her power over your child. This may be a peer, a young person or an adult. A child is most vulnerable when s/he is alone with another person, or in a group setting where there is inadequate supervision. Refer to Sherwood Park Titans Anti-Abuse Policy;
- (e) "Bylaw" means the bylaws of the Sherwood Park Titans, the GELC, the ALA and the CLA, as amended from time to time;
- (f) "Chair" means the chair of the Complaint/Discipline Committee. The Chair cannot simultaneously hold the position of Chairperson or a member of the Executive, nor can Family Members hold the positions of Chairperson or member of the Executive, while they are an active member as the Chair;
- (g) "Chairperson" means the chairperson of the Appeals Committee. The Chairperson cannot simultaneously hold the position of Chair or a member of the Executive, nor can Family

Members hold the positions of Chair or member of the Executive, while they are an active member as the Chairperson;

- (h) "CLA" means the Canadian Lacrosse Association;
- (i) "Complaint/Discipline Committee" means a committee selected by the Chair from a pool of volunteers from each novice, peewee, bantam and midget lacrosse teams registered with the Sherwood Park Titans in the given year;
- (j) "Disciplinary Measures" means correction, chastisement, punishment, penalty, and without limiting the generality of the foregoing, may include but not limited to suspension, fine or expulsion from the Sherwood Park Titans;
- (k) "Executive" means the President, Vice-President, secretary, treasurer, registrar, scheduler, tournament director, merchandise, webmaster/communications, equipment director, evaluation coordinator, volunteer coordinator, age-level directors and the past president. A current Executive member cannot simultaneously hold the position of Chair or Chairperson, nor can Family Members hold the positions of Chair or Chairperson, while they are an active member of the Executive;
- (l) "Family Member" means mother, father, legal guardian, grandmother, grandfather, brother, step-brother, half-brother, sister, step-sister, half-sister, daughter, son, granddaughter, grandson or first cousin;
- (m) "Fair Play" means any form of Bullying, Harassment or Abuse – whether physical, emotional or sexual – of any participant in any program is unacceptable;
- (n) "GELC" means the Greater Edmonton Lacrosse Council;
- (o) "Harassment" is defined in ALA Policy 7 – Harassment;
- (p) "Member" is defined in the Sherwood Park Titans Bylaws, Section 5;
- (q) "Natural Justice" means the rule against bias and the duty to act fairly;
- (r) "Policy" means the policies of the Sherwood Park Titans, the GELC, the ALA and the CLA, as amended from time to time;
- (s) "President" means the president of the Sherwood Park Titans;
- (t) "Regulation" means the regulations of the Sherwood Park Titans, the GELC, the ALA and the CLA, as amended from time to time;
- (u) "Rules" means the rules of the Sherwood Park Titans, the GELC, the ALA and the CLA, as amended from time to time; and
- (v) "Vice-President" means the vice-president of the Sherwood Park Titans.