



**1. POLICY STATEMENT**

Pickleball Canada is committed to providing an environment in which everyone involved with Pickleball Canada is treated with respect.

When an individual's conduct demonstrates lack of respect or otherwise is an infraction of Pickleball Canada's by-laws or policies, a fair, expeditious and affordable process is in place to respond to complaints regarding the individual's behaviour.

**2. CONTEXT/BACKGROUND**

Conduct in contravention of the values of Pickleball Canada as described in its by-laws, Code of Conduct Policy or other policies may be subject to sanctions and discipline pursuant to this policy.

**3. APPLICATION**

This policy applies to all individuals participating in Pickleball Canada programs, activities and events.

**4. COMING INTO FORCE**

April 9, 2019

**5. ROLES/RESPONSIBILITIES**

**5.1 Reporting a complaint**

Anyone may make a complaint to the Vice-President Operations of Pickleball Canada or his/her designate. A complaint must be in writing and signed. A complaint must be filed within fourteen (14) days of the alleged incident. Anonymous complaints may be accepted at the sole discretion of Pickleball Canada.

A complainant wishing to file a complaint outside the fourteen (14) day period must provide a written statement providing reasons for an exemption to the time limitation. The decision to accept the complaint outside of the fourteen day period is at the sole discretion of Pickleball Canada and may not be appealed.

**5.1.1 Minor Infractions**

Minor infractions are single incidents of failing to achieve expected standards of conduct that generally do not result in harm to others, Pickleball Canada, or the sport of Pickleball.

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

- a) Disrespectful, offensive, abusive, racist, or sexist comments or behaviour;
- b) Disrespectful conduct such as outbursts of anger;
- c) Conduct contrary to the values of Pickleball Canada;
- d) Being late for, or absent from Pickleball Canada events and activities at which attendance is



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expected or required;

e) Non-compliance with Pickleball Canada's policies, procedures, rules, or regulations; and

f) Minor violations of Pickleball Canada's Code of Conduct .

### 5.1.2 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 Pickleball Canada, or to the sport of Pickleball.

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

- Repeated minor infractions;
- While participating in Pickleball Canada programs, activities or events,
- Incidents of physical abuse;
- Incidents of harassment, sexual harassment, or sexual misconduct;
- Activities that endanger the safety of others;
- Abusive use of alcohol or use or possession of illicit drugs;
- Wagering or attempting to wager anything of value in connection with an event which one will be or is competing;
- Offering, soliciting or accepting anything of value intended to influence the outcome of a match;
- Using or providing insider (non-public information) to any person where it might reasonably be expected the information could be used for wagering purposes; and
- Knowingly helping with, covering up or otherwise being complicit in activities related to wagering or match fixing as described above.
- Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition;
- Conduct that intentionally damages Pickleball Canada's image, credibility, or reputation;
- Intentional violation of Pickleball Canada's by-laws, policies, rules or regulations;
- Intentionally damaging Pickleball Canada property or improperly handling Pickleball Canada monies; and
- Major or repeated violations of Pickleball Canada's Code of Conduct Policy.

### 5.2 Initial Review of Complaint - Mediation

Upon receipt of a complaint, the Vice President of Operations (or designate) in consultation with the Case Manager:

- Determines if the complaint is frivolous or vexatious or outside the jurisdiction of this policy, in which case the complaint will be dismissed immediately, and if it is not,
- Decides if the alleged infraction is a minor or major infraction.

Before a complaint proceeds to a formal process, the complaint may first be referred to Pickleball Canada's Vice President of Operations (or designate) with the objective of determining whether the complaint may be resolved using mediation or other alternative dispute resolution method.



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Mediation or other alternative dispute resolution processes may be used at any point in the complaint process if the complainant and the person subject of the complaint agree that such a course of action would be mutually beneficial.

Where mediation is pursued, it will be done so in accordance with standard mediation practice using trained mediators who are acceptable to both parties and are available in a reasonable time period after the dispute has taken place.

Any costs arising from the use of mediation or other alternative dispute resolution methods are shared equally between the complainant and the individual who is subject of the complaint. If the complaint is not resolved by use of facilitation or mediation, the formal complaint process as described in this policy will be followed.

### **5.3 Appointment of a Case Manager**

Pickleball Canada will appoint a Case Manager to oversee the management and administration of the complaints and discipline process. He/she has an overall responsibility to ensure procedural fairness is respected at all times under this policy, and to implement it in a timely manner. The Case Manager does not need to be a member of Pickleball Canada.

Any infractions or complaints occurring within a Pickleball Canada sanctioned or sponsored tournament will, if applicable, be dealt with by the procedures specific to the tournament. In such circumstances, disciplinary sanctions will be only for the duration of the tournament. Further sanctions may be applied but only after review of the incident in accordance with this policy.

### **5.4 Responding to a minor infraction**

Procedures for responding to a minor infraction are much less formal than responding to a major infraction. As much as possible, complaints are managed at a local level, involving individuals familiar with the individuals and the circumstances.

The Case Manager may request another appropriate person who has knowledge of the person and/or authority over the person to respond to the complaint, provided that the person who is subject of the complaint has been:

- informed of the nature of the alleged infraction, and
- given opportunity to provide information about the circumstances regarding the infraction.

