



# **PROGRESSIVE DISCIPLINE POLICY**

Code of Conduct

**Richmond Minor Football  
League (RMFL)**

March 4, 2010

# RMFL PROGRESSIVE DISCIPLINE POLICY

The purpose of the progressive discipline policy is to set parameters of appropriate behaviour for all member, coaches, managers and RMFL board of directors.

The RMFL progressive discipline policy will apply *before*, during or after a game within the boundaries of the game park, practice field, equipment room, meetings or at any approved event of the RMFL.

It is expected that all members, coaches, managers and RMFL board of directors will respect the purpose of the RMFL Progressive Discipline Policy.

The RMFL Progressive Discipline Policy does not cover or is intended to replace the VMFL's Progressive Discipline and that members are subject to sanction by the VMFL, in addition to the RMFL.

## **Reporting a Complaint.**

Any “**RMFL**” Member may report to the “**RMFL**” board of directors any complaint. Such 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 “**RMFL**”.

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 the “**RMFL**” Board of Director, or designate. This decision may not be appealed.

The Board of Directors, will determine whether the complaint is frivolous or vexatious. If the Directors determines the complaint is frivolous or Vexatious, the complaint will be dismissed immediately.

If a complaint is determined by the Directors to be legitimate, the complaint will be designated as a minor infraction or a major infraction and dealt with according to the appropriate sections of this Policy. It will be at the sole discretion of the Directors or to determine whether a complaint is to be dealt with as a major or minor infraction. This decision cannot be appealed.

If the incident is to be dealt with as a minor infraction, the Directors will inform the parties, and the matter will be dealt with according to the section relating to minor infractions.

If the incident is to be dealt with as a major infraction and if the Director Will inform the parties, and the matter will be dealt with according to the section relating to major infractions.

This Policy does not prevent an appropriate person (RMFL President) having authority from taking immediate, informal or corrective action in response to behavior that constitutes either a minor or major infraction provided that the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the

incident. Further sanctions may be applied in accordance with the procedures set out in this Policy.

## Minor Infractions

Examples of minor infractions include, but are not limited to, a single incident of:

- a) Disrespectful, offensive, abusive, racist or sexist comments or behavior directed towards others;
- b) Conduct contrary to the ideals of respect such as angry outbursts or argument;
- c) Being late for or absent from “**RMFL**” events and activities at which attendance is expected or required without a written reason; and
- d) Non-compliance with the policies, procedures, rules and regulations under which the “**RMFL**” is governed.
- e) Failure to obey the directions or rulings of the RMFL board of directors.
- f) Any act that is determined by the RMFL Board to be improper, unbecoming or likely to endanger the welfare, interests or reputation of the RMFL.
- g) Rough play, includes fighting and flagrant attempt to injure and objectionable conduct towards officials, game commissioner and VMFL/RMFL Executives.
- h) Violation of any provision of the “**RMFL**” constitution or by-laws.

All disciplinary situations involving minor infractions occurring within the jurisdiction of the “**RMFL**” will be dealt with by the Directors.

Procedures for dealing with minor infractions will be informal as compared to those for major infractions and will be determined at the discretion of the Directors. This is provided that the individual being investigated is told the nature of the alleged infraction and has an opportunity to provide information concerning the incident.

Sanctions for minor infractions, which may be applied singly or in combination, include the following:

- a) Verbal or written reprimand which may be placed in the individual’s file;
- b) Verbal or written apology;
- c) Written apology;
- d) Service or other voluntary contribution to “**RMFL**”;
- e) Suspension from the current activity or event; or

f) Any other sanction considered appropriate for the offense.

Minor infractions that result in discipline will be recorded and maintained by the “**RMFL**”. Repeat minor infractions may result in further such incident being considered a major infraction.

## **Major Infractions.**

Major infractions are instances of misconduct that result, or have the potential to result, in harm to other persons or to “**RMFL**”.

