

## Discipline and Complaints Policy – Westacres Tennis Club

**“Organization” refers to: The Westacres Tennis Club**

### 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 Individuals, persons, or organizations affected by the complaint
  - d) “*Days*” – Days irrespective of weekend and holidays
  - e) “*Individuals*” – All categories of membership defined in the Organization’s Bylaws, as well as all individuals employed by, contracted by, or engaged in activities with the Organization including, but not limited to, athletes, coaches, instructors, convenors, officials, volunteers, administrators, committee members, and directors and officers of the Organization, spectators at events, and parents/guardians of participants

### Purpose

2. The Organization is committed to providing an environment in which all Individuals involved with the Organization are treated with respect. Membership in the Organization, as well as participation in its activities, brings many benefits and privileges. At the same time, Individuals and participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the Organization’s policies, bylaws, rules and regulations, and *Code of Conduct and Ethics*. Non-compliance by Individuals can result in severe damage to the integrity of the Organization and may be subject to sanctions pursuant to this Policy. Since discipline may be applied, the Organization provides Individuals with the mechanism outlined in this Policy so that complaints are handled fairly, expeditiously, and affordably.
3. As it relates to disputes between Individuals, the Organization encourages all Individuals to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. Opportunities for dispute resolution may be pursued at any point in a dispute within the Organization when all parties to the dispute agree that such a course of action would be mutually beneficial. The Organization believes that negotiated settlements are usually preferable to outcomes resolved through other dispute resolution techniques. Negotiated resolutions to disputes with and among Individuals are strongly encouraged.

### Application of this Policy

4. This Policy applies to all Individuals.
5. This Policy applies to discipline matters that may arise during the course of the Organization’s business, programs and activities including, but not limited to, any activity on or within reasonable vicinity of the tennis courts, (games, competitions, practices, clinics, training camps, social events), travel associated with the Organization’s business, programs and activities, the Organization’s general environment, and any meetings.
6. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. 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.
7. Discipline matters and complaints arising within the business, activities, or events organized by entities other than the Organization will be dealt with pursuant to the policies of these other entities unless requested and accepted by the Organization at its sole discretion.

## Reporting a Complaint

8. Any Individual may report any complaint to the Organization. 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 the Organization.
9. 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 the Organization. This decision may not be appealed.
10. At the Organization's discretion, the Organization may act as the complainant and initiate the complaint process under the terms of this Policy. In such cases, the Organization will identify an individual to represent the Organization.

## Mediation

11. Before any complaint proceeds to the formal stage, the dispute will first be referred to the Organization's President (or designate) for review, with the objective of resolving the dispute. This procedure will often apply for minor infractions.

## Board Review

12. Should the review by the Organization's President (or designate) not resolve the dispute, the Board of Directors will oversee the management and administration of complaints submitted in accordance with this Policy and such appointment is not appealable. The Board of Directors 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. More specifically, the Board of Directors has a responsibility to:
  - a) Determine whether the complaint is frivolous or vexatious and within the jurisdiction of this Policy. If the Board of Directors determines the complaint is frivolous or vexatious or outside the jurisdiction of this Policy, the complaint will be dismissed immediately. The Board's decision to accept or dismiss the complaint may not be appealed
  - b) Determine if the complaint is a minor or major infraction
  - c) Coordinate all administrative aspects of the complaint
  - d) Provide any other service or support that may be necessary to ensure a fair and timely proceeding
13. The Board of Directors will inform the Parties if the incident is to be dealt with as a minor infraction or major infraction and the matter will be dealt with according to the applicable section relating to the minor or major infraction.
14. In the event that the Board of Directors does not resolve the dispute, or requires additional support in doing so, the Board of Directors reserves the right, at its discretion, to engage the services of any independent party(s) to acquire advice, assign a Discipline Panel, or perform case management. In such instances, additional procedures may be implemented to ensure additional procedural fairness and investigation of the infraction.