Examples of another appropriate person with knowledge of and/or authority over the person include:

- a president of a local Pickleball club;



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- a tournament organizer;
- a Pickleball Board or Committee member; or
- a Pickleball coach or official.

After the Case Manager or other appropriate person has reviewed the alleged incident with the individual involved, he/she may determine that no further action is required, or may apply a penalty, either singularly or in combination, including the following:

- a verbal or written reprimand;
- a verbal or written apology from one party to another;
- a service or other voluntary contribution to Pickleball Canada; or
- any other penalty considered appropriate to the circumstances.

### **5.5 Informing police of criminal activity**

If, at any point during an investigation or hearing, it comes to the attention of the Case Manager that a criminal act may have occurred involving a party to the complaint, the Case Manager will:

- consult with the board regarding the alleged criminal act, and
- in conjunction with the Vice President of Operations, notify the police of the alleged criminal act.

### **5.6 Responding to a major infraction**

When it is determined the alleged incident is a major infraction, the Case Manager will:

- as soon as possible, notify the parties involved in the complaint, advising them the complaint is potentially legitimate and will be responded to as a major infraction;
- ensure the individual alleged to have committed the infraction is provided with written details of the alleged infraction; and
- ensure both parties of the complaint are provided with a copy of this policy.

In addition, the Case Manager will:

- appoint an adjudicator, or if deemed necessary, a Panel in accordance with this policy;
- coordinate all administrative aspects of the complaint;
- provide administrative assistance and logistical support to the adjudicator or Panel as required; and
- provide any other service or support that may be necessary to ensure a fair and timely proceeding.

Where the Case Manager determines a Panel will respond to a complaint, wherever possible, the Panel member will not be from the same province or territory of either party to avoid any appearance of conflict of interest.

Where either party wishes to have the hearing conducted in French, at least one of the committee members will be fluent in French.



#### 5.6.1 Hearing for a major infraction

If the person alleged to have committed the major infraction acknowledges the facts of the incident, he/she may consent to waive the need for a hearing. In these circumstances the adjudicator or Panel will determine the appropriate sanction with or without holding a hearing.

If a party to the complaint chooses not to participate in the hearing, the hearing will proceed without their participation.

The Case Manager will determine the format of the hearing, which may involve:

- an oral in-person hearing,
- an oral hearing by telephone,
- a hearing based on a review of documentary evidence submitted in advance of the hearing, or
- a combination of these methods.

The hearing is governed by the procedures that the Case Manager deems appropriate in the circumstances, provided that the Parties:

- are given a minimum of ten (10) days written notice of the day, time, and place of the hearing;
- agree to an exchange of any written documents they wish to have the considered at the hearing and provided in advance of the hearing in a timeframe agreed to by the parties
- are advised they may be accompanied by a representative, advisor, or legal counsel at their own expense;
- are informed the adjudicator or Panel may request that other individuals participate and give evidence at the hearing.

If the Case Manager determines that a decision made by the adjudicator or Panel may affect another party to the extent that party would have recourse to a complaint in their own right, that party will become a party to the complaint in question and will be bound by that decision.

#### 5.6.2 Adjudicator or Panel Decision from the hearing

Within fourteen (14) days of the conclusion of the hearing, the adjudicator or Panel determines whether the alleged infraction occurred and if so the sanctions to be imposed. This decision along with its reasons is distributed in writing to all parties and to the President of Pickleball Canada within seven (7) days of the decision being made.

Sanctions for a major infraction include but are not limited to:

- A written reprimand;
- Expulsion from membership in Pickleball Canada;
- Publication of the decision.



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Unless the Adjudicator or Panel decides otherwise, disciplinary sanctions start immediately after the written decision has been distributed to the parties.

### 5.7 Criminal Convictions

At the sole discretion of Pickleball Canada, an individual's conviction for any of the following offenses will be deemed a major infraction under this Policy and will result in expulsion from Pickleball Canada and/or removal from Pickleball Canada competitions, programs, activities and events:

- Any child pornography offences;
- Any sexual offences;
- Any offence involving violence against a person; or
- Any offences involving trafficking of illegal drugs.

### 5.8 Record of Decisions

If a decision is made to impose a penalty for either a minor or major infraction, a record is created and maintained by Pickleball Canada and includes the following:

- details of the alleged incident including the date;
- the names of the individuals involved in the complaint;
- the response of the person whom the complaint was made against;
- the name of the Case Manager and/or other appropriate person who determined the penalty; and
- a description of the penalty applied.

Decisions and appeals are matters of public interest and shall be publicly available with the names of the individuals redacted. Names of persons disciplined may be disclosed to the extent necessary to give effect to any sanction imposed.

## 6. IMPLEMENTATION

Pickleball Canada is responsible for communicating this policy to its members and others involved in its programs, activities and events.

Pickleball Canada will need to provide an orientation to the complaints and discipline process to its Executive and to ensure a Case Manager will be available in the event of a complaint involving a major infraction.

## 7. RESULTS



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Individuals involved in Pickleball Canada programs, activities and events are treated with respect and know how to lodge a complaint where they have felt Pickleball Canada's Code of Conduct or the values of Pickleball Canada are not being upheld.

**Date:** April 9, 2019