



Complaints and Discipline

Rationale:

This policy provides a process for filing and hearing a complaint of misconduct and applies to complaints filed by an individual member or on behalf of a minor individual member by their parent or guardian, for contravention of the Bowls BC Code of Ethics. An individual member will include all individuals engaged in activities with or employed by Bowls BC, including but not limited to athletes, coaches, officials, volunteers, Directors, team captains, medical and paramedical personnel, administrators, and employees.

Principles:

1. Transfer to Dispute Resolution Process

At any time in the complaint process, the complainant and respondent can jointly agree to invoke the Dispute Resolution Procedure of negotiation, facilitation, and mediation and/or arbitration to their conclusion. If Dispute Resolution is pursued, the complaint procedures filed under this policy will be suspended and internal jurisdiction transferred to the Dispute Resolution process.

2. Principles of Natural Justice

Bowls BC shall adhere to the principles of natural justice, as described below:

- a. The parties will be advised of the provisions of this policy.
- b. The parties will be given an opportunity to present evidence in support of their positions and to defend themselves against allegations.
- b. The issues will be clearly and concisely stated so that the parties are aware of the allegations.
- c. The parties have the right to be represented by a lawyer or advocate at any stage of the process at their own expense.
- d. The parties will receive copies of all notices, statements, reports, and decisions.
- e. The decision-makers have a duty to listen fairly to both sides and to reach a decision untainted by bias.
- f. The parties have the right to an appeal pursuant to the provisions of the Appeal Policy.

3. Confidentiality

Subject to any limits or disclosure requirement imposed by law or required by the policies of Bowls BC, any and all information, oral and written, created, gathered, received or compiled during and through the course of a proceeding under these policies, including details regarding a proceeding itself, is to be treated as confidential by all parties, provided that decisions of the Discipline Committee shall be made

4. Transfer of Presidential Responsibility

If the President is named in the Complaint, or has a conflict, all Presidential responsibilities under this Policy will be undertaken by the Director of Administration.

5. Representation by a Responsible Adult

If a party is a minor (the “minor party”), or someone otherwise unable to speak for him or herself, a proceeding may be brought forward by a “Responsible Adult.”, being a parent, guardian, or other adult of the person’s choice who may speak on behalf of a minor party. The Responsible Adult will have the right to act on behalf of the minor party throughout the proceeding.

6. Types of Conduct Infractions

Misconduct is divided into two types of infractions which are dealt with using different procedures: minor infractions, and major infractions

Minor infractions

Minor Infractions are single incidents of failing to achieve the expected standards of conduct that generally do not result in harm to others. Examples of minor infractions include, but are not limited to:

1. Single instances of disrespectful verbal or written comments directed towards others; single instance of minor misbehaviour in the Bowls BC team setting.
2. Single instances of unsportsmanlike conduct.
3. Being late for or absent from a Bowls BC events or portions of events and activities at which attendance is expected or required.
4. Single instances of non-compliance with the policies and rules of Bowls BC.

Dealing with Minor Infractions

All disciplinary situations involving minor infractions will be dealt with by the appropriate person of authority over the individual involved. The person of authority may include a Team Manager or Captain, a member of a Tournament Committee, or a Bowls BC Board member. If the instance is found to be of sufficient merit, the individual may be removed from the team or event setting or activity, and a written explanation and reprimand will be given to the offender and copied to the Bowls BC President.

7. 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, to Bowls BC or to the sport of lawn bowling. Examples of major infractions include, but are not limited to:

- a. Repeated minor infractions.
- b. Activities or behaviours that interfere with a competition or with any athlete or coach's preparation for a competition.
- c. Pranks, jokes, or other activities that endanger the safety of others, including hazing.

- d. Deliberate disregard for the policies and rules of Bowls BC.
- e. Conduct that intentionally damages the image, credibility, or reputation of Bowls BC, including entering a conflict of interest.
- f. Behaviour that constitutes abuse, discrimination, harassment, or sexual misconduct.
- g. Abusive use of alcohol or cannabis, any use of alcohol or cannabis by minors, use of illicit drugs and narcotics, or use of banned performance enhancing drugs or methods. Infractions for doping offenses will be dealt with through the Bowls BC Anti-Doping Policy.

Dealing with Major Infractions

Within Competition:

Major infractions that occur within competition and are reported or discovered at that time, may be dealt with immediately by the appropriate person having authority, such as the Tournament Director, the Tournament Committee, or a Bowls BC Board member. In such situations, disciplinary penalties will be for the duration of the competition only. Further penalties may be applied but only after review of the matter using the disciplinary procedures set out in this policy.

Outside of Competition:

Other major infractions will be managed in accordance with this policy

8. Filing a Complaint

Any individual member may file a complaint of misconduct by using the *Bowls BC Complaint Form*. Complaints should be filed as soon as possible but no later than 15 days after the infraction. The Complaint Form is filed to the address provided on the form. The individual filing a complaint is “the complainant.”

Extension of Timeline

An individual wishing to submit a report of an infraction beyond 15 days must also submit a written request stating reasons for the extension.