Examples of major infractions include, but are not limited to:

- a) Repeated incidents of disrespectful, offensive, abusive, racist or sexist comments or behavior directed towards others;
- b) Repeated conduct contrary to the ideals of respect such as angry outbursts or argument;
- c) Repeated incidents of being late for or absent from “**RMFL**” events and activities at which attendance is expected or required without written reason;
- d) Activities or behavior which interferes with a competition or with any athlete’s preparation for competition; rough play, includes fighting and flagrant attempt to injure and objectionable conduct towards officials, game commissioner and VMFL/RMFL Executives;
- e) Incidents of physical abuse;
- f) Pranks, jokes or other activities that endanger the safety of others;
- g) Disregard for the policies, procedures, rules and regulations under which “**RMFL**” events are conducted;
- h) Conduct which results in harm to the image, credibility or reputation of “**RMFL**” and/or its’ sponsors; any act that is determined by the **RMFL** Board to be improper, unbecoming or likely to endanger the welfare, interests or reputation of the **RMFL**.
- i) Abusive use of alcohol where abuse means a level of consumption that impairs the individual's ability to speak, walk or drive; causes the individual to behave in a disruptive manner; or interferes with the individual's ability to perform effectively and safely;
- j) Any use of alcohol by minors;
- k) Any use of illicit drugs and narcotics; or
- l) Any use of banned performance enhancing drugs or methods.
- m) Recruiting of players from/or for another association.

n) Violation of any provision of the RMFL constitution or by-laws.

**Note:** *The definition of “repeated” will depend on the severity of the infraction and frequency of offences within a given time to be determined by the “RMFL” at its sole discretion.*

Major infractions occurring within competition may be dealt with immediately, if necessary, by a “RMFL” Delegate in a position of authority, provided the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident. In such situations, disciplinary sanctions will be for the duration of the competition 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.

## **Discipline Panel and Hearing Policy.**

Within fourteen (14) days of notifying the respondent of a complaint of a major infraction, the Directors, at their sole discretion, will appoint a Discipline Panel (“Panel”) of 1-3 individuals to hear the complaint. The Panel will appoint themselves a Chairperson.

Members of the Panel will have had no involvement with the alleged infraction; and will be free from any other bias or conflict of interest.

The Panel will hold the hearing as soon as possible, but not more than thirty (30) days after being appointed.

Having regard to the nature of the discipline matter and the potential consequences of any resulting sanctions, the Panel will decide to conduct the hearing by way of review of documentary evidence or by way of oral hearing. If the Panel decides to conduct an oral hearing, it may decide to do so in person or by means of telephone conference.

## **Preliminary Meeting**

The Panel may determine that the circumstances of the complaint warrant a preliminary meeting. The Panel may delegate to one of its members the authority to deal with preliminary matters, which may include but are not limited to:

- a) Format (hearing by documentary evidence, oral hearing or a combination of both);
- b) Date and location of the hearing;
- c) Timelines for the exchange of documents;
- d) Clarification of issues in dispute;
- e) Any procedural matters including order and procedure of the hearing;
- f) Remedies sought;
- g) Evidence to be brought before the hearing;
- h) Identification of any witnesses; or
- i) Any other procedural matter that may assist in expediting the hearing.

## **Documentary Review**

Where the Panel has determined that the appeal will be held by way of documentary submissions, the Panel will govern the hearing fairly and as it sees fit, provided that:

- a) All parties are given a reasonable opportunity to provide written submissions to the Panel, to review written submissions of the other parties, and to provide written rebuttal and argument; and
- b) The applicable principles and timelines set out by the Panel are respected.

