



## Manitoba Organization of Disc Sports

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| <b>Title</b>       | <b>Discipline &amp; Complaints Policy</b> |
| <b>Owner</b>       | <b>Conduct Committee</b>                  |
| <b>Approval By</b> | <b>Board of Directors</b>                 |

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| <b>Originally Approved:<br/>February 27, 2019</b> | <b>Last Reviewed:<br/>August 28, 2023</b> | <b>Last Revised:<br/>August 28, 2023</b> |
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### **1.0 Purpose**

Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with MODS' By-Laws, policies, procedures, rules, and regulations. Non-compliance may result in sanctions pursuant to this Policy.

### **2.0 Policy**

MODS is committed to providing an environment in which all Individuals are treated with respect. This Policy outlines how alleged misconduct will be handled.

### **3.0 Definitions**

The following terms have these meanings in this Policy:

- i. "Case Manager" – An individual appointed by MODS to administer this Discipline and Complaints Policy. The Case Manager does not need to be a member of, or affiliated with, MODS. Generally, the Conduct Committee Chair.
- ii. "Complainant" – The Party alleging an infraction.
- iii. "Respondent" – The alleged infracting Party.
- iv. "Days" – Days including weekends and holidays.
- v. "Discipline Panel" - A group of individuals that will decide the outcome of the incident report after reviewing the information collected by the Investigator. Generally, the Conduct Committee.

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145 Pacific Ave.  
Winnipeg, MB R3B 2Z6  
Phone 204.925.5665  
Fax 204.925.5916  
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- vi. "Investigator" – An individual appointed by the Case Manager to collect incident information. The Investigator will be an individual that is independent of the Case Manager and the Discipline Panel. Generally, a staff member or board member.

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### **4.0 Application**

This Policy applies to all Individuals and applies to matters that may arise during the course of MODS' business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with MODS activities, and any meetings. This Policy also applies to Individuals' conduct outside of MODS' business, activities, and events when such conduct adversely affects relationships within MODS (and its work and sport environment) and is detrimental to the image and reputation of MODS. Such applicability will be determined by MODS at its sole discretion.

This Policy does not prevent immediate discipline or sanction from being applied as reasonably required. Further discipline may be applied according to this Policy. Any infractions or complaints occurring within the competition will be dealt with by the procedures specific to the competition first, if applicable.

An employee of MODS who is a Respondent will be subject to appropriate disciplinary action under the MODS' Personnel Committee, as well as the employee's Employment Agreement, if applicable. Violations may result in a warning, reprimand, restrictions, suspension, or other disciplinary actions up to and including termination of employment.

### **5.0 Reporting a Complaint**

Any Individual may report a complaint to MODS' Conduct Committee. A complaint must be in writing and must be filed within fourteen (14) days of the alleged incident or within fourteen (14) days of the end of the sport/league/competitive season, at the discretion of the individual filing the complaint.

A Complainant wishing to file a complaint outside of the fourteen-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-day period will be at the sole discretion of MODS or the Case Manager, as applicable. This decision may not be appealed.

At MODS' discretion, MODS may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, MODS will identify an individual to represent MODS as the Case Manager.

Resignation or lapsing of membership after a complaint is filed does not preclude discipline being pursued under this Policy.

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### **6.0 Dispute Resolution Option**

The matter will first be referred to MODS' Conduct Committee (or designate) for review, with the option given to the parties to resolve the dispute via Alternate Dispute Resolution (ADR) and/or mediation. Should the parties unanimously agree to proceed using ADR and/or mediation, the process set out in the Dispute Resolution Policy shall be followed from this point. Should the parties not agree, the discipline and complaints process contained here shall be followed.

### **7.0 Case Manager**

Upon receipt of a complaint, the MODS Conduct Committee chair will act as Case Manager to oversee management and administration of complaints submitted in accordance with this Policy. Such an appointment is not appealable.

The Case Manager is responsible for following the Procedures and ensuring procedural fairness in delivering a decision in a timely manner.

