

# POLICY

<b>DC-POL-08-DISPUTE RESOLUTION POLICY</b>	
Original Date: <b>March 25, 2018</b>	Reviewed/Last Modified Date: <b>April 14, 2019</b>
Approved By: <b>Board of Directors</b>	
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## DEFINITIONS

*Member* - All categories of membership defined in the Dodgeball Canada's Bylaws, as well as to all Individuals engaged in activities with Dodgeball Canada, including, but not limited to, athletes, coaches, officials, volunteers, directors, officers, team managers, team captains, medical and paramedical personnel, administrators and employees (including contract personnel).

*Alternative Dispute Resolution (ADR)* – A series of processes that are alternatives to litigation. ADR processes include prevention, negotiations, mediation, facilitation and arbitration. The goals of an ADR system are to:

- Reduce time and costs for dispute resolution;
- Maintain or improve disputants' relationships;
- Ensure that the outcome of the system is workable, durable and implementable;
- Develop a process that people can learn from.

## BACKGROUND

Dodgeball Canada aims to strengthen the transparency and accountability of its dispute resolution process, by clarifying the responsibilities of the players, coaches, board of directors

and Disciplinary Committee. Resources used to develop this Policy can be referenced from the Sport Dispute Resolution Centre of Canada.

SDRCC (Sport Dispute Resolution Centre of Canada) offers national alternative dispute resolution programs and available to the Canadian sport community offering arbitration, mediation and education services, nationally accessible in both official languages.

In the event a dispute persists after internal avenues of decision-making and appeals have been exhausted, Dodgeball Canada will, through the use of Alternative Dispute Resolution, provide a mechanism to review and dispute decisions made by or on behalf of the organization.

## **PURPOSE**

Members are expected to conduct themselves at all times in a manner consistent with the values of Dodgeball Canada that include fairness, integrity, open communication and mutual respect. Irresponsible behaviour by Members can do severe damage to the sport of dodgeball and to the support that Dodgeball Canada has worked so hard to achieve. Conduct that violates these values and the Dodgeball Canada Code of Conduct and Ethics or Social Media Policy may be subject to sanctions pursuant to Dodgeball Canada's Complaint and Disciplinary Policy.

The purpose of this policy is to provide individuals with a mechanism so that complaints, disputes and appeals can be dealt with fairly, expeditiously and affordably within Dodgeball Canada, without having to resort to formal legal and court-like procedures.

## **REPORTING AN INFRACTION**

- a) Any individual may report to an official of Dodgeball Canada a complaint of an infraction. Such complaints must be in writing and must be made within 7 days of the alleged infraction. For the purposes of this policy, an 'official' is any person in a responsible staff or volunteer position within Dodgeball Canada.
- b) Upon receiving a complaint, the official will provide it immediately to the President, or designate, if the President is not available or not able to act in this capacity.
- c) Dodgeball Canada may determine that an alleged infraction is of such seriousness as to warrant suspension of the Member pending investigation, a hearing and a disciplinary decision.
- d) Upon receiving a complaint of a major infraction, the President will review the complaint and may:

- Dismiss the complaint if he or she considers it to be minor or trivial;
- Determine that the complaint does not fall within the jurisdiction of this policy, and refer it to the appropriate body having jurisdiction;
- Direct that the infraction be dealt with informally as a minor infraction; or
- Refer the matter to the Discipline Committee to deal with as a major infraction.

## **DISCIPLINARY PROCEDURES**

a) Disciplinary procedures shall follow the process as described within Articles 16 and 40 of the Dodgeball Canada Bylaws

b) Depending on the circumstances of the complaint, the Discipline Committee may authorize an investigation into the alleged infraction.

c) The Discipline Committee will determine the format of the disciplinary process, 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.

d) The Member will be given reasonable notice of the format as well as day, time and place of the hearing; will receive a copy of the Investigation Report if an investigation was carried out; may be accompanied by a representative; and will have the right to present evidence and argument before the Discipline Committee.

e) After hearing the matter, the Discipline Committee will reach a decision as to whether an infraction has occurred and if it has, what the sanction should be. The Discipline Committee will issue a written decision, including reasons, for distribution to the Member, the complainant and the President.

f) Where the conduct being reviewed by this policy is of a sensitive nature, the Discipline Committee and Dodgeball Canada will keep all proceedings under the policy confidential, except where publication is ordered as part of the sanction, is required by law, or is in the best interests of the public.

g) In fulfilling its duties, and with the approval of Dodgeball Canada, the Discipline Committee may obtain independent advice.

h) Disputes may be referred to an alternative dispute resolution service if the decision by the Discipline Committee is unsatisfactory to the affected party.

### **DISCIPLINARY SANCTIONS**

a) The following are examples of disciplinary sanctions that may be applied where it is found that an infraction has occurred:

- verbal or written reprimand;
- require a verbal or written apology;
- service or other voluntary contribution to Dodgeball Canada;
- removal of certain privileges of membership or employment;
- suspension from certain events, which may include suspension from the current competition or from future teams or competitions;
- suspension from certain Dodgeball Canada activities such as competing, coaching or officiating for a designated period of time;
- removal of Dodgeball Canada funding and/or support;
- suspension from all Dodgeball Canada activities for a designated period of time;
- expulsion from membership; or
- publication of the disciplinary sanction.

b) It is understood that the above are representative penalties only, that they may be modified to fit the circumstances of the infraction, and that they are presented generally in order of severity.

### **APPEALS**

Every member has the right to appeal any disciplinary sanction imposed on them as a result of infractions. A formal written appeal letter must be submitted to the Discipline Committee, clearly explaining the member's reason for appeal and a detailed account of the facts of the case in question.