



Discipline

and

Complaints

Policy

May 5, 2021



1. PURPOSE

Pickleball BC is committed to providing an environment in which everyone involved with Pickleball BC is treated with respect. When an individual's conduct demonstrates lack of respect or otherwise is an infraction of Pickleball BC'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 BC 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 BC programs, activities and events.

4. COMING INTO FORCE

This policy shall come into force May 7, 2021.

5. ROLES/RESPONSIBILITIES

5.1 Reporting a complaint

Anyone may make a complaint to the Vice-President of Pickleball BC 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 BC. 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 BC and may not be appealed.



a) 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 BC or the sport of pickleball.

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

- Disrespectful, offensive, abusive, racist, sexist comments or behaviour.
- Disrespectful conduct such as outbursts of anger.
- Conduct contrary to the values of Pickleball BC.
- Being late for or absent from Pickleball BC events and activities at which attendance is expected or required with due notice being given.
- Non-compliance with Pickleball BC's policies, procedures, rules or regulations.
- Minor violations of Pickleball BC's Code of Conduct and Ethics Policy.

b) 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 BC or to the sport of pickleball while participating in Pickleball BC programs, activities or events.

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

- Repeated minor infractions.
- Incidents of physical abuse.
- Incidents of harassment, sexual harassment or sexual misconduct.
- Activities that endanger the safety of others.
- Excessive 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 is or will be competing in.
- Offering, soliciting or accepting anything of value intended to influence the outcome of a match or game.
- Using or providing insider (non-public) information to any person where it might reasonably be expected the information could be used for wagering purposes.
- 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 BC's image, credibility or reputation.
- Intentional violation of Pickleball BC's by-laws, policies, rules or regulations.
- Intentionally damaging Pickleball BC property or improperly handling Pickleball BC monies.
- Major or repeated violations of Pickleball BC's Code of Conduct and Ethics Policy.

5.2 Initial Review of Complaint

Upon receipt of a complaint, the Vice President (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.
- If the complaint is deemed valid, then decide 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 BC's Vice President (or designate) with the objective of determining whether the complaint may be resolved using mediation or other an alternative dispute resolution method.

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 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 BC 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 BC.

Any infractions or complaints occurring within a Pickleball BC 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.

If a Case Manager could be seen as biased or too close to the incident, Pickleball BC's Vice President may appoint another Case Manager from another location who does not know the individual involved to ensure impartiality in the decision-making process.

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.
- A tournament organizer.
- A Pickleball BC Board or Committee member.
- A pickleball coach or official.



After the Case Manager or another appropriate person has reviewed the alleged incident with the individual(s) involved, the Case Manager may determine that no further action is required or may apply a penalty, either singularly or in combination, including any of 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 BC.
- 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 Pickleball BC 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(s) alleged to have committed the infraction are provided with written details of the alleged infraction.
- Ensure both parties of the complaint are provided with a copy of this policy.
- Coordinate all administrative aspects of the complaint.
- Provide any other service or support that may be necessary to ensure a fair and timely proceeding.

At the Case Manager discretion, a *panel* may be established to respond to a complaint. Panel members should not be from the same local area or club of either party to avoid any appearance of conflict of interest.



a) 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 Case Manager 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.
- 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 such documents are 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 when other individuals participate and give evidence at the hearing.

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

b) Decision from the hearing

Within fourteen (14) days of the conclusion of the hearing, the Case Manager shall ascertain whether the alleged infraction occurred and if so, the sanctions to be imposed. At that time the Case Manager's decisions with supporting reasons shall be provided to Pickleball BC's Vice President. Within seven (7) days the Vice President or the Case Manager will inform or distribute to all parties the decisions and subsequent action as determined appropriate.



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

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

Unless the Case Manager 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 BC, an individual's conviction for any of the following offenses may be deemed a major infraction under this Policy and may result in expulsion from Pickleball BC and/or removal from Pickleball BC competitions, programs, activities and events:

- Any child pornography offences.
- Any sexual offences.
- Any offence involving violence against a person.
- 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 to be created and maintained by Pickleball BC and should include the following:

- The names of the individuals involved in the complaint.
- Details of the alleged incident including the date.
- 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.
- 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 BC is responsible for communicating this policy to its members and others involved in its programs, activities and events. Pickleball BC 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

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

Date: May 5, 2021