

Complaints and Disciplinary Policy

DEFINITIONS

1. The following terms have these meanings in this Policy:
 - a) "Complainant" – The Party alleging an infraction
 - b) "Respondent" – The alleged infracting Party
 - c) "Parties" – The Complainant, Respondent, and any other Members or persons affected by the complaint
 - d) "Days" – Days irrespective of weekend and holidays
 - e) "Member" - All categories of membership including all individuals employed by, or engaged in Netball Alberta activities, players, coaches, parents, officials, volunteers, managers, administrators, directors and officers of Netball Alberta.

PURPOSE

2. Netball Alberta is committed to providing a sport environment which is characterized by open and clear communication, honesty, fairness, and mutual respect. These values and ideals should guide all Netball Alberta communication and actions, and such conduct is in the best interests of all who participate in the sport of netball. Membership in Netball Alberta, as well as participation in its activities, brings many benefits and privileges. At the same time, Members and participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with Netball Alberta's policies, bylaws, rules and regulations, and Code of Conduct. Irresponsible behaviour by Members can result in severe damage to the integrity of Netball Alberta. Conduct that violates these values may be subject to sanctions pursuant to this Policy. Since discipline may be applied, Netball Alberta provides Members with the mechanism outlined in this Policy so that complaints are handled fairly, expeditiously, and affordably.

APPLICATION OF THIS POLICY

3. This Policy applies to all Members defined in the 'Definitions' section of this Policy.
4. This Policy applies to discipline matters that may arise during the course of Netball Alberta business, activities, and events including, but not limited to, competitions, tournaments, practices, tryouts, training camps, travel associated with Netball Alberta activities, and any meetings.
5. Discipline matters and complaints arising within the business, activities, or events organized by entities other than Netball Alberta (such as clubs, provincial associations, and affiliates) will be dealt with pursuant to the policies of these other entities unless requested and accepted by Netball Alberta at its sole discretion.

REPORTING A COMPLAINT

6. Any Member may report any complaint to Netball Alberta's Executive Board. Such a complaint must be in writing and signed, and must be filed within fourteen (14) days of the alleged incident. Anonymous complaints may be accepted at the sole discretion of Netball Alberta. Legal counsel may be retained by the Complainant at the Complainant's own expense.
7. A Complainant wishing to file a complaint outside of the fourteen (14) day period must provide a written statement giving reasons for an exemption to this limitation. The decision to accept,

or not accept, the complaint outside of the fourteen (14) day period will be at the sole discretion of Netball Alberta. This decision may not be appealed.

8. Netball Alberta's President or VP may submit a complaint on behalf of Netball Alberta.

MEDIATION

9. Netball Alberta supports the options of mediation and facilitation as provided by Alternate Dispute Resolution (ADR). At any time in the Discipline and Complaints process, the Parties, by mutual agreement, may decide to pursue alternate dispute resolution.
10. Before any complaint proceeds to the formal stage, the dispute will first be referred to a Dispute Resolution Officer for review, with the objective of resolving the dispute via mediation.
11. The Dispute Resolution Officer shall decide the format for the mediation and determine a deadline before which the parties must reach a negotiated decision.
12. Should a negotiated decision be reached through alternate dispute resolution, it shall be reported to and approved by Netball Alberta and any actions that are to take place as a result of the decision shall be enacted on the timelines specified by the negotiated decision, pending Netball Alberta's approval.
13. Failing the resolution of the complaint through that process, or if either Party chooses to forego alternate dispute resolution, the complaint shall continue to be addressed under this Policy.

