

Cricket Canada Discipline and Complaints Policy

Approved by: Board of Directors, Aug 31, 2017

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1. Preamble

1.1. Cricket Canada (Cricket Canada) is committed to providing an environment in which all Individuals involved with Cricket Canada are treated with respect. Membership in Cricket Canada, as well as participation in its activities, brings many benefits and privileges. At the same time, Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with Cricket Canada's policies, bylaws, rules and regulations, and Code of Conduct. Irresponsible behaviour by Individuals can result in severe damage to the integrity of Cricket Canada. Conduct that violates these values may be subject to sanctions pursuant to this Policy. Since discipline may be applied, Cricket Canada provides Individuals with the mechanism outlined in this Policy so that complaints are handled fairly, expeditiously, and affordably.

2. Definitions

2.1. The following terms have these meanings in this Policy:

- a) "Complainant" – The party alleging an infraction.
- b) "Respondent" – The alleged infracting party.
- c) "Party(ies)" – The Complainant, Respondent, and any other Individuals or persons affected by the complaint.
- d) "Day(s)" – Days including weekend and holidays.
- e) "Individuals" – All categories of membership and associates defined in the Cricket Canada Bylaws, as well as all individuals employed by, or engaged in activities with, Cricket Canada including, but not limited to, volunteers, administrators, committee members, Provincial Members (as defined in the by-laws, and including the board and members of the associations

that constitute the Provincial Member); and directors and officers of Cricket Canada.

3. Application of this Policy

3.1. This Policy applies to all Individuals as defined above.

3.2. This Policy applies to discipline matters that may arise during the course of Cricket Canada business, activities, and events including, but not limited to, conferences, work sessions, seminars, travel associated with Cricket Canada activities, Cricket Canada office environment, internal communications, any meetings, and national level training, practice and matches.

3.3. Discipline matters and complaints arising within the business, activities, or events organized by entities other than Cricket Canada will be dealt with pursuant to the policies of these other entities unless requested and accepted by Cricket Canada at its sole discretion. Provincial Members shall be responsible for implementing this policy within their organizations.

3.4. The Cricket Canada's Harassment Policy will be used in all cases or matters related to harassment of an individual or group in any Cricket Canada activities.

3.5 Where conflict exists between Cricket Canada policy and provincial member policy, Cricket Canada policy shall prevail.

3.6 Where applicable, the provisions under the current applicable provincial or federal law shall override provisions of this policy.

3.7 Burden of proof shall always be with the complainant.

3.8 The complainant shall have the right to seek a review from the next higher level of jurisdiction.

3.9 Note that appeals against decisions of the Board of Directors must be dealt with using the Cricket Canada Appeals and Dispute Resolution Policy.

4. Reporting a Complaint

4.1. Any Individual may report any complaint to the Cricket Canada office. Such a complaint must be in writing and signed, and must be filed within fourteen (14) days of the alleged incident. Anonymous complaints may be accepted at the sole discretion of Cricket Canada.

4.2. A Complainant wishing to file a complaint outside of the fourteen (14) 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 (14) day period will be at the sole discretion of Cricket Canada.

5. Mediation

5.1. Before any complaint proceeds to the formal stage, the dispute may first be referred to Cricket Canada's General Manager (or designate) for review, with the objective of resolving the dispute via mediation.

5.2. Should the review not resolve the dispute, Cricket Canada will appoint a Case Manager and Clause 6 applies.

6. Case Manager

6.1. The Case Manager will be appointed to oversee management and administration of complaints submitted in accordance with this Policy.

6.2. The Case Manager is not required to be a member of Cricket Canada.

6.3. The Case Manager has an overall responsibility to ensure procedural fairness is respected at all times in this Policy, and to implement this Policy in a timely manner. More specifically, the Case Manager has a responsibility to:

- a) Determine whether the complaint is frivolous or vexatious and within the jurisdiction of this Policy. If the Case Manager determines the complaint is frivolous or vexatious or outside the jurisdiction of this Policy, the complaint will be dismissed immediately;
- b) Determine if the complaint is a minor or major infraction;
- c) Appoint the Panel, if necessary, in accordance with this Policy;
- d) Coordinate all administrative aspects of the complaint;
- e) Provide administrative assistance and logistical support to the Panel as required; and
- f) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.

6.4. The Case Manager will inform the Parties if the incident is to be dealt with as a minor infraction or major infraction and the matter will be dealt with according to the applicable section relating to the minor or major infraction.

6.5. This Policy does not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behaviour that constitutes either a minor or major infraction. Further sanctions may be applied in accordance with the procedures set out in this Policy.

7. Minor Infractions

7.1. Minor infractions are single incidents of failing to achieve expected standards of conduct that generally do not result in harm to others or to Cricket Canada. 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 or argument;
- c) Conduct contrary to the values of Cricket Canada;
- d) Being late for, or absent from, Cricket Canada events and activities at which attendance is expected or required;
- e) Non-compliance with Cricket Canada's policies, procedures, rules, or regulations; and
- f) Minor violations of Cricket Canada's Code of Conduct.

7.2. All disciplinary situations involving minor infractions will be dealt with by the appropriate person who has authority over both the situation and the individual involved.

