



Belle River and District Minor Hockey Association

Discipline Policy

Introduction

Membership in the BRDMHA, as well as participation in the activities of the BRDMHA, brings with it 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 the Code of Conduct, Policies, Regulations, Guidelines and Rules of the BRDMHA.

The BRDMHA Code of Conduct and the BRDMHA Constitution & Bylaws identify the standard of conduct which is expected of members and other persons involved in BRDMHA activities and events. Individuals who fail to meet this standard may be subject to the disciplinary sanctions identified within this policy.

Application

This policy applies to all categories of members of the BRDMHA, as well as to all individuals participating in activities with, or employed by the BRDMHA, including but not limited to players, parents, coaches, officials, volunteers, directors, officers, committee members, team managers, trainers, and administrators.

This policy applies to discipline matters which may arise during the course of all BRDMHA business, activities and events, including but not limited to competitions (including exhibition games), practices, training camps, meetings and travel associated with these activities.

Types of Infractions

Under this policy, there shall be three types of infractions, which may warrant discipline:

Technical infractions - these are violations of the Regulations and Rules of Competition of the OMHA, which shall result in automatic sanctions as specified in the Suspension List as outlined in the OMHA Manual of Operations.

Minor infractions - these are infractions under the BRDMHA Code of Conduct, Constitution, Bylaws, Guidelines, Policies, Regulations and Rules which are not severe but which may warrant immediate corrective action as specified in this Policy. (see Appendices)

Major infractions - these are infractions under the BRDMHA Code of Conduct, Constitution, Bylaws, Guidelines, Policies, Regulations and Rules which are more severe and may warrant disciplinary action as specified in this Policy. (see Appendices).

Discipline Procedures

Technical Infractions

Technical infractions shall result in automatic sanctions as indicated in the Suspension List of the OMHA Manual of Operations

Minor Infractions

- i) Disciplinary situations involving minor infractions occurring within the jurisdiction of the BRDMHA will be dealt with by the appropriate person having authority over the situation and the individual involved. This person may include, but is not restricted to, executive member, committee member, board member, tournament chairperson, coach, assistant coach, team manager or other designated person.
- ii) Procedures for dealing with minor infractions shall be informal as compared to those for major infractions and shall be determined at the discretion of the person responsible for discipline of such infractions, provided the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident.

Sanctions for Minor Infractions

The following disciplinary sanctions may be applied, singly or in combination, for minor infractions:

- i) Verbal reprimand
- ii) Written reprimand to be sent to the individual
- iii) Verbal apology by the individual
- iv) Written apology by the individual
- v) A fine
- vi) Suspension from the current competition and/or for a specified number of games, other sanctions as may be considered appropriate for the offence.
- vii) Termination of Team service or other voluntary contribution to the team, or to the BRDMHA

Major Infractions

- i) Any member of the BRDMHA may report to any Board Member a major infraction.
- ii) Upon receipt of a report of a major infraction the Board Member shall notify the president and the Director of Abuse and Harassment.
- iii) The Director of Abuse & Harassment shall determine if the incident is better dealt with as a minor infraction, or if a hearing is required to address the incident as a major infraction.
- iv) If the incident is to be dealt with as a major infraction and a hearing is required, the alleged offender shall be notified as quickly as possible and in any event no later than 5 days from date of receipt of information of the major infraction. The alleged offender is also to be advised of this policy and the procedures outlined.

v) Major infractions occurring within competition may be dealt with immediately, if necessary, by a BRDMHA representative in a position of authority, provided the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident. In such situations, the BRDMHA representative has the authority to suspend the alleged offender from any participation in any BRDMHA event. The BRDMHA representative shall notify the Director of Abuse and Harassment

Sanctions for Major Infractions

1. The Dispute Resolution Committee may apply the following disciplinary sanctions singly or in combination for major infractions:

- i) Written reprimand to be placed in individual's file.
- ii) Verbal or written apology by the individual.
- iii) Suspension from certain BRDMHA events which may include suspension from the current game or competition or from future competitions
- iv) Payment of a financial fine in an amount to be determined by the Discipline Committee.
- v) Suspension from certain BRDMHA activities (i.e. competing, coaching or officiating) for a designated period of time.
- vi) Suspension from all BRDMHA activities for a designated period of time.
- vii) Expulsion from the BRDMHA.
- viii) Other sanctions as may be considered appropriate for the offence.

