



## Manual of Operations

Title: Discipline and Investigations	Number: MO-05-02
Source: LMC	
Approved By: WGHA Board	Date Approved: June 2014 Date Last Reviewed: June 2016, March 2024

Waterloo Girls Hockey Association (WGHA) is committed to providing an environment in which all Individuals involved with the WGHA are treated with respect. Membership in the WGHA, 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 WGHA's policies, bylaws, rules and regulations, and *Code of Conduct*. Non-compliance by Individuals can result in severe damage to the integrity of the WGHA and may be subject to sanctions pursuant to this Policy. Since discipline may be applied, WGHA provides Individuals with the mechanism outlined in this Policy so that complaints are handled fairly, expeditiously, and affordably.

### DEFINITIONS

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 groups affected by the complaint
- d) "*Days*" – Days irrespective of weekend and holidays
- e) "*Individuals*" – All categories of membership defined in the WGHA's Bylaws, as well as all individuals employed by, or engaged in activities with, the WGHA including, but not limited to, athletes, coaches, convenors, referees, officials, volunteers, managers, administrators, committee members, directors and officers of the WGHA, spectators at events, and parents/guardians of athletes

### APPLICATION OF THIS POLICY

This Policy applies to all Individuals.



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This Policy applies to discipline matters that may arise during the course of the WGHA's business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with the WGHA activities, and any meetings.

This Policy does not prevent discipline from being applied, during a competition or event, according to the procedures in place for the particular event. Further discipline may be applied according to this Policy.

Any infractions or complaints occurring within games and tournaments will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions will be as outlined by OWHA. Further sanctions may be applied by WGHA but only after review of the matter in accordance with the procedures set out in this Policy.

Discipline matters and complaints arising within the business, activities, or events organized by entities other than the WGHA will be dealt with pursuant to the policies of these other entities unless requested and accepted by the WGHA at its sole discretion.

### REPORTING A COMPLAINT

WGHA complaint process is outlined in *MO-05-01 Complaints*.

### MEDIATION

Before any complaint proceeds to the formal stage, the dispute will first be referred to the WGHA's Director Concern and Support for review, with the objective of resolving the dispute via the WGHA's *Dispute Resolution Policy*.

### Investigation Panel

Should the review by the Director Concerns and Support, not resolve the dispute, the WGHA President will appoint an Investigation Panel to oversee management and administration of complaints submitted in accordance with this Policy and such appointment is not appealable.



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The Investigation Panel 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 Investigation Panel has a responsibility to:

- a) Determine whether the complaint is frivolous or vexatious and within the jurisdiction of this Policy. If the Investigation Panel determines the complaint is frivolous or vexatious or outside the jurisdiction of this Policy, the complaint will be dismissed immediately. The Investigation Panel'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

The Investigation Panel 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.

### MINOR INFRACTIONS

Minor infractions are **single incidents** of failing to achieve expected standards of conduct that generally do not result in harm to others, the WGHA, 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) Conduct contrary to the values of the WGHA



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- d) Being late for, or absent from, the WGHA events and activities at which attendance is expected or required
- e) Non-compliance with the WGHA's policies, procedures, rules, or regulations
- f) Minor violations of the WGHA's *Code of Conduct and Ethics*
- g) Tampering

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. If applicable, discipline specific to the particular event or competition will be applied. The person in authority can be, but is not restricted to being, staff, officials, coaches, judges, organizers, or the WGHA's decision-makers.

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).

Penalties for minor infractions, which may be applied singularly or in combination, include the following:

- a) Verbal or written reprimand from the WGHA to one of the Parties
- b) Verbal or written apology from one Party to the other Party
- c) Service or other contribution to the WGHA
- d) Removal of certain privileges of membership for a designated period of time
- e) Suspension from the current competition, activity, or event



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- f) Fines
- g) Any other sanction considered appropriate for the offense
- h) Discipline specific to the event or competition, if applicable

Minor infractions that result in discipline will be recorded and records will be maintained by the WGHA. Repeat minor infractions may result in further such incidents being considered a major infraction.

### MAJOR INFRACTIONS

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 WGHA, 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 WGHA's image, credibility, or reputation
- h) Consistent disregard for the WGHA's bylaws, policies, rules, and regulations



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- i) Major or repeated violations of the WGHA's *Code of Conduct* (MO- 04-04) policy
- j) Intentionally damaging the WGHA property or improperly handling the WGHA 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

Major infractions occurring within competition 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 will 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 as outlined in the *Grievances and Appeals* (MO-05-03) policy .

Major infractions will be handled using the Procedure for Major Infraction Hearing set out in this Policy, except where a dispute resolution procedure contained within a contract, employee agreement, or other formal written agreement takes precedence.

### PROCEDURE FOR MAJOR INFRACTION HEARING

The Investigation Panel will notify the Parties that the complaint is potentially legitimate and the incident will be dealt with as a major infraction by the WGHA Disciplinary Panel.

The Disciplinary Panel consists of WGHA President, Vice President and Director Coaching and Player Development. The Disciplinary Panel will then decide the



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format under which the complaint will be heard. This decision is at the sole discretion of the Disciplinary Panel and may not be appealed.

If the Respondent acknowledges the facts of the incident, the Respondent may waive participating in the investigation, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may still carry out an investigation for the purpose of determining an appropriate sanction.

If a Party chooses not to participate in the investigation, the investigation will proceed in any event.

The Disciplinary Panel will determine the format of the investigation which may involve an in-person meeting, a meeting by telephone, a meeting based on a review of documentary evidence submitted in advance of the meeting, or a combination of these methods. Any meetings will be governed by the procedures that the Disciplinary Panel deems appropriate in the circumstances, provided that:

- a) The Parties will be given appropriate notice of the day, time, and place of the meetings
- 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 meeting
- c) The Panel may request that any other individual participate and give evidence during the course of the investigation
- d) The decision will be by a majority vote of Panel members

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.

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

### DECISION



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After hearing the matter, the Disciplinary Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the investigation's conclusion, the Disciplinary Panel's written decision, with reasons, will be distributed to all Parties, the Investigation Panel, and the WGHA. In extraordinary circumstances, the Disciplinary 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**

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

- a) Verbal or written reprimand from the WGHA 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 WGHA
- d) Expulsion from the WGHA
- e) Removal of certain membership privileges
- f) Suspension from certain teams, events, and/or activities
- g) Suspension from all the WGHA's activities for a designated period of time
- h) Payment of the cost of repairs for property damage
- i) Any other sanction considered appropriate for the offense

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.





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### **SUSPENSION PENDING AN INVESTIGATION**

The WGHA may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending completion of the criminal process, a hearing or a decision of the Panel.

### **CRIMINAL CONVICTIONS**

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 WGHA and/or removal from the WGHA's competitions, programs, activities and events upon the sole discretion of the WGHA:

- 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**

The discipline and complaints process is confidential and involves only the Parties, the Investigation Panel, Disciplinary 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.

### **TIMELINES**



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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 Panel may direct that these timelines be revised.

### RECORDS AND DISTRIBUTION OF DECISIONS

Minor and major infractions that result in discipline, as well as decisions of any appeals, will be recorded and maintained by the WGHA.

OWHA and or Hockey Canada may be advised of any decisions and, if there was an appeal, the appeal decision.

Decisions and appeals are matters of public interest and will 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 WGHA's *Confidentiality Policy*, the Panel 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, will be kept confidential.

### APPEALS PROCEDURE

The decision of the Investigation Panel and or the Disciplinary Panel may be appealed in accordance with the WGHA's *Grievances and Appeals Policy*.