

DISCIPLINE and COMPLAINTS POLICY

Definitions

1. The following terms have these meanings in this Policy:
 - a. “Organization” – Newfoundland and Labrador Curling Association
 - b. “Complainant” – The Party alleging an infraction
 - c. “Respondent” – The alleged infracting Party
 - d. “Parties” – The Complainant, Respondent, and any other Members or persons affected by the complaint
 - e. “Days” – Days irrespective of weekend and holidays
 - f. “Member” – All categories of membership defined in the Organization’s Bylaws as well as all individuals employed by, or engaged in activities with, the Organization including, but not limited to, athletes, coaches, conveners, officials, volunteers, managers, administrators, committee members, directors and officers of the Organization.

Purpose

2. The Organization is committed to providing an environment in which all Members are treated with respect. Membership in the Organization, as well as participation in its activities, brings 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 Organization’s policies, Bylaws, rules and regulations, and Code of Conduct and Ethics. Irresponsible behavior by Members can result in severe damage to the integrity of the Organization. Conduct that violates these values may be subject to sanctions pursuant to this Policy. Since discipline may be applied, the Organization provides Members with the mechanism outlined in this Policy so that complaints are handled fairly, expeditiously, and affordably.

Application of this Policy

3. This Policy applies to all Members defined in the ‘Definitions’ section of this Policy.
4. This Policy applies to discipline matters that may arise during the course of the Organization’s business, activities, and events including, but not limited to, games, tournaments, practices, tryouts, training camps, travel associated with the Organization, activities, and any meetings.

5. This Policies also applies to Members' conduct outside of the Organization's business, activities, and events when such conduct adversely affects relationships within the Organization (and its work and sport environment) and is detrimental to the image and reputation of the Organization. Such applicability will be determined by the Organization at its sole discretion.
6. 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.

Alternate Dispute Resolution

7. The Organization supports the options of mediation and facilitation as provided by Alternate Dispute Resolution (ADR). At any time in the Discipline and Complaints process, the Parties, by mutual agreement, may decide to pursue alternate dispute resolution as described in the Organization's Alternate Dispute Resolution Policy. Failing the resolution of the complaint through that process, or if either Party chooses to forego alternate dispute resolution, the complaint shall continue to be addressed under this Policy.

Reporting a Complaint

8. Any Member may report any complaint to the President of the Organization. Such a complaint must be in writing and signed, and must be filed within fourteen (14) days of the alleged incident.

Mediation

9. Before any complaint proceeds to the formal stage, the dispute may first be referred to a Dispute Resolution Officer (Any individual appointed by the Organization) for review, with the objective of resolving the dispute via mediation.

Dispute Committee

10. Should the mediation not resolve the dispute, the President will appoint a Dispute Committee to oversee management and administration of complaints submitted in accordance with this Policy and such appointment is not appealable. The Dispute Committee Members are not required to be a member of the Organization. The Dispute Committee 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 Dispute

Committee has a responsibility to:

- a. Determine whether the complaint is frivolous or vexatious and within the jurisdiction of this Policy. If the Dispute Committee determines the complaint is frivolous or vexatious or outside the jurisdiction of this Policy, the complaint will be dismissed immediately. The Dispute Committee's decision to the acceptance or dismissal of the complaint may not be appealed
 - b. Determine if the complaint is a minor or major infraction
 - c. Appoint the Panel, if necessary, in accordance with this Policy
 - d. Coordinate all administrative aspects of the complaint
 - e. Provide administrative assistance and logistical support to the Panel as required
 - f. Provide any other service or support that may be necessary to ensure a fair and timely proceeding
11. The Dispute Committee 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.
12. 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. Further sanctions may be applied in accordance with the procedures set out in this Policy.

Minor Infractions

13. Minor infractions are single incidents of failing to achieve expected standards of conduct that generally do not result in harm to others, to the Organization, or to 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 behavior
 - b. Disrespectful conduct such as outbursts of anger or argument
 - c. Conduct contrary to the values of the Organization
 - d. Being late for, or absent from, the Organization's events and activities at which attendance is expected or required
 - e. Non-compliance with the Organization's policies, procedures, rules, or regulations
 - f. Not paying Tournament Entry (or fulfilling alternate arrangement) or Registration Fee.

14. 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. The person in authority can be, but is not restricted to being, staff, officials, coaches, organizers, or the Organization's decision-makers.
15. 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).
16. 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 voluntary 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. Any other sanction considered appropriate for the offense
17. Minor infractions that result in discipline will be recorded and records will be maintained by the Organization. Repeat minor infractions may result in further such incidents being considered a major infraction.

Major Infractions

18. 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. Behavior 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. Disregard for the Organization's bylaws, policies, rules, and regulations

- i. Intentionally damaging the Organization's property or improperly handling the Organization's monies
 - j. Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
 - k. Any possession or use of banned performance enhancing drugs or methods
19. Major infractions occurring within competition may be dealt with immediately, if necessary, by an appropriate person having authority. 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.
20. Major infractions will be handled using the Procedure for Major Infraction Hearing set out in this Policy.

Procedure for Major Infraction Hearing

21. The Dispute Committee shall notify the Parties that the complaint is potentially legitimate and the incident shall be dealt with as a major infraction. The Dispute Committee shall determine the procedure for the complaint leading up to the hearing and this determination may not be appealed.
22. The Dispute Committee will appoint a Discipline Panel, which shall consist of a single Adjudicator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Dispute Committee, a Panel of three persons may be appointed to hear the complaint. In this event, the Dispute Committee will appoint one of the Panel's members to serve as the Chair.
23. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may still hold a hearing for the purpose of determining an appropriate sanction.
24. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
25. The Panel will determine the format of the hearing, which may involve an oral in-person hearing, an oral hearing by telephone, a hearing based on a review of documentary evidence, or a combination of these methods. The hearing will be governed by the procedures that the Dispute Committee and the Panel deem appropriate in the circumstances, provided that:

- a. The Parties will be given appropriate notice of the day, time, and place of the hearing
 - 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 hearing
 - c. The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
 - d. The Panel may request that any other individual participate and give evidence at the hearing
 - e. The decision will be by a majority vote of Panel members
26. 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.
27. In fulfilling its duties, the Panel may obtain independent advice.

Decision

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

29. 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 the Organization's 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

30. 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.

31. Major infractions that result in discipline will be recorded and records will be maintained by the Organization.

Criminal Convictions

32. A Member's conviction for any of the following Criminal Code offenses will be deemed a major infraction under this Policy and may result in expulsion from the Organization and/or removal from the Organization's competitions, 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

33. The discipline and complaints process is confidential and involves only the Parties, the Dispute Committee, the 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.

Appeals Procedure

34. The decision of the Panel may be appealed in accordance with the Newfoundland and Labrador Curling Association's Appeal Policy.