## Minor Infractions

15. Minor infractions are **single incidents** of failing to achieve expected standards of conduct that generally do not result in harm to others, the Organization, or the sport. Examples of minor infractions can include, but are not limited to, a single incident of:
  - a) Disrespectful, offensive, abusive, racist, or sexist comments or behaviour
  - b) Disrespectful conduct such as outbursts of anger or argument
  - c) Complaints relating to the general operations of the Organization
  - d) Non-compliance with the Organization's policies, procedures, rules, or regulations
  - e) Minor violations of the Organization's *Code of Conduct and Ethics*
  - f) Tampering

16. All disciplinary situations involving minor infractions will be dealt with by the Organization's President (or designate). If applicable, discipline specific to the particular event or activity shall be applied. The person in authority can be, but is not restricted to being, staff, managers, or the Organization's Officers.
17. 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).
18. Penalties for minor infractions, which may be applied singularly or in combination, include the following:
  - a) Verbal or written reprimand from the Organization to one of the Parties
  - b) Verbal or written apology from one Party to the other Party
  - c) Service or other contribution to the Organization
  - d) Removal of certain privileges of membership for a designated period of time
  - e) Suspension from the current competition, activity, or event
  - f) Fines
  - g) Any other sanction considered appropriate for the offense
  - h) Discipline specific to the event or activity, if applicable
19. Minor infractions that result in discipline by the President (or designate) will be recorded and reported to the Board of Directors. Repeat minor infractions may result in further such incidents being considered a major infraction.

### **Major Infractions**

20. 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 the Organization, or to the sport. Examples of major infractions include, but are not limited to:
  - a) Repeated minor infractions
  - b) Any incident of hazing
  - c) Incidents of physical abuse
  - d) Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
  - e) Pranks, jokes, or other activities that endanger the safety of others
  - f) Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
  - g) Conduct that intentionally damages the Organization's image, credibility, or reputation
  - h) Consistent disregard for the Organization's bylaws, policies, rules, and regulations
  - i) Major or repeated violations of the Organization's *Code of Conduct and Ethics*
  - j) Intentionally damaging the Organization's property or improperly handling the Organization 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
21. Major infractions occurring may be dealt with immediately, if necessary, by a person having authority. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only. If applicable, discipline specific to the particular event or competition shall be applied. 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.
22. All disciplinary situations involving major infractions will be dealt with by the Organization's Board of Directors and any independent party (optional) assigned by the Board of Directors. If applicable, discipline specific to the particular event or activity shall be applied. The person in authority can be, but is not restricted to the Organization's Officers.

23. After hearing on the matter, the Board of Directors will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of concluding its review, the Board's written decision, with reasons, will be distributed to all Parties, and the Organization. In extraordinary circumstances, the Board may first issue a verbal or summary decision soon after the review, 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 Board of Directors.

### **Sanctions**

24. The Panel may apply the following disciplinary sanctions, singularly or in combination, for major infractions:
- a) Verbal or written reprimand from the Organization to one of the Parties
  - b) Verbal or written apology from one Party to the other Party
  - c) Service or other voluntary contribution to the Organization
  - d) Expulsion from the Organization
  - e) Removal of certain membership privileges
  - f) Suspension from certain teams, events, and/or activities
  - g) Suspension from all the Organization's 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 the Organization or from other sources
  - k) Any other sanction considered appropriate for the offense
25. Unless the Board decides otherwise, any disciplinary sanctions will begin immediately. Failure to comply with a sanction as determined by the Board will result in automatic suspension until such time as compliance occurs.
26. Major infractions that result in discipline will be recorded and records will be maintained by the Organization.

### **Criminal Convictions**

27. An Individual's conviction for any of the following *Criminal Code* offenses will be deemed a major infraction under this Policy and will result in expulsion from the Organization and/or removal from the Organization's programs, activities and events upon the sole discretion of the Organization:
- 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**

28. The discipline and complaints process is confidential and involves only the Parties, Board of Directors, 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.

### **Timelines**

29. If the circumstances of the complaint are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the complaint, the Board may direct that these timelines be revised.

### **Result of Decisions**

30. Decisions made by the Board of Directors are considered final and may not be appealed.
31. Decisions and appeals are matters of public interest and shall be publicly available with the names of the individuals redacted. Names of persons disciplined may be disclosed to the extent necessary to give effect to any sanction imposed. Pursuant to the Organization's *Confidentiality Policy*, the Board may determine that disclosing

the person's identity would unduly violate the person's privacy and may decide that the decision, or part of the decision, shall be kept confidential.