## **Oral Hearing**

Where the Panel has determined that the appeal will be held by way of oral hearing, the Panel will govern the hearing fairly and as it sees fit, provided that:

- a) The affected parties will be given three (3) days written notice of the day, time and place of the hearing;
- b) The affected parties will be provided copies of all evidence to be relied upon;
- c) Decisions will be by majority vote where the Chairperson carries a vote;
- d) Panel members will refrain from communicating with the parties except in the presence of, or copy to, the other parties;

- e) The parties may be accompanied by a representative;
- f) The individual being disciplined will have the right to present evidence and argument;
- g) Any party potentially affected by the matter may be made party to the hearing by the Panel;
- h) The Panel may request that any witness be present at the hearing or submit written evidence in advance of the hearing;
- i) If the individual being disciplined chooses not to participate in the hearing, the hearing will nonetheless proceed;
- j) The hearing will be held in private;
- k) Each party will bear their own costs;
- l) Once appointed, the Panel will have the authority to abridge or extend timelines associated with any aspect of the hearing.

After hearing the matter, the Panel will determine whether or not the individual will be sanctioned, and if so, will determine the appropriate penalty to be imposed and any measures to mitigate the harm suffered by others as a result. The Panel's written decision, with reasons, will be distributed to all parties, the Directors, and “**RMFL**” within fourteen (14) days of the conclusion of the hearing.

Where the individual 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.

If the individual being disciplined chooses not to participate in the hearing, the hearing may proceed in any event.

## **Sanctions**

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

- a) Written reprimand to be placed in the individual's file;
- b) Written apology;
- c) Removal of certain privileges of membership;
- d) Suspension\* from certain “**RMFL**” teams, events and/or activities;

- e) Payment of a financial fine in an amount to be determined by the Panel;
- f) Suspension\* from all “**RMFL**” activities for a designated period of time;
- g) Suspension\* of “**RMFL**” funding;
- h) Expulsion\* from membership;
- i) Publication of the Panel’s decision;
- j) Other sanctions as may be considered appropriate for the offense.

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 “**RMFL**” until such time as compliance occurs.

In applying sanctions, the Panel may have regard to the following aggravating or mitigating circumstances:

- a) The nature and severity of the incident;
- b) Whether the incident is a first offense or has occurred repeatedly;
- c) The individual's acknowledgment of responsibility,
- d) The individual's remorse and post-infraction conduct;
- e) The age, maturity or experience of the individual;
- f) Whether the individual retaliated; and
- g) The individual's prospects for rehabilitation.

A written record will be maintained by “**RMFL**” at their head office for major infractions that result in a sanction.

## **Serious Infractions**

The Board of Director, or designate, may determine that an alleged incident is of such seriousness as to warrant suspension of the individual pending a hearing and a decision of the Panel.

Where it is brought to the attention of the Directors that a “**RMFL**” Member has been charged with an offence under the Criminal Code, or has previously been convicted of a criminal offence, the Directors, may suspend the “**RMFL**” Representative pending further investigation, a hearing or a decision of the Panel.

Notwithstanding the procedures set out in this Policy, any “**RMFL**” Member who is convicted of a criminal offense involving sexual exploitation, invitation to sexual touching, sexual interference, sexual assault or aggravated assault will face automatic suspension from participating in any

activities of the “**RMFL**” for a period of time corresponding to the length of the criminal sentence imposed by the court, and may face further disciplinary action by the “**RMFL**” in accordance with this Policy and the “**RMFL**” Screening Policy.

### **Timelines**

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.

### **Confidentiality**

The discipline and complaints process is confidential involving only the parties, the Executive Director, or designate and case manager, if any. 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**

The decision of the Panel may be appealed in accordance with the “**RMFL**’s” Appeal Policy.

# RMFL INCIDENT REPORT

Date and time of incident; \_\_\_\_\_

Name of writer: \_\_\_\_\_ Position: \_\_\_\_\_

Location of Incident:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This incident is a: \_\_\_\_\_ minor infraction \_\_\_\_\_ major infraction

Individual(s) involved in the incident:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Objective description of the incident (please be concise, accurate and non-judgmental):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Names of individuals who observed the incident:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Disciplinary action that was taken (if applicable):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of writer: \_\_\_\_\_ Date: \_\_\_\_\_

## **Section 20 - APPEAL POLICY**

### **Definitions**

1. These terms will have these meanings in this policy:
  - a) “*Appellant*”- The party appealing a decision.
  - b) “*Days*” –Days irrespective of weekends or holidays.
  - c) “**RMFL**” *Member*”- All categories of membership within **RMFL**.
  - d) “*Respondent*” - The body whose decision is being appealed.

