

Williams Lake Women's Hockey League

Discipline and Complaint Policy

The purpose of this document is to clarify the WLWHL policies and practices regarding complaints. It is recommended, when possible, that all parties observe a twenty-four hour waiting period before submitting complaints in order to promote emotional clarity.

Purpose

1. Participants in the Williams Lake Women's Hockey League (WLWHL) are expected to fulfil certain responsibilities and obligations including, but not limited to, complying with all policies, codes of conduct, bylaws, rules, and regulations of the WLWHL and the Canadian Adult Recreational Hockey Association (CARHA).
2. Non-compliance with any of WLWHL or CARHA's policies, bylaws, rules, or regulations may result in the imposition of sanctions pursuant to this policy and or the bylaws of the WLWHL.

Application

3. This policy applies to all participants of the WLWHL and to any alleged breaches of WLWHL or CARHA's policies, codes of conduct, bylaws, relevant documents, or rules and regulations that relate to safe sport and/or abuse, harassment, or maltreatment.
4. A Complaint Tribunal made up of a WLWHL board member and two panelists independent of the complaint, will be made available by the WLWHL for reviewing complaints.

Reporting

Reporting of a complaint to the Complaint Tribunal.

5. Complaints of alleged breaches of WLWHL governing documents will be made to the Complaint Tribunal in writing, emailed to: complaints@williamslakewomenshockey.ca.
6. A deposit of \$50 payable to treasurer@williamslakewomenshockey.ca shall accompany all complaints. The \$50 will be returned to the complainant if their complaint is admitted as per this policy.

7. Complaints must be submitted within two weeks of an alleged incident, or within the same playing season (September to April) of the alleged incident (if applicable, ie. more than one occurrence).
8. For administrative matters normally dealt with through policies of the WLWHL, concerns or questions should be directed to the appropriate board member, as opposed to the Complaint Tribunal. General inquiries should be sent to:
secretary@williamslakewomenshockey.ca
9. At its discretion, the WLWHL may act as the complainant and initiate the complaint process under the terms of this policy. In such cases, the WLWHL will identify an individual to represent the WLWHL.
10. A participant who fears reprisal or who otherwise has sufficient reason to keep their identity confidential may file a complaint with the Complaint Tribunal and request that their identity be kept confidential. Participants making the complaint may nevertheless be required to participate to some extent in the process, for example, by providing evidence during the disciplinary process. As such, confidentiality may not be guaranteed and may not be maintained for the entirety of the complaint process. Anonymous complaint submissions are not accepted.
11. It is expected that all parties involved report events and issues honestly and authentically.

Minors

12. Complaints may be brought by or against a league participant who is a minor. Minors must have a parent, guardian or other adult serve as their representative during this process.
13. Communication from the Complaint Tribunal must be directed to the minor's representative.
14. A minor is not required to attend or participate in an oral hearing, if held, or participate in an investigation if conducted.

Admissibility of Complaints

15. Upon receipt of a complaint, the Complaint Tribunal will determine whether the complaint falls within the jurisdiction of this policy, considering the following:
 - a. Whether the alleged incident(s) occurred within the business, activities, or events of the WLWHL;

- b. Whether the alleged incident(s) qualify as an infraction under the WLWHL or CARHA's documents or code of conduct, or are of a criminal matter;
 - c. Whether the complaint has been submitted within the required timeframe;
 - d. Whether the complaint has already had a resolution from another resolution process (including those from civil or criminal law);
 - e. Whether the complaint is currently being reviewed through another process;
 - f. Whether the complainant has a reasonable basis for filing supported by evidence and that the complaint submitted was not frivolous, vexatious, or made in bad faith. The Complaint Tribunal must consider a complaint to be made in bad faith if it was filed consciously for a dishonest purpose or due to the moral underhandedness of the complainant and that there was an intention to mislead.
16. If a complaint is deemed inadmissible under this policy, then the Complaint Tribunal must provide reasons to the complainant in writing. Additionally, the \$50 complaint fee will not be returned to the complainant.