2. Unless the Dispute Resolution Committee decides otherwise, any disciplinary sanctions shall commence immediately.

3. In applying sanctions, the Dispute Resolution Committee may have regard to the following aggravating or mitigating circumstances:

- i) The nature and severity of the offence;
- ii) Whether the incident is a first offence or has occurred repeatedly;
- iii) The individual's acknowledgment of responsibility;
- iv) The individual's extent of remorse;
- vi) The age, maturity or experience of the individual;
- vii) The individual's prospects for rehabilitation.

4. Notwithstanding the procedures set out in this Policy, any member or participant of the BRDMHA who is convicted of a criminal offence involving sexual exploitation, invitation to sexual touching, sexual interference or sexual assault, shall face automatic suspension from participating in any activities of the BRDMHA for a period of time corresponding to the length of the criminal sentence imposed by the Court, and may face further disciplinary action by the BRDMHA in accordance with this Policy.

Complaint Form Report

All minor and major infractions will be documented using an OMHA Complaint Form as outlined in Appendix. The Complaint form will be retained by the BRDMHA for a period determined by the BRDMHA.

Hearing

- a) Within 3 days of receiving the Complaint Form and the complaint has been Classified as a major infraction the Director of Abuse and Harassment or Designate shall set up a meeting with the Dispute Resolution Committee
- b) The Dispute resolution Committee shall hold the hearing as soon as possible, but not more than 7 days after the Incident Report is first received by the Director of Abuse & Harassment.
- c) The Dispute resolution Committee shall govern the hearing as it sees fit, provided that:
 - i) The individual being disciplined is given fair notice in written form for the date, time and place of the hearing. The Committee may decide to conduct the hearing in person or by telephone.
 - ii) The individual being disciplined shall receive a copy of the Complaint form.
 - iii) Members of the Committee shall select from among themselves a Chairperson.
 - iv) A quorum shall be all members and decisions shall be by majority vote where the Chairperson carries a vote.
 - v) The individual being disciplined shall have the right to present evidence and argument & present witnesses.
 - vi) The hearing shall be held in private.
 - vii) The Committee may request that witnesses to the incident be present or submit written evidence.
 - viii) Once appointed, the Committee shall have the authority to abridge or extend timelines associated with all aspects of the Hearing.
- d) The Dispute resolution Committee shall render its decision, with written reasons within 14 days of the Hearing. A copy of this decision shall be provided to all of the parties to the hearing and the President.
- e) The preceding provisions may be modified, or added to, as required by the provisions of any other pertinent BRDMHA Policy, Bylaw or Guideline.
- f) Where the individual acknowledges the facts of the incident, he or she may waive the hearing, in which case the Committee shall determine the appropriate disciplinary sanction. In such case the Committee may hold a hearing for the purpose of determining an appropriate sanction.
- g) If the individual being disciplined chooses not to participate in the hearing, the hearing shall nonetheless proceed.

Timing of the Appeal

- a) An individual who wishes to appeal a decision ("Appellant") shall have 7 days from the date on which they received notice of the decision, to submit written notice to the BRDMHA President of their intention to appeal, along with detailed reasons for the appeal.
- b) Any party wishing to initiate an appeal beyond the 7 day period must provide a written request stating reasons for an exemption. The decision to allow, or not allow an appeal outside the 7 day period shall be at the sole discretion of the President.

Grounds for Appeal

- a) A decision cannot be appealed on its merits alone. An appeal may be heard only if there are sufficient grounds for the appeal. Sufficient grounds include the

body, which made the decision being, appealed (“Respondent”):

- i) Making a decision for which it did not have authority or jurisdiction as set out in the BRDMHA’s governing documents.
- ii) Failing to follow procedures as laid out in the bylaws or approved Policies of the BRDMHA.
- iii) Making a decision which was influenced by bias, where bias is defined as a lack of neutrality to such an extent that the decision-maker is unable to consider other views.
- iv) Exercising its discretion for an improper purpose.
- v) Making a decision, which was grossly unreasonable?