### **Purpose;**

2. **RMFL** is committed to providing an environment in which all members are treated with respect. Irresponsible behavior by members can result in severe damage to the sport and to the support of **RMFL**. Conduct that violates these values may be subject to sanctions pursuant to **RMFL**'s Discipline and Complaints Policy. Since sanctions may be applied, it is only fair to provide **RMFL** Members with some mechanism to appeal what may appear to be unfair treatment. The purpose of this Appeal Policy is to enable appeals within **RMFL** to be dealt with fairly, expeditiously and affordably.

### **Scope and Application of this Policy;**

3. Any **RMFL** Member who is directly affected by a decision of **RMFL** will have to right to appeal that decision, provided there are sufficient grounds for the appeal as set out in Section 7 of this Policy, to the next higher governing organization as set out in the table below:

4. This Policy will not apply to decisions relating to:
  - a) Matters of employment;
  - b) Infractions for doping offences;
  - c) The rules of football;
  - d) Matters relating to the substance, content and establishment of team selection criteria;
  - e) Volunteer appointments and the withdrawal or termination of those appointments;
  - f) Matters of budgeting and budget implementation;
  - g) Matters of operational structure and committees; and

h) Discipline matters and decisions arising during events organized by entities other than **RMFL**, which are dealt with pursuant to the policies of these other entities;

### **Timing of Appeal**

5. **RMFL** Members who wish to appeal a decision will have fourteen (14) days from the date on which they received notice of the decision, to submit in writing to the head office of **RMFL** the following:

- a) Notice of their intention to appeal,
- b) Grounds for the appeal,
- c) All evidence that supports these grounds,
- d) The remedy or remedies requested, and
- e) A payment of two hundred fifty dollars (\$250), which will be refunded if the appeal is successful.

6. Any party wishing to initiate an appeal beyond the fourteen (14) day period must provide a written request stating reasons for an exemption to the requirement of Paragraph 5. The decision to allow, or not allow an appeal outside the 14-day period will be at the sole discretion of the Board of Directors and may not be appealed.

### **Grounds for Appeal**

7. A decision cannot be appealed on its merits alone. An appeal may be heard only if there are sufficient grounds for appeal. Sufficient grounds include the respondent:

- a) Making a decision for which it did not have authority or jurisdiction as set out in **RMFL**'s governing documents;
- b) Making a decision based on a policy that is illegal or contrary to a statutory provision;
- c) Failing to follow procedures as laid out in the bylaws or approved policies of **RMFL**, or
- d) Making a decision that was influenced by bias, where bias is defined as a lack of neutrality to such an extent that the decision-maker is unable to consider other views.

### **Screening of Appeal**

8. Within twenty-one (21) days of receiving the notice and grounds of an appeal and the required fee, the President, or designate if the President is

not available or not able to act in this capacity because of a conflict of interest or any other reason, will determine whether there are appropriate grounds for the appeal to proceed as set out in Section 7.

The Board of Directors is not to determine if an error has been made but only if the appeal is based on such an allegation of error by the Respondent.

9. If the appeal is denied on the basis of insufficient grounds, the Appellant will be notified of this decision in writing, giving reasons. This decision is at the sole discretion of the Board of Directors and may not be appealed.

### **Appeals Panel**

10. If the Board of Directors is satisfied that there are sufficient grounds for an appeal the Board of Directors will establish an Appeals Panel within fourteen (14) days (hereafter referred to as the "Panel") as follows:

- a) The Panel will be comprised of one - three persons who will have no significant relationship with the affected parties, will have had no involvement with the decision being appealed, and will be free from any other actual or perceived bias or conflict.
- b) The Board of Directors will appoint one person to act as Chairperson.

