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# BRITISH COLUMBIA FREESTYLE SKI ASSOCIATION (BCFSA)

## ***DISCIPLINE & COMPLAINTS POLICY***

*Edited March 2010*

### **DEFINITIONS**

1. The following terms have these meanings in this Policy:
  - a) *“BCFSA Member”* - All categories of membership within BCFSA, as well as all individuals employed by or engaged in activities with BCFSA, including but not limited to, athletes, coaches, judges, officials, volunteers, directors, officers, administrators, spectators and parents of BCFSA members.
  - b) *“Days”* – Days irrespective of weekend and holidays.
2. Case Manager – The BCFSA President or someone delegated by the President to oversee the discipline or complaint process.
3. *“Repeated”* - The definition of *“repeated”* will depend on the severity of the infraction and frequency of offences within a given time to be determined by the BCFSA at its sole discretion.
4. Discipline Committee – This committee is in place to make decisions regarding discipline or complaints. The BC Executive Committee will approve this committee.

### **PURPOSE**

5. BCFSA is committed to providing an environment in which all BCFSA Members are treated with respect and characterized by the value of fairness, integrity and open communication. Membership in the BCFSA, as well as participation in its activities, 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 Constitution, Bylaws, policies, Rules and Regulations and Code of Conduct and Ethics of BCFSA. Irresponsible behavior by BCFSA Members can result in severe damage to the integrity of BCFSA. Conduct that violates these values may be subject to sanctions pursuant to this policy. Since sanctions may be applied, it is only fair to provide BCFSA Members a mechanism so complaints and discipline is dealt with fairly, expeditiously and affordably.

### **APPLICATION OF THIS POLICY**

6. This Policy applies to all BCFSA Members as defined in the Definitions.

7. This Policy only applies to discipline matters that may arise during the course of BCFSAs business, activities and events, including but not limited to, competitions, training camps, travel associated with BCFSAs activities, and any meetings.
8. Discipline matters and complaints arising within the business, activities or events organized by BCFSAs partners and member clubs will be dealt with pursuant to the partner or member clubs policies. From time to time partners or member clubs may receive requests to handle discipline matters or complaints. It is the sole discretion of BCFSAs to handle these requests on matters and complaints that adversely affect relationships within BCFSAs work and sport environment and is detrimental to the image and reputation of BCFSAs.

## **REPORTING A COMPLAINT**

9. Any BCFSAs Member may report to the BCFSAs head office any complaint. Such complaint may come in writing or by e-mail, and must be filed within fourteen (14) days of the alleged incident. Anonymous complaints may be accepted upon the sole discretion of BCFSAs.
10. A complainant wishing to file a complaint beyond the fourteen (14) days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the notice of complaint outside the fourteen (14) day period will be at the sole discretion of BCFSAs. This decision may not be appealed.
11. BCFSAs will appoint a Case Manager to oversee the management and administration of complaints in accordance with this Policy. The Case Manager should be experienced and skilled in managing disputes and is not required to be a member of BCFSAs. The appointment of the Case Manager may not be appealed. 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, more particularly, the Case Manager has a responsibility to:
  - a. Determine whether the complaint is frivolous or vexatious. If the Case Manager determines the complaint is frivolous or vexatious, the complaint will be dismissed immediately. The appointment of the Case Manager and their decision to the acceptance or dismissal of the complaint may not be appealed.
  - b. Appoint the Panel, if necessary, in accordance with this Policy;
  - c. Coordinate all administrative aspects of the complaint;
  - d. Provide administrative assistance and logistical support to the Panel as required; and
  - e. Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
12. If a complaint is determined by the Case Manager, to be legitimate, the complaint will be designated as a minor infraction or a major infraction and dealt with according to the appropriate sections of this Policy. It will be at the sole discretion of the Case Manager, to determine whether a complaint is to be dealt with as a major or minor infraction. This decision is not appealable.