Screening or Appeal

- a) Within 7 days of receiving the notice of appeal, the BRDMHA President shall decide whether or not the appeal is based on one or more of the categories of possible errors by the Respondent as set out as Grounds for Appeal.
- b) The BRDMHA President shall not determine if the error has been made, only if the Appellant bases the appeal on such an allegation of error. In the absence of the President, a member of the Executive shall be designated to perform this function.
- c) If the appeal is denied on the basis of insufficient grounds, the Appellant shall be notified of this decision in writing, giving reasons. This decision is at the sole discretion of the President, or designate, and may not be appealed.

Appeals Committee

If the BRDMHA President is satisfied that there are sufficient grounds for an appeal, within 14 days of having received the original notice of appeal he or she shall appoint an Appeals Committee (the “Committee”) comprised of three individuals who shall have no significant relationship with the affected parties, and shall be free for any other actual or perceived bias or conflict. The Committee’s members shall select from themselves a chairperson.

Appeals Preliminary Conference

- a) The Committee may determine that the circumstances of the dispute warrant a preliminary conference:
 - i) The matters, which may be considered at a preliminary conference, include date and location of hearing, timelines for exchange of documents, format for the appeal, clarification of issues in dispute, any procedural matter, order and procedure of hearing, remedies being sought, identification of witnesses, and any other matter, which may assist in expediting the appeal proceedings.
 - ii) The Committee may delegate to its Chairperson the authority to deal with these preliminary matters.

Procedure for the Appeal

- a) The Committee shall govern the appeal by such procedures as it deems appropriate, provided that:
- i) The appeal hearing shall be held within 14 days of the Committee's appointment
 - ii) The Appellant, respondent and affected parties shall be given 7 days written notice of the date, time and place of the appeal hearing
 - iii) Decisions shall be by majority vote, where the Chairperson carries a vote
 - iv) Copies of any written documents which any of the parties would like the Committee to consider shall be provided to the Committee, and to all other parties, at least 5 days in advance of the hearing
 - v) A representative or advisor, including legal counsel, may accompany any of the parties
 - vi) The Committee may direct that any other individual participate in the appeal
 - vii) There may be times where the Committee may conduct the appeal by means of a telephone conference call.

Appeal Decision

Within 7 days of concluding the appeal, the Committee shall issue its written decision, with reasons. In making its decision, the Committee shall have no greater authority than that of the original decision-maker. The Committee may decide:

- i) To void or confirm the decision being appealed;
 - ii) To vary the decision where it is found that an error occurred and such an error cannot be corrected by the original decision-maker for reasons which include, but are not limited to, lack of clear procedure, lack of time, or lack of neutrality;
 - iii) To refer the matter back to the initial decision-maker for a new decision;
- A copy of this decision shall be provided to each of the parties involved.

Appeal Time Lines

In extraordinary circumstances and at its sole discretion, the Committee may abridge or extend the timelines in this Policy.

Documentary Appeal

Any party to the appeal may request that the Committee conduct the appeal by way of documentary evidence. The Committee may seek agreement from the other parties to proceed in this fashion. If agreement is not forthcoming, the Committee shall decide whether the appeal shall proceed by way of documentary evidence or in-person hearing.

Appeal Referral of Dispute

If any party believes the Appeal Committee has made a procedural error the Appellant may apply to have such matter heard by the Dispute Resolution Committee of the Ontario Minor Hockey Association (OMHA) to be decided in accordance with its appeal procedures, as amended from time to time.

For all other matters, the decision of the BRDMHA Appeal Committee shall be final and binding.

Appeal Location & Jurisdiction

- a) Any appeal shall take place in the Town of Lakeshore, unless held by way of telephone, conference call or held elsewhere as may be decided by the Committee as a preliminary matter.
- b) No action or legal proceeding shall be commenced against the BRDMHA in respect of a dispute, unless the BRDMHA has refused or failed to abide by the provisions for appeal of the dispute, as set out in this Policy.