### **Preliminary Conference**

11. The Panel may determine that the circumstances of the appeal warrant a preliminary conference.

The matters that may be considered at a preliminary conference include:

- a) Format of the appeal (hearing by documentary evidence, oral hearing or a combination of both);
- b) Timelines for exchange of documents;
- c) Clarification of issues in dispute;
- d) Clarification of evidence to be presented to the Panel;
- e) Order and procedure of hearing;
- f) Location of hearing, where the hearing is an oral hearing;
- g) Identification of witnesses;
- h) Remedies sought; and
- i) Any other procedural matter that may assist in expediting the appeal proceedings.

12. The Panel may delegate to its Chairperson the authority to deal with these preliminary matters on behalf of the Panel.

### **Procedure for the Hearing**

13. The Panel may conduct the hearing by means of documentary review, conference call, or in person.

14. Where the Panel has determined that the appeal will be held by way of oral hearing in person or via conference call, the Panel will govern the hearing by such procedures as it deems appropriate, provided that:

- a) The hearing will be held within twenty-one (21) days of the Panel's appointment.
- b) The Appellant and Respondent will be given three (3) days written notice of the date, time and place of the hearing.
- c) Decisions will be by majority vote, where the Chairperson carries a vote.
- d) Copies of written documents that any of the parties would like the Panel to consider will be provided to the Panel and to all other parties at least three (3) days prior to the hearing.
- e) If the decision of the Panel may affect another party to the extent that the other party would have recourse to an appeal in their own right under this policy, that party will become a party to the appeal in question and will be bound by its outcome.
- f) A representative or advisor, including legal counsel may accompany any of the parties.
- g) The Panel may direct any other person to participate or present evidence in the appeal.
- h) Unless otherwise agreed by the parties, there will be no communication between the Panel and the parties except in the presence of, or by copy to, the other parties.

## Procedure for Documentary Appeal

15. Where the Panel has determined that the appeal will be held by way of documentary submissions, it will govern the appeal by such procedures as it deems appropriate provided that:

- a) All parties are given a reasonable opportunity to provide written submissions to the Panel, to review written submissions of the other parties, and to provide written rebuttal and argument; and
- b) The applicable principles and timelines set out in Section 14 are respected.

### Appeal Decision

16. Within fourteen (14) days of concluding the appeal, the Panel will issue its written decision, with reasons. In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide to:

- a) Reject the appeal and confirm the decision being appealed; or
  - b) Uphold the appeal and refer the matter back to the initial decision-maker for a new decision;
- or
- c) Uphold the appeal and vary the decision; and
  - d) Determine how costs of the appeal, excluding legal fees and legal disbursements of any of the parties will be allocated, if at all.
  - e) Refund the appeal fee of \$250 to the Appellant.

17. A copy of the decision will be provided to each of the parties and to **RMFL**.

18. In extraordinary circumstances, the Panel may issue a verbal decision or a summary written decision, with reasons to follow, provided the written decision with reasons is rendered within the timelines specified in this policy.

## **Timelines**

19. If the circumstances of the dispute are such that this policy will not allow a timely appeal, or if the circumstances of the disputes are such the appeal cannot be concluded within the timelines dictated in this policy, the Panel may direct that these timelines be revised.

## **Confidentiality**

20. The discipline and complaints process is confidential involving only the parties, the Executive Director, or designate and case manager, if any. 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.

## **Final and Binding Decision**

21. The decision of the Panel will be binding on the parties and on all **RMFL** Members, subject only to the provisions of further appeal in accordance with Table 1 and BC Football's Dispute Resolution Policy.

22. No action or legal proceeding will be commenced against **RMFL** in respect of a dispute, unless **RMFL** has refused or failed to abide by the provisions for appeal and/or dispute resolution as set out herein.