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| <b>Policy Name:</b>         | <b>DISCIPLINE AND COMPLAINTS POLICY</b> | <b>Policy No: FA006</b> |
| <b>Approved:</b>            | <b>March 3, 2013</b>                    | <b>Pages: 9 pages</b>   |
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## DEFINITIONS

1. The following terms have these meanings in this Policy:
  - a) “Complainant” – The party alleging an infraction
  - b) “Days” – Days irrespective of weekend and holidays
  - c) “Members” – All categories of membership as defined in the Football Nova Scotia Bylaws, as well as all individuals engaged in activities with Football Nova Scotia, including but not limited to, athletes, coaches, officials, volunteers, directors, committee members, officers, managers and administrators.
  - d) “Respondent” – The alleged infracting party

## PURPOSE

2. Membership in Football Nova Scotia, 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 Football Nova Scotia Bylaws, policies, procedures, rules and regulations. Irresponsible behaviour by Members can result in severe damage to the integrity of Football Nova Scotia. Conduct that violates these values may be subject to sanctions pursuant to this policy.

## SCOPE AND APPLICATION

3. This Policy applies to all Members as defined in the Definitions.
4. This Policy only applies to discipline matters that may arise during the course of Football Nova Scotia business, activities and events, including but not limited to, competitions,

practices, training camps, travel associated with Football Nova Scotia activities, and any meetings.

5. Discipline matters and complaints arising within the business, activities or events organized by entities other than Football Nova Scotia will be dealt with pursuant to the policies of these other entities unless accepted by Football Nova Scotia at its sole discretion, or such discipline matters and complaints adversely affect relationships within Football Nova Scotia work and sport environment and is detrimental to the image and reputation of Football Nova Scotia.

## PART I

### REPORTING A COMPLAINT

6. Any Member may report to the Football Nova Scotia head office any complaint of an infraction by a Member. Such a complaint must be signed and in writing, and must be filed within fourteen (14) days of the alleged incident. Anonymous complaints may be accepted upon the sole discretion of Football Nova Scotia.
7. 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 Football Nova Scotia. This decision may not be appealed.

### CASE MANAGER

8. Upon receipt of a complaint, Football Nova Scotia will appoint a Case Manager to oversee management and administration of complaints submitted in accordance with this Policy and such appointment is not appealable. The Case Manager is not required to be a member of Football Nova Scotia. 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 specifically, the Case Manager has a responsibility to:
  - a) Determine whether the complaint is frivolous or vexatious and within the jurisdiction of this Policy. If the Case Manager determines the complaint is frivolous or vexation or outside the jurisdiction of this Policy, the complaint will be dismissed immediately. The Case Manager'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 a Mediator and/or the Panel, if necessary, in accordance with this Policy.
  - d) Determine the format of the hearing.
  - e) Coordinate all administrative aspects of the complaint.
  - f) Provide administrative assistance and logistical support to the Panel as required.
  - g) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
9. 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 under Part II or Part III of this Policy, as applicable.
10. This Policy does not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behaviour that constitutes either a minor or major infraction. Further sanctions may be applied in accordance with the procedures set out in this Policy.

#### CONFIDENTIALITY

12. 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.

#### TIMELINES

13. 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.

#### APPEALS PROCEDURE

14. Except where stated otherwise in this Policy, a decision of the Panel may be appealed in accordance to the Football Nova Scotia Appeal Policy.

## PART II

### MINOR INFRACTIONS

15. Minor infractions are single incidents of failing to achieve the expected standards of conduct that generally do not result in harm to others, to Football Nova Scotia or to the integrity of the sport of football.
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, staff, officials, coaches, organizers, or Football Nova Scotia decision makers).
17. Procedures for dealing with minor infractions will be informal as compared to those of major infractions and will be determined at the discretion of the person responsible for discipline of such infractions (as noted above in Section 16). This is provided that the Respondent being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident.
18. Penalties for minor infractions, which may be applied singly or in combination, include the following:
  - a) Verbal or written warning
  - b) Verbal or written apology
  - c) Service or other voluntary contributions to Football Nova Scotia
  - 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
19. Minor infractions that result in discipline will be recorded and maintained by Football Nova Scotia. Repeat minor infractions may result in further such incidents being considered a major infraction.