Processes

17. The Complaint Tribunal will determine which process will be followed at their discretion:

18. Process 1

- a. When the complaint contains allegations involve, but are not limited to, the following behaviours:
 - i. Disrespectful conduct or comments;
 - ii. Minor acts of physical violence (between adults);
 - iii. Conduct contrary to the values of the WLWHL;
 - iv. Non-compliance or minor violations of the relevant policies, procedures, code of conduct, rules, or regulations of WLWHL or CARHA.
- b. Options for resolution:
 - i. If determined that the complaint follow process 1, the Complaint Tribunal may engage in the investigative procedures outlined in Appendix A, with the following options for resolution:
 - 1. The Complaint Tribunal may elect to have an awareness-raising conversation with either the complainant or respondent.
 - 2. Appoint one person to hear the facts of the case and make a decision. The person appointed may be a member of the Complaint Tribunal.
 - ii. At any point in process 1, the Complaint Tribunal can move the matter into process 2.

- iii. At any point in process 1, the Complaint Tribunal can move the matter to other appropriate authorities, such as the police.

19. Process 2

- a. When the complaint allegations involve, but are not limited to, the following behaviours:
 - i. Repeated incidents described in process 1.
 - ii. Hazing or harassment;
 - iii. Abusive, racist, or sexist comments, conduct, or behaviour;
 - iv. Incidents that constitute prohibited behaviour under the Code of Conduct or CARHA rules;
 - v. Major incidents of violence (fighting, attacking);
 - vi. Incidents that endanger the safety of others;
 - vii. Conduct that intentionally damages the image, credibility, or reputation of the WLWHL;
 - viii. Consistent disregard for the bylaws, policies, rules, or regulations of the WLWHL or CARHA;
 - ix. Major or repeated violations for code of conduct, the bylaws, policies, rules, or regulations of the WLWHL or CARHA;
 - x. Intentionally damaging the property of the WLWHL or the facilities it operates in;
 - xi. A conviction for any Criminal Code offense.
- b. Options for resolution:
 - i. If determined process 2 be used, the Complaint Tribunal may engage in investigative procedures outlined in Appendix A and will implement one or more of the following processes for resolution:
 1. Refer the complaint to a formal dispute resolution process (such as a mediation) with an external consultant specializing in mediation, with costs covered by the parties to the complaint. The parties must agree to this process.
 2. Appoint an External Hearing Panel of one to three people to hear the facts of the case and make a decision.
 3. Report the matter to other appropriate authorities such as the police.

Provisional Measures

20. The Complaint Tribunal may request, upon receipt of the complaint, an interim provisional suspension or disciplinary measure be applied according to this policy if the following criteria are met:
- a. The complaint involves abuse or harassment;
 - b. The complaint involves active programming and the safety of the program participants (physical or psychological).

If the Complaint Tribunal determines an interim suspension is warranted, the following parties may be notified:

- The respondent and the complainant;
 - The leadership of the programs (or team) the respondent is affiliated with;
 - The participants who are actively involved in the programming involving the respondent.
21. If an infraction occurs at a competition (ie. during a hockey game), it will be dealt with by the procedures of the competition, if applicable. Provisional measures may be imposed for the duration of the competition, event, or activity, or as otherwise deemed appropriate by the Complaint Tribunal.
22. If an infraction at a competition is of a severe nature, WLWHL officials may have discretion to impose additional interim measures or a provisional suspension in addition to any measures imposed by the Complaint Tribunal.
23. Respondents may request orally or in writing to have a provisional suspension lifted, which may be done when a respondent establishes that it is unfair to maintain the provisional suspension or interim measures against them.
24. Provisional suspension or interim measures may be appealed, as outlined in this policy.