9. Case Manager

Within 3 days of receiving the conduct complaint, the President shall appoint a Case Manager. The role of the Case Manager is:

- a) To serve in an unbiased capacity.
- b) To provide information about the resources and support available to the parties.
- c) To facilitate and administer the process under this policy up to and including conducting investigations into a complaint.
- d) The Case Manager will advise the person against whom the complaint is filed about the complaint and provide information about the policies and procedures outlined herein. This person is “the respondent”.
- e) The Case Manager will review the complaint and may conduct or appoint an investigator to conduct, an investigation into the allegations to determine the validity of the complaint.

- f) If the complaint is not found to be complete or is not valid or is considered to be trivial, vexatious, or untimely, the Case Manager will provide the investigative report to the Board with a recommendation to dismiss the complaint. The complainant and respondent will be informed. The Board must respond with their decision with 3 days of receiving the recommendation.
- g) the Case Manager may speak to both the complainant and respondent about the Bowls BC Dispute Resolution Process as an option to pursue resolution.
- h) if the complaint more appropriately falls under the jurisdiction of a different agency or legal authorities, the Case Manager will refer it to the appropriate body having jurisdiction and inform the complainant and respondent of that referral.
- i) If it is found that the complaint should be dealt with as a minor infraction, the matter will be referred to the appropriate person or committee, and the complainant and respondent informed of the referral; or
- j) if the complaint has merit as a bona-fide major infraction, the Case Manager will refer the matter to a Discipline Committee. The Discipline Committee will receive any investigative report listing the allegations and any findings. The complainant and the respondent will be informed of the referral.
- k) The Case Manager will make all attempts to conclude their work within 10 days being appointed, although this may be delayed by any investigation being undertaken.

10. Discipline Committee

A Discipline Committee of 3, including the Chair, will be appointed by the President from a roster maintained by Bowls BC. No member of the Discipline Committee shall have any personal or professional involvement with the parties involved in the complaint and no prior involvement with the matter under consideration.

10.1 Discipline Committee Procedures

The Discipline Committee must ensure that procedural fairness is respected during the disciplinary process and that the process is carried out in a timely manner.

- a) Upon receipt of the complaint and any investigation report, the Discipline Committee may authorize further investigation into the alleged infraction.
- b) The Discipline Committee may determine that an alleged infraction is of such seriousness as to warrant immediate suspension of membership privileges for the respondent, pending a hearing and a disciplinary decision.
- c) The Discipline Committee will determine the format of the disciplinary hearing, which should be held in a timely manner, and which may be in person, by tele-conference, by an online meeting service, based on written submissions or a combination of these methods.
- d) The complainant and respondent will be given reasonable notice of the hearing format as well as date, time and place of the hearing and will be sent a copy of any Investigation Report. They may be accompanied by a legal representative or advocate at their own expense 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 penalty should be invoked.

10.2 Discipline Committee Decision

The Discipline Committee will issue a written decision within 5 days, including reasons, for distribution to the complainant, the respondent, and the Case Manager.

10.3 Potential Disciplinary Penalties

Disciplinary penalties that may be applied, singly or in combination, include but are not limited to:

- a. Verbal or written reprimand.
- b. Request for a verbal or written apology.
- c. Service or other voluntary contribution to Bowls BC.
- d. Removal of certain privileges of membership or employment.
- e. Suspension from certain events, which may include suspension from the current competition or from future teams or competitions.
- f. Suspension from certain District Association and Member Club and Bowls BC activities such as competing, coaching, or officiating for a designated period of time.
- g. Removal of funding.
- h. Suspension from all District Association and Member Club and Bowls BC activities for a designated period of time.
- i. Expulsion from membership in their District Association and Member Club and from Bowls BC.

It is understood that the above are representative penalties only and that they may be modified to fit the circumstances of the infraction.

11. Communication of the Discipline Committee Decision

- a. The District Association and Member Club of the Respondent will be informed of the disciplinary decision and action taken (if any) and the Discipline Committee may recommend publication of its decision, OR
- b. Where the conduct being reviewed by this policy is of a sensitive nature, the Discipline Committee and Bowls BC will keep all proceedings under the policy confidential, except where publication is ordered as part of the sanction, is stipulated by the Canadian Anti-Doping Program, is required by law, or is in the best interests of the public.

12. Independent Advice

In fulfilling its duties, and with the approval of the President, the Discipline Committee may obtain independent advice. Any expenses incurred in doing so are the responsibility of Bowls BC.

13. Complaint and Hearing Materials

After completion of its duties, the Discipline Committee will turn over all copies of materials related to the complaint to Bowls BC.

14. Costs Incurred by Each Party

Any travel and/or accommodation costs incurred, or the costs of legal or advocacy representation for either the complainant or the respondent shall be the sole responsibility of the party incurring the cost. Administrative costs for the Discipline Hearing and costs incurred for the Discipline Committee, the Case Manager and any investigation will be the responsibility of Bowls BC.

15. Opportunity for Appeal

If either the complainant or the respondent is not satisfied with the decision of the Discipline Committee, an appeal may be filed in writing and in accordance with the Bowls BC Appeal Policy. If after 10 days no written appeal has been delivered to the President, the ruling of the Discipline Committee shall stand and be deemed final.