7.3. Provided that the Respondent is told the nature of the infraction and has an opportunity to provide information concerning the incident, procedures for dealing with minor infractions will be informal (compared to the procedures for major infractions) and will be determined at the discretion of the person responsible for discipline of such infractions (as noted above).

7.4. Penalties for minor infractions, which may be applied singularly or in combination, include the following:

- a) Verbal or written reprimand from Cricket Canada to one of the Parties;

- b) Verbal or written apology from one Party to the other Party;
- c) Service or other voluntary contribution to Cricket Canada;
- d) Removal of certain privileges of membership for a designated period of time;
- e) Fines; and
- f) Any other sanction considered appropriate for the offense.

7.5. Repeat minor infractions may result in further such incidents being considered a major infraction.

8. Major Infractions

8.1. 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 or to Cricket Canada. Examples of major infractions include, but are not limited to:

- a) Repeated minor infractions;
- b) Any incident of hazing;
- c) Incidents of physical abuse;
- d) Behaviour that constitutes harassment, sexual harassment, or sexual misconduct;
- e) Pranks, jokes, or other activities that endanger the safety of others;
- f) Conduct that intentionally damages Cricket Canada's image, credibility, or reputation;
- g) Making unsubstantiated or false allegations against other individuals, Cricket Canada, ICC or other member organizations
- h) Disregard for Cricket Canada's bylaws, policies, rules, and regulations;
- i) Major or repeated violations of Cricket Canada's Code of Conduct;
- j) Intentionally damaging Cricket Canada property or improperly handling Cricket Canada monies; and
- k) Abusive use of alcohol or use or possession of illicit drugs and narcotics.

8.2. Major infractions will be handled using Clause 9 - Procedure for Major Infraction - Hearing, except where a dispute resolution procedure contained within a contract, employee agreement, or other formal written agreement takes precedence.

9. Procedure for Major Infraction

9.1. The Case Manager shall notify the Parties that the complaint is potentially legitimate and the incident shall be dealt with as a major infraction. The Case Manager shall then decide the format under which the complaint will be heard.

9.2. The Case Manager will appoint either a Discipline Panel:

- a) which shall consist of a single Adjudicator, to hear the complaint; or
- b) In extraordinary circumstances, a Panel of three (3) persons, to hear the complaint. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chairperson.

9.3. The Hearing

- a) If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may still hold a hearing for the purpose of determining an appropriate sanction.
- b) If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
- c) 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 will be governed by the procedures that the Case Manager deems appropriate in the circumstances, provided that:
 - The Parties will be given appropriate notice of the day, time, and place of the hearing; Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing;
 - The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense;
 - The Panel may request that any other individual participate and give evidence at the hearing;
 - The 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; and The decision will be by a majority vote of Panel members.
- d) In fulfilling its duties, the Panel may obtain independent advice.

9.4. If a decision may affect another party to the extent that the other 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 the decision.

9.5. Decision

- a) After the hearing, the 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 Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and Cricket Canada. In extraordinary circumstances, the 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.
- b) The decision will be considered a matter of public record unless decided otherwise by the Panel.

9.6. Sanctions

- a) The Panel may apply the following disciplinary sanctions, singularly or in combination, for major infractions:
 - Verbal or written reprimand from Cricket Canada to one of the Parties;
 - Verbal or written apology from one Party to the other Party;
 - Service or other voluntary contribution to Cricket Canada;
 - Expulsion from Cricket Canada;
 - Removal of certain membership privileges;
 - Fines of up to \$5000
 - Suspension from all Cricket Canada activities for a designated period of time;
 - Payment of the cost of repairs for property damage;
 - Suspension of funding from Cricket Canada or from other sources; and/or
 - Any other sanction considered appropriate for the offense

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

10. Suspension Pending a Hearing

10.1. Cricket Canada may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending the outcome of a criminal process, a hearing or a decision of the Panel.

11. Criminal Convictions

11.1. An Individual's conviction for any of the following Criminal Code offenses will be deemed a major infraction under this Policy and will result in expulsion from Cricket Canada and/or removal from Cricket Canada programs, activities and events upon the sole discretion of Cricket Canada:

- a) Any child pornography offences;
- b) Any sexual offences;
- c) Any offence of physical or psychological violence;
- d) Any offence of assault;
- e) Any offence of kidnapping or terrorism; and
- f) Any offence involving trafficking of illegal drugs.

12. Confidentiality

12.1. The discipline and complaints process is confidential and involves only the Parties, the Case Manager, the Panel, and any independent advisors to the 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.

13. Timelines

13.1. 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 Panel may direct that these timelines be revised.

14. Records and Distribution of Decisions

14.1. Minor and major infractions that result in discipline shall be recorded and records will be maintained by the Cricket Canada.

14.2. Decisions are matters of public interest and shall be publicly available with the names of the individuals redacted except as required by law. Names of persons disciplined may be disclosed to the extent necessary to give effect to any sanction imposed. The Panel may determine that disclosing the

person's identity would unduly violate the person's privacy and may decide that the decision, or part of the decision, shall be kept confidential.

15. Review and Approval

15.1. Cricket Canada's Board of Directors and Executive Director shall review this policy biennially.

Adopted by the Board of Cricket Canada, August 31 2017

Revision History

Revision #	Revision Date	Approved By	Major Changes or Reason for Changes