Procedures

25. The Complaint Tribunal will follow a process leading to a resolution:
- a. The Complaint Tribunal determines whether the complaint will be resolved according to process 1 or 2 and determines which resolution is most appropriate.
 - b. Once the resolution is chosen, the Complaint Tribunal will inform the parties to the complaint.
 - c. Depending on which resolution is selected, the Complaint Tribunal will ask the complainant and the respondent for written and or oral submission regarding the complaint or incident. Both parties may submit any relevant evidence, including but not limited to witness statements, photos, recordings, etc. Both parties have

the right to receive the other party's submission and evidence, including details of the complainant's complaint.

Procedures when appointing an external mediation consultant:

26. If the Complaint Tribunal determines that the complaint or incident will be handled through an external consultant, the expert may then:
 - a. Ask the complainant and respondent for either written or oral submissions including, but not limited to, documentary evidence;
 - b. Ask the parties to convene;
 - c. Make a decision on the complaint and recommend sanctions if founded;
 - d. Dismiss the complaint if unfounded.

27. The Complaint Tribunal will inform the parties of the expert consultant's opinion, which shall be in writing and include reasons. The decision will take effect immediately. Any decision of the expert consultant will be maintained in the records of the WLWHL for two years.

Procedures when appointing an External Hearing Panel:

28. When it is determined that an External Hearing Panel will handle a complaint, the Complaint Tribunal will have the following responsibilities:
 - a. Coordinate the administrative aspects of the process and set reasonable timelines;
 - b. Provide administrative assistance and logistical support to the External Hearing Panel as required, including providing information on the previously imposed disciplinary sanctions, as well as relevant policy and documents of the WLWHL and CARHA.

29. The Complaint Tribunal and the External Hearing Panel will then decide the format under which the complaint will be heard. The options are: an oral in-person hearing, an oral hearing by phone or video conference, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of all these methods.

30. The hearing will be governed by the procedures that the Complaint Tribunal and the External Hearing Panel deem appropriate and will include:
 - a. A determination of procedures and timelines, as well as the hearing duration, which is as expedient and as cost-efficient as possible to ensure reasonable resolution;
 - b. The parties are provided appropriate notice of the time, day, and place of the hearing;

- c. Copies of written documents which the parties want the External Hearing Panel review in advance of the hearing and according to timelines set out by the Complaint Tribunal;
 - d. The parties may engage a representative, advisor, or legal counsel at their own expense;
 - e. The External Hearing Panel may request that individuals participate and give evidence at the hearing;
 - f. If not a party to the complaint, the WLWHL should be allowed to attend the hearing as an observer and will be provided with access to any documents submitted.
 - g. The External Hearing Panel shall apply relevant and applicable evidence as filed by the parties;
 - h. The decision will be by a majority vote of the External Hearing Panel when the panel consists of more than one person.
31. If a respondent admits to the alleged breach or acknowledges key facts as accurate, the respondent may waive the hearing, in which case the External Hearing Panel will determine the appropriate sanction. The panel may still hold a hearing for the purpose of determining the appropriate sanction.
32. The hearing process will still proceed even if a party chooses not to participate.
33. In fulfilling its duties, the External Hearing Panel may obtain other independent advice.
34. If the hearing process determines that an infraction occurred, the External Hearing Panel will determine the sanctions to be imposed. If the process considers an infraction has not occurred, the complaint will be dismissed.
35. Within 14 days of the conclusion of the process, a written decision with reasons, will be distributed to all parties by the Complaint Tribunal.
36. The decision will come into effect as of the date it is rendered, unless decided otherwise.
37. Decisions will be published by the WLWHL.
38. Records of all decisions will be maintained by the WLWHL in accordance with applicable privacy legislation.
39. When a sanction has been imposed, the decision shall include the following details:
- a. Summary of the facts and relevant evidence;
 - b. Where applicable, the specific provisions of WLWHL or CARHA's policies, codes of conduct, bylaws, rules, or regulations that have been breached;
 - c. Any reinstatement conditions that the respondent must satisfy (if any);

- d. Any other guidance that will assist the parties to implement the decision.

