



DISCIPLINE AND COMPLAINTS POLICY

Definitions

1. The following terms have these meanings in this Policy:
 - a) **Case Manager** – An individual appointed by the Discipline Chair to administer certain complaints under this *Discipline and Complaints Policy*. The Case Manager does not need to be a member of, or affiliated with, Football PEI and its Members
 - b) **Complainant** – The Party making a complaint
 - c) **Days** – Days including weekends and holidays
 - d) **Discipline Chair** – An individual or individuals appointed by the Board to be the first point-of-contact for all discipline and complaint matters reported to Football PEI and its Members
 - e) **Participants** – Refers to all categories of individual members and/or registrants defined in the By-laws of Football PEI and its Members who are subject to the policies of Football PEI and its Members, as well as all people employed by, contracted by, or engaged in activities with, Football PEI and its Members including, but not limited to, employees, contractors, athletes, coaches, instructors, officials, volunteers, managers, administrators, parents or guardians, spectators, committee members, and Directors and Officers
 - f) **Respondent** – The Party responding to the complaint.

Purpose

2. Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with Football PEI and its Members' policies, Bylaws, rules and regulations, and the *Code of Conduct and Ethics*. Non-compliance may result in sanctions pursuant to this Policy.

Discipline Chair

3. The Discipline Chair will be a Director of the Board, or an individual appointed by the Board to handle the duties of the Discipline Chair. The Board may choose to appoint three (3) individuals to serve as Discipline Chair and, in this case, decisions of the Discipline Chair will be by majority vote.
4. The Discipline Chair appointed to handle a complaint or incident must be unbiased and not in a conflict of interest situation.

Application of this Policy

5. This Policy applies to all Participants.
6. This Policy applies to matters that may arise during Football PEI and its Members' business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with Football PEI and its Members' activities, and any meetings.
7. This Policy also applies to Participants' conduct outside of Football PEI and its Members' business, activities, and events when such conduct adversely affects relationships within Football PEI and its Members (and its work and sport environment), is detrimental to the image and reputation of Football PEI and its Members, or upon the



acceptance of Football PEI and its Members. Applicability will be determined by Football PEI and its Members at its sole discretion.

8. 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 competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only.
9. An employee of Football PEI and its Members who is a Respondent will be subject to appropriate disciplinary action per Football PEI and its Members' policies for human resources 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.

Adult Representative

10. Complaints may be brought for or against a Participant who is a minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
11. Communication from the Discipline Chair or Case Manager, as applicable, must be directed to the minor's representative.
12. A minor is not required to attend an oral hearing, if held.

Reporting a Complaint

13. Any Participant may report an incident or complaint to the Discipline Chair in writing.
14. At Football PEI or a Member's discretion, Football PEI or a Member may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, Football PEI or the Member will identify an individual to represent Football PEI or the Member.

Investigation – Abuse and Harassment Complaints

15. Upon receipt of a complaint, the Discipline Chair has a responsibility to:
 - i. Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy; or
 - ii. Optionally, propose the use of the *Alternative Dispute Resolution Policy*; or
 - iii. Determine whether the incident should be investigated, per the *Investigation Procedure (Appendix A)*; and
 - iv. Choose which process should be followed, and may use the following examples as a general guideline:
 1. Process #1 - the Complaint alleges the following incidents:
 - a. Disrespectful conduct
 - b. Minor incidents of violence
 - c. Conduct contrary to the values of Football PEI or a Member
 - d. Non-compliance with the policies, procedures, rules, or regulations of Football PEI or a Member
 - e. Minor violations of the *Code of Conduct and Ethics*
 2. Process #2 - the Complaint alleges the following incidents:
 - a. Repeated minor incidents
 - b. Disrespectful, abusive, racist, or sexist comments or behaviour
 - c. Any incident of hazing
 - d. Behaviour that constitutes harassment, sexual harassment, or sexual misconduct



- e. Major incidents of violence
 - f. Pranks, jokes, or other activities that endanger the safety of others
 - g. Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
 - h. Conduct that intentionally damages the image, credibility, or reputation of Football PEI or a Members
 - i. Consistent disregard for the Bylaws, policies, rules, and regulations of Football PEI or a Member
 - j. Major or repeated violations of the *Code of Conduct and Ethics*
 - k. Intentionally damaging property or improperly handling monies of Football PEI or a Member
 - l. Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
 - m. A conviction for any *Criminal Code* offense
 - n. Any possession or use of banned performance enhancing drugs or methods
16. If the Discipline Chair determines the complaint is frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately
17. The Discipline Chair's decision to accept or dismiss the complaint, and the Discipline Chair's decision whether to use Process #1 or Process #2, may not be appealed.

