

## Bylaw 7 – Tri Port President authority to Discipline

As per Section 1 (g) of Tri Port MHA's Bylaw 7, the President of Tri Port MHA has the power to suspend or take other disciplinary action against any player, team official or member found to have displayed unsportsmanlike conduct, behavior which could bring harm to others, bring discredit to the Society or the game of hockey both on and off the ice, failed to comply with the Constitution, Bylaws, Operating Policies of Tri Port MHA, BC Hockey, VIAHA and Hockey Canada for **3 games or 10 days**. In cases where in the President's opinion a suspension of more than 10 days is warranted, the President shall impose an indefinite suspension pending a full investigation and refer the matter to the Discipline Committee.

## Bylaw 9 - Process for Conducting Investigations and Applying Discipline

1. The following is the process to be followed when a formal complaint is received by Tri Port MHA:
  - 1.1. Complaints to Tri Port MHA are to be received by the President and the Administrator. Upon receiving the complaint, the Tri Port President will determine whether to send the complaint to the Discipline Chairperson or whether to send the complaint to the appropriate Club President for investigation (if it is determined there was no attempt to solve the issue within the Hockey Club prior to sending to TriPort). Depending on severity and nature of complaint, President will inform VIAHA.
  - 1.2. The complaint is recorded and then forwarded to the Chairperson of the Discipline Committee who is specified in Tri Port Bylaws as the Association's Past President or in the absence of an active Past President, Tri Port's Referee in Chief (RIC).
  - 1.3. The complaint shall be investigated by the Societies Discipline Chair with the goal of resolving the situation fairly and preventing future occurrences, including determining and enforcing proper discipline if required. Although **all** complaints will be investigated, the intensity of the investigation will vary depending on the circumstances and nature of the complaint. Further, some preliminary complaint investigations may not involve the use of other Committee members or Hearings. However, if the complaint cannot be resolved in this manner, then the Chairperson will convene the Discipline Committee.
  - 1.4. The Complaints Chairperson organizes a pre-investigation meeting with the Standing Discipline Committee. The Discipline Committee shall include the Presidents of each Club and any other Member at Large that is elected as part of the Standing Discipline Committee. A quorum for the Discipline Committee is at least 3 members. The purpose of the pre-investigation meeting is for all panel members to be briefed on the nature of the complaint and to decide on the course of action.
2. For all investigations, the Discipline Committee is obligated to follow the requirements of "**Procedural Fairness**" (referred to in Bylaw 9 as "Natural Justice") and may include the following 8 steps:

# TRI PORT

Minor Hockey Association

P.O. Box 1751, Port McNeill, B.C. V0N 2R0  
Port Alice Club, Port Hardy Club, Port McNeill Club,  
North Island Eagles, Female Hockey Program

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- 2.1. **Jurisdiction:** Panel has to ensure they have the authority to hear and rule on the complaint.
  - 2.2. **Panel must inform the Respondent (or party) of the case against him/her/them:** All details associated with the complaint are provided including allegations and evidence.
  - 2.3. **Notice of Hearing:** If a hearing is required, it shall be held within 10 days of receiving the complaint. A Notice of hearing must be given to both sides and shall: allow sufficient time for both sides to present and respond, provide direction on what info to present and how to involve witnesses, explain the format of hearing (phone or in person) and inform the respondent that they have the right to representation.
  - 2.4. **Right to be Heard:** Panel must allow all “relevant” evidence to be heard
  - 2.5. **Fair Hearing:** Panel members have to be aware of Conflicts of Interest, and/or appearance of bias or conflict and remove themselves if necessary
  - 2.6. **Communication of Decision:** All parties must be advised of the decision in writing and decision should be rendered within a reasonable time frame. See Step 3 below for more detailed information on format of the decision.
  - 2.7. **Avenues of Appeal:** As per Triport’s Bylaw 10, the Complainant and the Respondent have the right to appeal the rendered Decision based on 1 of 3 criteria: (i) new evidence is available that was not used at initial hearing (ii) there is evidence that due process was not followed or (iii) the decision of the hearing was too severe. A notice of appeal must: (i) be in writing (ii) be filed within 7 day of the Discipline decision, (iii) be accompanied with a \$100 certified cheque payable to Tri Port MHA, and (iv) state the grounds under which the appeal is being made.
  - 2.8. **Privacy:** Issues of Personal privacy and confidence need to be respected by all Panel members.
3. The Decision of the Panel should be in writing and follow the recommended format below:
- 3.1.1. The nature of the complaint and by whom it was made
  - 3.1.2. The Respondent to the complaint if applicable
  - 3.1.3. Composition of Complaints Panel
  - 3.1.4. When and where the hearing took place or why a hearing didn’t occur
  - 3.1.5. How the hearing was conducted – phone or in person (if conducted)
  - 3.1.6. What evidence was presented and by whom
  - 3.1.7. The panel’s findings of fact and comments on witness credibility if necessary
  - 3.1.8. The panel’s decision
  - 3.1.9. Appeal Process
4. Delivery of the Decision can be completed in person through a meeting with the Discipline Committee or can be delivered by the Chairperson of the Discipline Committee via email. A copy of the written decision must be emailed to the President and Administrator of Tri Port MHA. **The Discipline Committee can levy a suspension up to 30 days. If it’s determined that a suspension exceeding 30 days is more appropriate, then that recommendation needs to be presented by the Discipline Committee to the Executive of Tri Port MHA for a vote (see Bylaw 2 below).**

## Bylaw 10 - Appeal Process

5. The following is the process to be followed when a written appeal is received by Tri Port MHA:
  - 5.1. Appeals of Discipline Decisions are to be received in writing by the President and the Administrator of Tri Port MHA.
  - 5.2. The appeal is recorded and then forwarded to the Chairperson of the Appeals Committee who is specified in Tri Port Bylaws as the **Tri Port's Coach Development Coordinator**.
  - 5.3. The Tri Port President will then appoint **four members** of the Community (can be members of Tri Port Society) to serve on the Appeals Committee. A quorum for the Appeals Committee will consist of the Chair and at least 2 other members.
  - 5.4. The Chairperson of the Appeals Committee will arrange a meeting with the Appeals Committee members to determine if the appeal meets the criteria for appeal. If the appeal meets criteria, further investigation proceeds. If the appeal doesn't meet criteria, it is dismissed and the appellant is informed in writing.
  - 5.5. If the appeal meets appeal criteria, further investigation proceeds. The Appeals Committee will ultimately render a decision that either upholds, overturns or modifies the original determination. The Appeals Committee will notify the Appellant in writing of its decision.
  - 5.6. A copy of the written decision must be emailed to the President and Administrator of Tri Port MHA.

## Bylaw 2 – Suspension of Membership

6. As per Items 7 and 8 of Bylaw 2, the Executive Board of Tri Port MHA has the power (by a vote of 75% of those present) to expel or suspend membership, **for a period in excess of 30 days**, any Member whose conduct shall have been determined by the Executive Board to be improper, unbecoming or likely to endanger the reputation of the Association, or who willfully commits a breach of the Constitution, Bylaws, Rules, Regulations, Policies, Procedures or decisions made by the Tri Port Executive Board.
7. No member shall be expelled or suspended for a period in excess of 30 days without being notified of the charge or complaint against him/her and without having been given the opportunity to be heard by the Tri Port Executive at a meeting specifically called for the purpose. The member and Board of Directors shall be given not less than 7 days notice of the date at which this meeting shall be held. If the member does not attend pursuant to that notice without having given reasonable cause the Board of Directors shall proceed with the meeting and the Member shall be subject to the ruling made.