Appendices

Examples of minor infractions:

- i) a single incident of disrespectful, offensive, abusive, racist or sexist comments or behaviour directed towards others, including but not limited to peers, opponents, players, parents, coaches, officials, managers, trainers, administrators, spectators and sponsors;
- ii) unsportsmanlike conduct such as angry outbursts or arguing;
- iii) a single incident of being late for or absent from BRDMHA events and activities at which attendance is expected or required;
- iv) non-compliance with the rules and regulations under which BRDMHA events are carried out;
- v) pranks resulting in minor property damage;
- vi) any other incident which would be considered non-serious.

Examples of major infractions:

- i) repeated incidents of disrespectful, offensive, abusive, racist or sexist comments or behaviour directed towards others, including but not limited to peers, opponents, players, parents, coaches, officials, managers, trainers, administrators, spectators and sponsors;
- ii) repeated unsportsmanlike conduct such as angry outbursts or arguing;
- iii) repeated incidents of being late for or absent from BRDMHA events and activities at which attendance is expected or required;
- iv) activities or behaviour which interfere with the organization of a competition or with any player's or team's preparation for a competition;
- v) pranks, jokes or other activities which endanger the safety of others or resulting in property damage;
- vi) deliberate disregard for the rules and regulations under which BRDMHA events are conducted;
- vii) abusive use of alcohol where abuse means a level of consumption which impairs the individual's ability to speak, walk or drive; causes the individual to behave in a disruptive manner; or interferes with the individual's ability to perform effectively and safely;
- viii) any use of alcohol by minors;
- ix) use of illicit drugs and narcotics;



Ontario Minor Hockey Association Complaint Form

(To be used at the local association level for all complaints filed)

Local Association Name: _____

President of Local Association (please print) _____

Section 1: Complainant Information (Must be completed for form to be accepted)

Name of individual filing complaint (Hereafter called "Complainant") _____

Evening phone number _____ Day phone number _____

Home address: _____

Email address: _____

Role of Complainant re: this specific incident: (please choose one)

Coach Executive Member Parent Player Official Spectator

Other: _____

Section 2: Respondent Information (Must be completed before form can be submitted)

Name of individual(s) whom complaint is being filed (hereafter called "respondent"):

Evening phone number _____ Day phone number _____

Home address: _____

Email address: _____

Role of Respondent re: this specific incident: (please choose one)

Coach Executive Member Parent Player Official Spectator

Other: _____

Section 3: Nature of Complaint: (Complainant to fill in)

Code of Conduct Harassment Abuse Other _____

Please describe the complaint, identifying the facts and issues, against the respondent: (If not enough room, please provide additional details on a separate sheet of paper)



Attempts made at Team level to resolve: Yes No

If no, please provide your reason: _____

_____ Day/Month/Year

_____ Signature of Complainant

Section 4: Local Association Process

Date complaint received by President: _____

Dispute Resolution Committee review date: _____

Complaint accepted? Yes No

(If complaint not accepted, the DR committee will submit in writing below the reasons the complaint was not accepted and return to the Complainant, Respondent and local association Executive)

Complaint Accepted – Meeting scheduled 7 days after review date

Dispute Resolution Committee Meeting Date: _____

Complaint resolved with Complainant and Respondent? Yes No

If complaint resolved, please list any actions or recommendations:

If complaint is not resolved, DR Committee to complete section 5.



Section 5: Dispute Resolution Committee Decision Section

(Please provide the details of the final decision as determined by the Dispute Resolution Committee. Ensure to attach document(s) that are sent to Complainant and Respondent.)

Complainant satisfied with resolution?: Yes No

Appeal to OMHA: Yes No

Date appeal sent to OMHA Office: _____

Section 6 – OMHA Appeal Process

Date Appeal received in OMHA office: _____

Application fee received? Yes No

Documentation submitted? Yes No

Investigation Conducted? Yes No

Risk Management Officer Accepts Complaint: Yes No

Under which category does the complaint fall?

Harassment Code of Conduct Abuse Other _____

Provide reasons for returning complaint to Complainant and copy to Respondent and local association:

Appeal accepted: Meeting/Hearing Date Assigned: _____

Members of Appeals Committee: (please print) Chair: _____

Member: _____

Member: _____

Decision of Appeals Committee:

(Please attach all formal documentation that is sent to Complainant, Respondent and local association)

