

## **Discipline Policy**

### **Preamble**

Badminton PEI is committed to providing an environment in which all Individuals involved with Badminton PEI are treated with respect. Membership in Badminton PEI, as well as participation in its activities, brings many benefits and privileges. At the same time, Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with Badminton PEI's policies, bylaws, rules and regulations, and Code of Conduct. Irresponsible behaviour by Individuals can result in severe damage to the integrity of Badminton PEI. Conduct that violates these values may be subject to sanctions pursuant to this Policy. Since discipline may be applied, Badminton PEI 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) "Party(ies)" – The Complainant, Respondent, and any other Individuals or persons affected by the complaint.
- d) "Day(s)" – Days including weekend and holidays.
- e) "Individuals" – All categories of membership and associates defined in the Badminton PEI Bylaws, as well as all individuals employed by, or engaged in activities with, Badminton PEI including, but not limited to, volunteers, administrators, committee members, and directors and officers of Badminton PEI.

### **Application of this Policy**

This Policy applies to all Individuals.

This Policy applies to discipline matters that may arise during Badminton PEI business, activities, and events including, but not limited to, conferences, work sessions, seminars, travel associated with Badminton PEI activities, Badminton PEI office environment, and any meetings.

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

The Badminton PEI's Harassment Policy will be used in all cases or matters related to harassment of an individual or group in any Badminton PEI activities

### **Reporting a Complaint**

Any Individual may report any complaint to the Badminton PEI office. 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 Badminton PEI.

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 Badminton PEI.

## **Mediation**

Before any complaint proceeds to the formal stage, the dispute may first be referred to Badminton PEI's Executive for review, with the objective of resolving the dispute via mediation.

Should the review not resolve the dispute, Badminton PEI will appoint a Disciplinary Committee and Clause 6 applies.

## **Disciplinary Committee**

The Disciplinary Committee will be appointed to oversee management and administration of complaints submitted in accordance with this Policy.

The Disciplinary Committee are not required to be members of Badminton PEI.

The Disciplinary 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 Disciplinary Committee has a responsibility to:

- a) Determine whether the complaint is frivolous or vexatious and within the jurisdiction of this Policy. If the Disciplinary Committee determines the complaint is frivolous or vexatious or outside the jurisdiction of this Policy, the complaint will be dismissed immediately;
- b) Determine if the complaint is a minor or major infraction;
- c) Appoint the Panel (see 9.2.b), 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; and
- f) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.

The Disciplinary 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.

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.

## **Minor Infractions**

Minor infractions are single incidents of failing to achieve expected standards of conduct that generally do not result in harm to others or to Badminton PEI. 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 Badminton PEI;
- d) Being late for, or absent from, Badminton PEI events and activities at which attendance is expected or required;
- e) Non-compliance with Badminton PEI's policies, procedures, rules, or regulations; and
- f) Minor violations of Badminton PEI's Code of Conduct.

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, for example the coach at a practice or tournament manager at a tournament.

Provided that the Respondent 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 Badminton PEI to one of the Parties;
- b) Verbal or written apology from one Party to the other Party;
- c) Service or other voluntary contribution to Badminton PEI;
- d) Removal of certain privileges of membership for a designated period of time;
- e) Fines; and
- f) Any other sanction considered appropriate for the offense.

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 or to Badminton PEI. 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 damages Badminton PEI's image, credibility, or reputation;
- g) Disregard for Badminton PEI's bylaws, policies, rules, and regulations;
- h) Major or repeated violations of Badminton PEI's Code of Conduct;
- i) Intentionally damaging Badminton PEI property or improperly handling Badminton PEI monies; and
- j) Abusive use of alcohol or use or possession of illicit drugs and narcotics.

Major infractions will be handled using Clause 9 - Procedure for Major Infraction Hearing, except where a dispute resolution procedure contained within a contract, employee agreement, or other formal written agreement takes precedence

### **Procedure for Major Infraction**

The Disciplinary Committee shall notify the Parties that the complaint is potentially legitimate and the incident shall be dealt with as a major infraction. The Disciplinary Committee shall then decide the format under which the complaint will be heard.

The Disciplinary Committee will appoint either a Discipline Panel:

- a) which shall consist of a single Adjudicator, to hear the complaint; or
- b) In extraordinary circumstances, a Panel of three (3) persons, to hear the complaint. In this event, the Disciplinary Committee will appoint one of the Panel's members to serve as the Chairperson.

### **The Hearing**

- a) 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 to determine an appropriate sanction.
- b) If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
- c) The Disciplinary Committee 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 submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Disciplinary Committee deems appropriate in the circumstances, provided that:
  - The Parties will be given appropriate notice of the day, time, and place of the hearing;
  - 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;
  - The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense;

- The Panel may request that any other individual participate and give evidence at the hearing;
- The Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate; and
- The decision will be by a majority vote of Panel members.

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

If a decision may affect another party to the extent that the other party would have recourse to a complaint in their own right, that party will become a Party to the complaint in question and will be bound by the decision.

#### Decision

a) After the hearing, 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 Disciplinary Committee, and Badminton PEI. 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.

b) The decision will be considered a matter of public record unless decided otherwise by the Panel.

#### Sanctions

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

- Verbal or written reprimand from Badminton PEI to one of the Parties;
- Verbal or written apology from one Party to the other Party;
- Service or other voluntary contribution to Badminton PEI;
- Expulsion from Badminton PEI
- Removal of certain membership privileges;
- Suspension from all Badminton PEI activities for a designated period of time;
- Payment of the cost of repairs for property damage;
- Suspension of funding from Badminton PEI or from other sources; and/or
- Any other sanction considered appropriate for the offense

b) Unless the Panel decides otherwise, any sanctions will begin immediately. Failure to comply with a sanction will result in an automatic suspension until compliance occurs.

## **Suspension Pending a Hearing**

Badminton PEI may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending the outcome of a 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 Badminton PEI and/or removal from Badminton PEI programs, activities and events, upon the sole discretion of Badminton PEI:

- 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 of kidnapping or terrorism; and
- f) Any offence involving trafficking of illegal drugs.

## **Confidentiality**

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

## **Timelines**

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 shall be recorded and records will be maintained by Badminton PEI.

Decisions are matters of public interest and shall be publicly available with the names of the individuals redacted except as required by law. Names of persons disciplined may be disclosed to the extent necessary to give effect to any sanction imposed. 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, shall be kept confidential.