Sanctions

40. When determining the appropriate sanction, the following factors will be considered:

- a. The nature and duration of the respondent's relationship with the complainant, including whether there is a power imbalance;
- b. The respondent's prior history with the WLWHL and any pattern of misconduct, prohibited behaviour, or maltreatment;
- c. The respective ages of the individuals involved;
- d. Whether the respondent poses an ongoing or potential threat to the safety of others;
- e. The respondent's voluntary admission of the offense(s), acceptance or responsibility, and cooperation with the disciplinary process;
- f. Real or perceived impact of the incident on the complainant or the WLWHL;
- g. Circumstances specific to the respondent being sanctioned (ie. lack of knowledge or training, disability, illness);
- h. Whether continued participation in recreational hockey is appropriate;
- i. Other mitigating or aggravating circumstances.

41. Any sanction imposed must be proportionate and reasonable.

42. The following are options for sanctions:

- a. **Verbal or written warning:** a verbal reprimand or an official written notice that the participant of the WLWHL has violated the relevant codes of conduct or policy, and includes the more severe sanctions possible that could result if other violations occur.
- b. **Education:** the requirement that the participant of the WLWHL take specified educational or remedial measures to address the violations of the relevant codes of conduct.
- c. **Probation:** a specified amount of time within certain terms and conditions must be met by the participant of the WLWHL, such as good standing and remaining in compliance with the codes of conduct. The sanction could include the loss of privileges, restrictions or other requirements for a specified period.
- d. **Suspension:** either for a set period of time, or until further notice, from participation in any capacity in a program or activity, event or competition under the auspices of the WLWHL. Reinstatement may be subject to certain restrictions or contingent upon the satisfaction of certain conditions noted at the time of suspension.
- e. **Eligibility restrictions:** restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions.

- f. **Permanent Ineligibility:** ineligibility to participate in any capacity in any program under the auspices of the WLWHL.
 - g. **Other discretionary sanctions:** other sanctions may be imposed, including, but not limited to other loss of privileges, no contact directives, a fine or monetary payment to compensate for direct losses, or other restrictions or conditions as deemed appropriate or necessary.
43. Failure to comply with a sanction will result in an automatic suspension until such time as compliance occurs.

Appeals

44. A decision cannot be appealed on its merits alone. An appeal may only be heard if there are sufficient grounds for appeal, which include one or more of the following as reviewed by the Complaints Tribunal:
- a. The decision was made by a body that did not have the authority or jurisdiction to make (as set out in the applicable governing documents);
 - b. The deciding body failed to follow its own procedures (as set out in the applicable governing documents);
 - c. The deciding body made a decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that the decision-maker appears to have not considered other views).

Appeals Process

45. Appeals may only be submitted by the respondent or the complainant of a case, directly to the Complaints Tribunal.
46. Appeals must be submitted within seven days from the date on which they received notice of the decision. This includes a payment of \$100, which is non-refundable. This payment may be e-transferred to the WLWHL's Treasurer, noting the appeal.
47. The appeal must be submitted directly to the Complaints Tribunal, including:
- a. The name of the individual filing the appeal and their role (ie. complainant or respondent);
 - b. Grounds for the appeal;
 - c. Detailed reasons for the appeal;
 - d. Evidence that supports the grounds for appeal;
 - e. Requested remedy or remedies.

48. The appeal, once submitted, will be reviewed by an Appeal Manager assigned by the Complaint Tribunal, who shall be different from the person who initially reviewed the case.
49. If the Appeal Manager denies the appeal because of insufficient grounds, the applicant will be notified in writing for the reason of decision. The decision may not be appealed.
50. If the Appeal Manager is satisfied there are sufficient grounds for an appeal, the Appeal Manager will appoint an Appeal Panel, which consists of a single panel member to hear the appeal.
51. An Appeals Hearing will follow the same process as the External Hearing Panel as listed in this policy.