### **8.0 Procedures**

#### **8.1 Administration**

- 8.1.1 The Case Manager determines if the complaint is frivolous or outside the jurisdiction of this Policy and dismissed immediately, or whether it is not frivolous and within the jurisdiction of this Policy.
- 8.1.2 The Case Manager notifies the Parties about whether the complaint is accepted or denied, and of the applicable next steps. The Case Manager's decision to accept or dismiss the complaint may not be appealed.
- 8.1.3 The Case Manager appoints an Investigator to collect information from all Parties, including witnesses to the incident.
- 8.1.4 The Case Manager appoints the Discipline Panel, if necessary. Generally, the Conduct Committee will serve as the Panel.
- 8.1.5 The Case Manager coordinates all administrative aspects and set timelines
  - i. The Case Manager will decide the format under which the complaint will be heard, generally document review. A Complainant may request an alternate format of hearing. The final format decision by the Case Manager may not be appealed.
- 8.1.6 The Case Manager provides administrative assistance and logistical support to the Discipline Panel as required.

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8.1.7 The Case Manager provides any other service or support that may be necessary to ensure a fair and timely proceeding.

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### **8.2 Hearing Procedures**

The hearing will be governed by the following procedures:

- i. The Parties will be given appropriate notice of the day, time, and format.
- ii. Copies of any written documents which the Parties wish to have the Discipline Panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing.
  - i. Individuals will be given the opportunity to review their statements prior to being sent to the other Parties.
- iii. The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense.
- iv. The Discipline Panel may request that any other individual participate and give evidence for the hearing.
- v. The Discipline Panel may allow as evidence at the hearing any 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.
- vi. The decision will be by a majority vote of the Discipline Panel.

If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Discipline Panel will determine the appropriate sanction. The Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.

The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.

If a decision may affect another party to the extent that the other party would have recourse to a complaint or an appeal, that party will become a Party to the current complaint and will be bound by the decision.

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

### **9.0 Decision**

After hearing and/or reviewing the matter, the Discipline Panel will determine whether an infraction has occurred and, if so, the consequences or sanctions to be imposed. Within fourteen (14) days of the hearing's conclusion, the Discipline Panel's written decision, with reasons, will be distributed to all Parties and MODS by the Case Manager. In extraordinary circumstances, the Discipline Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to

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be issued before the end of the fourteen-day period. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

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### **10.0 Sanctions**

The Discipline Panel may apply disciplinary sanctions, singularly or in combination:

- i. Verbal or written reprimand
- ii. Verbal or written apology
- iii. Service or other contributions to MODS
- iv. Removal of certain privileges
- v. Suspension from certain teams, events, and/or activities
- vi. Suspension from all MODS activities for a designated period
- vii. Withholding prize money or awards
- viii. Payment of the cost of repairs for property damage
- ix. Suspension of funding or endorsements from MODS or from other sources
- x. Expulsion from MODS
- xi. Any other sanctions considered appropriate for the offense

Unless the Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Discipline Panel will result in an automatic suspension until such time as compliance occurs.

Infractions that result in discipline will be recorded and records will be maintained by MODS. This includes, where warranted, records demonstrating the completion of the required tasks.

MODS may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending completion of a criminal process, the hearing, or a decision of the Discipline Panel.

### **11.0 Criminal Convictions**

An Individual's conviction for a Criminal Code offense will be deemed an infraction under this Policy and may result in expulsion from MODS. MODS may determine that a conviction is of such a serious nature as to warrant suspension of an Individual, pending review by the Discipline Panel.

### **12.0 Confidentiality**

The discipline and complaints process is confidential and involves only the Parties, the Case Manager, the Investigator, the Discipline Panel, and any independent advisors to the Discipline Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to discipline or the complaint to any person not involved in the proceedings.

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### **13.0 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 Discipline Panel may direct that these timelines be revised.

### **14.0 Records and Distribution of Decisions**

Other individuals or organizations, including but not limited to, national sport organizations, provincial sport organizations, and sport clubs, may be advised of any decisions rendered in accordance with this Policy.

### **15.0 Appeals Procedure**

The decision of the Discipline Panel may be appealed in accordance with MODS' Appeals Policy.

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