13. The Case Manager 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. This Policy does not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behavior that constitutes either a minor or major infraction provided that the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident. Further sanctions may be applied in accordance with the procedures set out in this Policy.

## **MINOR INFRACTIONS**

15. Examples of minor infractions include, but are not limited to, a single incident of:
  - a) Disrespectful, offensive, abusive, racist or sexist comments or behavior directed towards others;
  - b) Conduct contrary to the ideals of respect such as angry outbursts or argument;
  - c) Being late for or absent from BCFSAs events and activities at which attendance is expected or required; and
  - d) Not responding to a late notice of outstanding BCFSAs fees for service.
16. All disciplinary situations involving minor infractions will be dealt with by the appropriate person having authority over the situation and the individual involved (the person in authority may include, but is not restricted to, judges, officials, coach, chaperone, organizer, or BCFSAs staff).
17. Procedures for dealing with minor infractions will be informal as compared to those for major infractions and will be determined at the discretion of the person responsible for discipline of such infractions (as noted above in point 12). This is provided that the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident.
18. Sanctions for minor infractions, which may be applied singly or in combination, include the following:
  - a) Verbal or written reprimand which may be placed in the individual's file;
  - b) Verbal or written apology;
  - c) Service or other voluntary contribution to BCFSAs;
  - d) Suspension from the current competition, activity or event; or
  - e) Any other sanction considered appropriate by an authorized BCFSAs person or committee for the offense.
19. Minor infractions that result in discipline will be recorded and maintained by BCFSAs. Repeat minor infractions may result in further such incident being considered a major infraction.

## **MAJOR INFRACTIONS**

20. Major infractions are instances of misconduct that result, or have the potential to result, in harm to other persons or to BCFSAs.

21. Examples of major infractions include, but are not limited to:
- a) Repeated incidents of disrespectful, offensive, abusive, racist or sexist comments or behavior directed towards others;
  - b) Repeated conduct contrary to the ideals of respect such as angry outbursts or argument;
  - c) Repeated incidents of being late for or absent from BCFSAs events and activities at which attendance is expected or required;
  - d) Activities or behavior which interfere with a competition or with any athlete's preparation for competition;
  - e) Incidents of physical abuse;
  - f) Pranks, jokes or other activities that endanger the safety of others;
  - g) Disregard for the policies, procedures, rules and regulations under which BCFSAs is governed;
  - h) Conduct which results in harm to the image, credibility or reputation of BCFSAs and/or its' sponsors;
  - i) Abusive use of alcohol where abuse means a level of consumption that 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;
  - j) Any control, possession or use of alcohol by minors;
  - k) Any control, possession use of illicit drugs and narcotics; or
  - l) Any control, possession or use of banned performance enhancing drugs or methods.
22. Major infractions occurring within competition may be dealt with immediately, if necessary, by an appropriate person having 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, 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.

## **DISCIPLINE PANEL AND HEARING**

23. Upon notifying the respondent of a complaint of a major infraction, the Case Manager, at their sole discretion, will appoint a Discipline Panel ("Panel") as follows:
- f. The Panel will be comprised of one – three persons who will have no significant involvement with the alleged infraction and will be free from any other bias or conflict of interest.
  - g. The Case Manager will appoint one person to act as Chairperson.
24. Having regard to the nature of the discipline matter and the potential consequences of any resulting sanctions, the Panel will decide to conduct the hearing by way of review of documentary evidence, in-person or via teleconference.

## **PRELIMINARY MEETING**

25. The Panel may determine that the circumstances of the complaint warrant a preliminary meeting. The Panel may delegate to one of its members the authority to deal with preliminary matters, which may include but are not limited to:

- h. Format of the hearing (hearing by documentary evidence, oral hearing, in-person or a combination);
- i. Timelines for exchange of documents;
- j. Clarification of issues in dispute;
- k. Clarification of evidence to be presented to the Panel;
- l. Order and procedure of hearing;
- m. Location of hearing, where the hearing is an in-person hearing;
- n. Identification of witnesses;
- o. Remedies sought ; and
- p. Any other procedural matter that may assist in expediting the appeal proceedings.