Appeal Decision

52. The appellant must demonstrate, on a balance of probabilities, that the respondent has made a procedural error as described in the grounds for appeal section of this policy, and that this error had a material effect on the decision of the decision-maker.
53. The Appeal Panel shall issue its decision, in writing and with reasons, within 14 days after the hearing's conclusion. The Appeal Panel may decide to:
 - a. Reject the appeal and confirm the decision being appealed;
 - b. Uphold the appeal and refer the matter back to the initial decision-maker for a new decision; or
 - c. Uphold the appeal and vary the decision.
54. The appeal panel's written decision with reasons, will be distributed to all parties.

Privacy

55. The collection, use and disclosure of any personal information pursuant to this policy is subject to the relevant and applicable privacy legislation. The WLWHL shall comply with the relevant and applicable privacy legislation in the performance of their services under this policy.

Appendix A - Investigation Procedure

Determination

1. When a complaint is submitted pursuant to the Policy and is accepted by the Complaint Tribunal, the Tribunal will determine if the incident(s) should be investigated.

Investigation

2. If the Complaint Tribunal considers that an investigation is necessary, they will appoint an Investigator. The Investigator must be independent of the Complaint Tribunal and ideally has experience in investigating. The Investigator must not be in a conflict of interest situation and should also have no connection to either party.
3. The investigation may take any form as decided by the investigator, guided by any applicable provincial legislation. The investigation may include:
 - a. interviews with the complainant;
 - b. witness interviews;
 - c. statement of facts (complainant's perspective) prepared by the investigator, acknowledged by the complainant and provided to the respondent;
 - d. interviews with the respondent; and
 - e. statement of facts (respondent's perspective) prepared by investigator, acknowledged by the respondent and provided to the complainant.

Investigator's Report

4. Upon completion of their investigation, the investigator shall prepare a written report that shall include a summary of evidence from the parties and any witnesses interviewed. The report shall also include a non-binding recommendation from the Investigator regarding whether an allegation or, where there are several allegations, which allegations, should be heard by an External Hearing Panel pursuant to the Discipline and Complaints Policy because they constitute a likely breach of the applicable codes of conduct, or any other relevant and applicable WLWHL or CARHA policy.
5. Should the investigator find that there are possible Criminal Code offences, the Investigator shall advise the WLWHL and, where applicable, the member, and the matter shall be referred to the police.

Reprisal and Retaliation

6. Anyone who submits a complaint to the Complaint Tribunal or who gives evidence in an investigation may not be subject to reprisal or retaliation from any individual or group. Any such conduct may constitute Prohibited Behaviour be subject to disciplinary proceedings pursuant to the Discipline and Complaints Policy or, as applicable, the policies and procedures.

False Allegations

7. A member of the WLWHL who submits allegations that the investigator determines to be malicious, false, or for the purpose of retribution, retaliation or vengeance may be subject to a complaint under the terms of the Discipline and Complaints Policy and may be required to pay for the costs of any investigation that comes to this conclusion. The investigator may recommend to WLWHL or the member (as applicable) that the member be required to pay for the costs of any investigation that comes to this conclusion. Any member who is liable to pay for such costs shall be automatically deemed to be not in good standing until the costs are paid in full and shall be prohibited from participating in any member and WLWHL events, activities or business. WLWHL or any member(s) (as applicable) against whom the allegations were submitted, may act as the complainant with respect to making a complaint pursuant to this section.

Confidentiality

8. The investigator will make reasonable efforts to preserve the anonymity of WLWHL, respondent, and any other party. However, WLWHL and its members recognize that maintaining full anonymity during an investigation may not be feasible. The investigator must inform any witness or participant in the investigation of this limitation.

Privacy

9. The collection, use and disclosure of any personal information pursuant to this policy is subject to the relevant and applicable privacy legislation.
10. WLWHL, its members, or any of their delegates pursuant to this policy shall comply with the relevant and applicable privacy legislation in the performance of their services under this policy.