Process #1: Handled by Discipline Chair

Sanctions

18. Following the determination that the complaint or incident should be handled under Process #1, the Discipline Chair will review the submissions related to the complaint or incident and determine one or more of the following sanctions:
- i. Verbal or written reprimand
 - ii. Verbal or written apology
 - iii. Service or other contribution to Football PEI or a Member
 - iv. Removal of certain privileges
 - v. Suspension from certain teams, events, and/or activities
 - vi. Suspension from the activities of Football PEI or a Member for a designated period
 - vii. Any other sanction considered appropriate for the offense
19. The Discipline Chair will inform the Respondent of the sanction, which will take effect immediately.
20. Records of all sanctions will be maintained by Football PEI.

Request for Reconsideration

21. The sanction may not be appealed until the completion of a request for reconsideration. However, the Complainant or the Respondent may contest the sanction by submitting a Request for Reconsideration within four (4) days of receiving the sanction. In the Request for Reconsideration, the Complainant or the Respondent must indicate:
- i. Why the sanction is inappropriate;
 - ii. Summary of evidence to support their position; and
 - iii. What penalty or sanction (if any) would be appropriate.
22. Upon receiving a Request for Reconsideration, the Discipline Chair may decide to accept or reject the request.
23. Should the Discipline Chair accept the request for an appropriate sanction, that sanction will take effect immediately.



24. Should the Discipline Chair not accept the request for an appropriate sanction, the initial complaint or incident will be handled under Process #2 of this Policy.

Process #2: Handled by Case Manager

Case Manager

25. Following the determination that the complaint or incident should be handled under Process #2, Football PEI will appoint a Case Manager to oversee management and administration of the complaint or incident. The Case Manager should not be in a conflict of interest and should have expertise in dispute resolution matters. Such appointment is not appealable.
26. The Case Manager has a responsibility to:
 - i. Optionally, propose the use of the *Alternative Dispute Resolution Policy*
 - ii. Appoint the Discipline Panel, if necessary
 - iii. Coordinate all administrative aspects and set timelines
 - iv. Provide administrative assistance and logistical support to the Discipline Panel as required
 - v. Provide any other service or support that may be necessary to ensure a fair and timely proceeding.

Procedures

27. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
28. The Case Manager may propose using the *Alternative Dispute Resolution Policy* with the objective of resolving the dispute. If applicable, and if the dispute is not resolved, or if the parties refuse to use the *Alternative Dispute Resolution Policy*, the Case Manager will appoint a Discipline Panel, which shall consist of a single Arbitrator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a Discipline Panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Discipline Panel's members to serve as the Chair.
29. The Case Manager, in cooperation with the Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, 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 Case Manager and the Discipline Panel deem appropriate in the circumstances, provided that:
 - i. The Parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing or an oral hearing by telephone or other communication medium
 - 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
 - iii. The Parties may engage a representative, advisor, or legal counsel at their own expense
 - iv. The Discipline Panel may request that any other individual participate and give evidence at the hearing
 - v. The Discipline 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
 - vi. The decision will be by a majority vote of the Discipline Panel.
30. 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.



31. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
32. If a decision may affect another party to the extent that the other party would have recourse to a complaint or an appeal in their own right, that party will become a Party to the current complaint and will be bound by the decision.
33. In fulfilling its duties, the Discipline Panel may obtain independent advice.

Decision

34. After hearing and/or reviewing the matter, the Discipline 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 Discipline Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and Football PEI and the applicable Member. 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 be issued before the end of the fourteen (14) day period. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

Sanctions

35. The Discipline Panel may apply the following disciplinary sanctions, singularly or in combination:
 - i. Verbal or written reprimand
 - ii. Verbal or written apology
 - iii. Service or other contribution to Football PEI or a Member
 - iv. Removal of certain privileges
 - v. Suspension from certain teams, events, and/or activities
 - vi. Suspension from the activities of Football PEI or a Member for a designated period
 - vii. Payment of the cost of repairs for property damage
 - viii. Suspension of funding from Football PEI or a Member or from other sources
 - ix. Expulsion from Football PEI
 - x. Any other sanction considered appropriate for the offense.
36. 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.
37. Records of all decisions will be maintained by Football PEI.