26. The Panel may delegate to its Chairperson the authority to deal with these preliminary matters on behalf of the Panel.

## **PROCEDURE FOR THE HEARING**

27. The Panel will conduct the hearing by means of documentary review, conference call, or in-person.

28. Where the Panel has determined that the appeal will be held by way of oral hearing in person or via conference call, the Panel will govern the hearing by such procedures as it deems appropriate, provided that:

- a) The parties will be given three (3) days written notice of the date, time and place of the hearing.
- b) Copies of written documents that any of the parties would like the Panel to consider will be provided to the Panel and to all other parties at least three (3) days prior to the hearing.
- c) The parties will be provided copies of all evidence to be relied upon;
- d) The parties will have the right to present evidence and argument;
- e) If the decision of the Panel affects another party (the “affected party”), who is not a complainant or respondent, to the extent that the affected party would have recourse to an appeal, the affected party will be joined to the matter and will be bound by its outcome.
- f) A representative or advisor, including legal counsel may accompany any of the parties.
- g) The Panel may direct any other person to participate or present evidence.
- h) Unless otherwise agreed by the parties, there will be no communication between the Panel and the parties except in the presence of, or by copy to, the other parties.
- i) Each party will bear their own costs;
- j) Decisions will be by majority vote, where the Chairperson carries a vote.

## **DECISION**

29. After hearing the matter, the Panel will determine whether or not the individual will be sanctioned, and if so, will determine the appropriate penalty to be imposed and any measures to mitigate the harm suffered by others as a result. The Panel's written decision,

with reasons, will be distributed to all parties, the Case Manager and BCFSA within fourteen (14) days of the conclusion of the hearing.

30. Where the individual acknowledges the facts of the incident, he or she may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may hold a hearing for the purpose of determining an appropriate sanction.
31. If the individual being disciplined chooses not to participate in the hearing, the hearing may proceed in any event.

## **SANCTIONS**

32. The Panel may apply the following disciplinary sanctions singly or in combination, for major infractions:
  - a) Written reprimand to be placed in the individual's file;
  - b) Written apology;
  - c) Removal of certain privileges of membership;
  - d) Suspension from certain BCFSA teams, events and/or activities;
  - e) Suspension from all BCFSA activities for a designated period of time;
  - f) Suspension from BCFSA;
  - g) Expulsion from membership;
  - h) Other sanctions as may be considered appropriate for the offense.
33. Unless the Panel decides otherwise, any disciplinary sanctions will commence immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension of membership in BCFSA until such time as compliance occurs.
34. In applying sanctions, the Panel may have regard to the following aggravating or mitigating circumstances:
  - a) The nature and severity of the incident;
  - b) Whether the incident is a first offense or has occurred repeatedly;
  - c) The individual's acknowledgment of responsibility,
  - d) The individual's remorse and post-infraction conduct;
  - e) The age, maturity or experience of the individual;
  - f) Whether the individual retaliated; and
  - g) The individual's prospects for rehabilitation.
35. A written record will be maintained by BCFSA at their head office for major infractions that result in a sanction.

## **SERIOUS INFRACTIONS**

36. BCFSA may determine that an alleged incident is of such seriousness as to warrant suspension of the individual pending a hearing and a decision of the Panel.

## **TIMELINES**

37. If the circumstances of the complaint are such that this policy will not allow a timely conclusion, or if the circumstances of the complaint are such the complaint cannot be concluded within the timelines dictated in this policy, the Panel may direct that these timelines be revised.

## **CONFIDENTIALITY**

38. The discipline and complaints process is confidential involving only the parties, the Case Manager and 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**

39. The decision of the Panel may be appealed in accordance with the BCFSA's Appeal Policy.

The policies in this document may from to time be revised and amended by the BCFSA Board of Directors.