## PART III

### MAJOR INFRACTIONS

20. Major infractions are instances of failing to achieve the expected standard of conduct that result, or have the potential to result in harm to other person, to Football Nova Scotia or to the integrity of the sport of football.
21. Examples of major infractions include, but are not limited to:
  - a) Repeat minor infractions
  - b) Intentionally damaging Football Nova Scotia property or improperly handling Football Nova Scotia monies
  - c) Incidents of physical abuse
  - d) Pranks, jokes or other activities that endanger the safety of others, including hazing
  - e) Blatant disregard for the bylaws, policies, rules, regulations and directives of Football Nova Scotia
  - f) Conduct that intentionally damages the image, credibility or reputation of Football Nova Scotia
  - g) Behaviour that constitutes harassment, sexual harassment or sexual misconduct
  - h) Abusive use of alcohol, any use or possession of alcohol by minors, use or possession of illicit drugs or narcotics.
22. Major infractions will be decided using the disciplinary procedures set out in this Policy, except where a dispute resolution procedure contained within a contract or other formal written agreement takes precedence.
23. Football Nova Scotia may determine that an alleged incident is of such seriousness as to warrant suspension of the Respondent pending a hearing and a decision of the Panel.

#### PROCEDURES FOR MAJOR INFRACTIONS HEARING

24. If the Case Manager is satisfied that the complaint is a major infraction, the Case Manager will, with the consent of the Parties, seek to resolve the complaint through mediation using the services of an independent mediator.
25. If the complaint cannot be resolved through mediation then a hearing before a Panel will take place. The Case Manager will appoint the Panel, which will consist of a single Adjudicator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear and decide the

complaint. In this event the Case Manager will appoint one of the Panel's members to serve as the Chair.

26. The Case Manager will determine the format of the hearing, which may involve an oral hearing in person, an oral hearing by telephone, a hearing based on written submissions or a combination of these methods. The hearing will be governed by the procedures that the Case Manager 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 in accordance with the appropriate timeline.
  - c) Both Parties may be accompanied by a representative or adviser, including legal counsel, at their own expense
  - d) The Panel may request that any other individual participate and give evidence at the hearing
  - e) If a decision in the appeal may affect another party to the extent that the other party would have recourse to an appeal in their own right under the Policy, that party will become a party to the appeal in question and will be bound by its outcome
  - f) Decision will be by majority vote

#### DECISION

27. After hearing the matter, the Panel will determine whether an infraction has occurred and if so what appropriate sanction will be imposed. The Panel's written decision, with reasons, will be distributed to all parties, the Case Manager and Football Nova Scotia. The decision will be considered a matter of public record unless decided otherwise by the Panel.
28. Where the Respondent 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.
29. If the Respondent chooses not to participate in the hearing, the hearing will proceed in any event.

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

#### SANCTIONS

31. The Panel may apply the following disciplinary sanctions singly or in combination for major infractions:

- a) Verbal or written warning
- b) Verbal or written apology
- c) Service or other voluntary contribution to Football Nova Scotia
- d) Removal of certain privileges
- e) Suspension from certain Football Nova Scotia teams, events and/or activities
- f) Suspension from all Football Nova Scotia activities for a designated period of time
- g) Payment of the cost of repairs for property damages
- h) Suspension from Football Nova Scotia
- i) Expulsion from Football Nova Scotia
- j) Other sanctions as may be considered appropriate for the offense

32. 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 Football Nova Scotia until such time as compliance occurs.

33. A written record will be maintained by Football Nova Scotia at their head office for major infractions that result in a sanction.

#### Serious Infractions

34. Football Nova Scotia may determine that an alleged incident is of such seriousness as to warrant suspension of the Respondent pending a hearing and a decision of the Panel.

#### Criminal Convictions

35. A conviction for any of the following Criminal Code offenses will be deemed a major infraction under this Policy and will result in expulsion from Football Nova Scotia and/or

removal Football Nova Scotia competitions, programs, activities and events upon the sole discretion of Football Nova Scotia:

- 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

#### PENALTY GUIDELINES

1. Any Member who has committed the specific unsportsmanlike acts or practices noted below may be subject to the following penalties:

- a) **Illegal Acts:** Committing any act which considered an offence under law.  
Suspension for one year plus.
- b) **Willfully Damaging Property:**  
Replacement and Suspension from one (1) month to one (1) year.
- c) **Violence:**
  - i) Showing outward displays of temper
  - ii) Deliberately throwing a ball in the direction of an official, spectator or opponent
  - iii) Threatening bodily injury to anyoneSuspension from three (3) months to life
- d) **Poor Attitude:**
  - i) Swearing at an official, spectator or opponent
  - ii) Using profanity or obscene language or gestures



Suspension from two (2) weeks to one (1) year