Appeals

38. The decision of the Discipline Panel may be appealed in accordance with the *Appeal Policy*.

Suspension Pending a Hearing

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

Criminal Convictions

40. A Participant's conviction for a *Criminal Code* offense, as determined by Football PEI, will be deemed an infraction under this Policy and will result in a presumptive sanction of expulsion from Football PEI. *Criminal Code* offences may include, but are not limited to:
 - i. Any child pornography offences
 - ii. Any sexual offences
 - iii. Any offence of physical violence



- iv. Any offence of assault
- v. Any offence involving trafficking of illegal drugs.

Confidentiality

41. The discipline and complaints process is confidential and involves (as applicable) only the Parties, the Discipline Chair, the Case Manager, 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 the discipline or complaint to any person not involved in the proceedings.

Timelines

42. 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 Chair or Case Manager (as applicable) may direct that these timelines be revised.

Records and Distribution of Decisions

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



Appendix A – Investigation Procedure

Determination

1. When a complaint is submitted pursuant to the *Discipline and Complaints Policy* and handled by Process #2, the Case Manager will determine if the incident should be investigated.

Investigation

2. The Case Manager will appoint an Investigator. The Investigator must be an independent third-party skilled in investigating. The Investigator must not be in a conflict of interest situation and should have no connection to either party.
3. Federal and/or Provincial legislation related to workplace harassment may apply to the investigation if Harassment was directed toward a worker in a workplace. The Investigator should review workplace safety legislation, the organization's policies for human resources, and/or consult independent experts to determine whether legislation applies to the complaint.
4. The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial legislation. The investigation may include:
 - i. Interviews with the Complainant
 - ii. Witness interviews
 - iii. Statement of facts (Complainant's perspective) prepared by Investigator, acknowledged by the Complainant and provided to the Respondent
 - iv. Interviews with the Respondent
 - v. Statement of facts (Respondent's perspective) prepared by Investigator, acknowledged by the Respondent and provided to the Complainant.

Investigator's Report

5. Upon completion of their investigation, the Investigator shall prepare a report that should include a summary of evidence from the parties (including both statements of facts, if applicable) and recommendations from the Investigator of whether, on a balance of probabilities, a breach of the *Code of Conduct and Ethics* occurred.
6. The Investigator must be aware that sport-specific differences exist with respect to such aspects as acceptable levels of touch, physical contact, and aggression during training or competition and will consider such differences during the investigative process.
7. The Investigator's Report will be provided to the Case Manager who will disclose it, at their discretion, to Football PEI and its Members.
8. Should the Investigator find that there are possible instances of offence under the *Criminal Code*, particularly related to Criminal Harassment (or Stalking), Uttering Threats, Assault, Sexual Interference, or Sexual Exploitation, the Investigator shall advise the Complainant and Football PEI to refer the matter to police.
9. The Investigator must also inform Football PEI of any findings of criminal activity. Football PEI may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of prohibited substances or methods (as indicated in the version of the World Anti-Doping Agency's Prohibited List currently in force), any sexual crime involving minors, fraud against Football PEI or a Member, or other offences where the lack of reporting would bring Football PEI and its Members into disrepute.



Reprisal and Retaliation

10. A Participant who submits a complaint to Football PEI or who gives evidence in an investigation may not be subject to reprisal or retaliation from any individual or group. Any such conduct may constitute Maltreatment and will be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy*.

False Allegations

11. A Participant who submits allegations that the Investigator determines to be malicious, false, or for the purpose of retribution, retaliation or vengeance (or that otherwise fall within the definition of Maltreatment) may be subject to a complaint under the terms of the *Discipline and Complaints Policy* and may be required to pay for the costs of any investigation that comes to this conclusion. Football PEI, a Member or the Participant against whom the allegations were submitted, may act as the Complainant.

Confidentiality

12. The Investigator will make reasonable efforts to preserve the anonymity of the complainant, respondent, and any other party. However, Football PEI recognizes that maintaining full anonymity during an investigation may not be feasible.