CASE MANAGER

14. Upon accepting a complaint and failing the resolution of the complaint through mediation, Netball Alberta's President will appoint an independent third-party Case Manager (On a case basis) who has sole discretion to determine whether the complaint is frivolous or vexatious, or if the complaint is potentially legitimate and involves either an incident classified as a minor infraction an incident classified as a major infraction. The Case Manager is not required to be a member of Netball Alberta. The Case Manager has an overall responsibility to ensure procedural fairness is respected at all times in this Policy, and to implement this Policy in a timely manner. The appointment of the Case Manager, the Case Manager's determination of the legitimacy of the complaint, and the Case Manager's classification of the incident are all not appealable.
15. The Case Manager shall decide one of the following:
 - a) The complaint is frivolous or vexatious and shall be immediately dismissed
 - b) The complaint is outside of Netball Alberta's jurisdiction; it shall be dismissed and the Complainant shall be directed to the proper jurisdiction
 - c) The complaint is potentially legitimate and the incident shall be dealt with as a minor infraction
 - d) The complaint is potentially legitimate and the incident shall be dealt with as a major infraction
16. The Case Manager will inform the Parties if the incident is to be dealt with as a minor or major infraction and the matter will be dealt with according to the applicable sections of this Policy relating to minor or major infractions.
17. This Policy does not prevent an appropriate person having authority from taking immediate, informal, or corrective action in response to behaviour that constitutes either a minor or major infraction. Any infraction and resulting corrective action must be reported to Netball Alberta. Further sanctions may be applied in accordance with the procedures set out in this Policy.

18. A complaint may be withdrawn at any time; however such a complaint may be continued by the President on behalf of Netball Alberta if Netball Alberta does not consent to the withdrawal of the complaint.

MINOR INFRACTIONS

19. Minor infractions are single incidents of failing to achieve expected standards of conduct that generally do not result in harm to others, Netball Alberta, or the sport of netball. Examples of minor infractions can include, but are not limited to, a single incident of:
 - a) Disrespectful conduct such as outbursts of anger or argument
 - b) Conduct contrary to the values of Netball Alberta
 - c) Being late for, or absent from, Netball Alberta events and activities at which attendance is expected or required
 - d) Non-compliance with Netball Alberta's policies, procedures, rules, or regulations
20. All disciplinary situations involving minor infractions will be dealt with by the appropriate person who has authority over both the situation and the individual involved. The person in authority can be, but is not restricted to being, staff, officials, coaches, organizers, or Netball Alberta decision-makers.
21. Provided that the Respondent being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident, procedures for dealing with minor infractions will be informal (compared to the procedures for major infractions) and will be determined at the discretion of the person responsible for discipline of such infractions (as noted above).
22. Penalties for minor infractions, which may be applied singularly or in combination, include the following:
 - a) Verbal or written reprimand from Netball Alberta to one of the Parties
 - b) Verbal or written apology from one Party to the other Party
 - c) Service or other voluntary contribution to Netball Alberta
 - d) Removal of certain privileges of membership for a designated period of time
 - e) Suspension from the current competition, activity, or event
 - f) Any other sanction considered appropriate for the offense
23. Minor infractions that result in discipline will be recorded using the Incident Report provided as Appendix A. Incident Reports will be maintained by Netball Alberta. Repeat minor infractions may result in further such incidents being considered a major infraction.

MAJOR INFRACTIONS

24. Major infractions are instances of failing to achieve the expected standards of conduct that result, or have the potential to result, in harm to other persons, to Netball Alberta, or to the sport of netball. Examples of major infractions include, but are not limited to:
 - a) Repeated minor infractions
 - b) Any incident of hazing
 - c) Disrespectful, offensive, abusive, racist, or sexist comments or behaviour
 - d) Incidents of physical abuse
 - e) Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
 - f) Pranks, jokes, or other activities that endanger the safety of others

- g) Conduct that intentionally interferes with a competition or with any player's preparation for a competition
 - h) Conduct that intentionally damages Netball Alberta's image, credibility, or reputation
 - i) Disregard for Netball Alberta's bylaws, policies, rules, and regulations
 - j) Intentionally damaging Netball Alberta property or improperly handling Netball Alberta monies
 - k) Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
 - l) Any possession or use of banned performance enhancing drugs or methods
25. Major infractions occurring within competition may be dealt with immediately, if necessary, by an appropriate person having authority. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this Policy. This review does not replace the appeal provisions of this Policy.
26. Major infractions will be handled using the Procedure for Major Infraction Hearing set out in this Policy.

PROCEDURE FOR MAJOR INFRACTION HEARING

27. The Case Manager shall notify the Parties that the complaint is potentially legitimate and the incident shall be dealt with as a major infraction. The Case Manager shall then decide the format under which the complaint will be heard. This decision is at the sole discretion of the Case Manager and may not be appealed.
28. The Case Manager will appoint a Discipline Panel, which shall consist of a single Adjudicator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.
29. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may still hold a hearing for the purpose of determining an appropriate sanction.
30. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
31. The Case Manager will determine the format of the hearing, which may involve an oral in-person hearing, an oral hearing by telephone, a hearing based on a review of documentary evidence, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Panel deem appropriate in the circumstances, provided that:
- a) The Parties will be given appropriate notice of the day, time, and place of the hearing
 - b) Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing
 - c) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
 - d) The Panel may request that any other individual participate and give evidence at the hearing
 - e) The decision will be by a majority vote of Panel members
32. If a decision may affect another party to the extent that the other party would have recourse to a complaint or an appeal in their own right, that party will become a Party to the complaint in question and will be bound by the decision.

33. In fulfilling its duties, the Panel may obtain independent advice.

DECISION

34. After hearing the matter, the Panel 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 Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and Netball Alberta. In extraordinary circumstances, the Panel 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 Panel.

SANCTIONS

35. The Panel may apply the following disciplinary sanctions, singularly or in combination, for major infractions:

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

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

37. Major infractions that result in discipline will be recorded using the Incident Report provided as Appendix A. Incident Reports will be maintained by Netball Canada at the national office.

INTERIM MEASURES PENDING A HEARING

38. Netball Alberta may determine that an alleged incident is of such seriousness as to implement interim measures pending a hearing and a decision of the Panel. Interim measures are not sanctions and they may take many forms including, but not limited to:

- a) Imposition of conditions upon continued participation in Netball Alberta work or activities
- b) Suspension from participation in Netball Alberta work or activities
- c) Suspension of membership privileges

CRIMINAL CONVICTIONS

39. A Member's conviction for any of the following Criminal Code offenses, but not limited to, will be deemed a major infraction under this Policy and will result in expulsion from Netball Alberta



and/or removal from Netball Alberta competitions, programs, activities and events upon the sole discretion of Netball Alberta and dismissal in the case of an employee:

- a) Any child pornography offences
- b) Any sexual offences
- c) Any offence of physical or psychological violence
- d) Any offence of assault
- e) Any offence involving trafficking of illegal drugs

CONFIDENTIALITY

- 40. The discipline and complaints process is confidential and involves only the Parties, the Case Manager, the Panel, and any independent advisors to the Panel. 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.

APPEALS PROCEDURE

- 41. The decision of the Panel may be appealed in accordance with Netball Alberta's Appeals Policy.

RECORD KEEPING

- 42. The Executive Director shall keep a secure record of every complaint filed under this Policy. The record shall contain all relevant documentation including:
 - a) Copies of the complaint, response, and rebuttal (if applicable)
 - b) Copies of any witness statements (if applicable)
 - c) Contact information for the Case Manager and the Panel (if applicable)
 - d) A description of the informal resolution of the complaint (if applicable)
 - e) A copy of the written decision (if applicable)
 - f) A description of the sanctions (if applicable)
 - g) A copy of the Incident Report



INCIDENT REPORT

Name: _____ Position: _____

Date of incident: _____ Location of Incident: _____

Case Manager's Name: _____ Case Manager's Contact Info: _____

This incident was categorized as a: _____ minor infraction _____ major infraction

Individual(s) involved in the incident:

Objective description of the incident (be concise, accurate and non-judgmental):

Names of witnesses (if applicable):

Disciplinary action and sanction (if applicable):

Your signature: _____ Date: _____