

## **BY-LAW NO. 2**

### **DISCIPLINE POLICY**

#### **INTRODUCTION**

Any usage of words, terms or phrases are to be read as defined in By-law No. 1 of the Corporation, as applicable.

The Board of the Corporation shall have the power to suspend or discipline any player in any way affiliated with the Corporation. Unlike the discipline policy otherwise contained herein as it applies to Affiliates (as herein defined), players may ONLY appeal any disciplinary actions in writing to the Director of Hockey Operations, whose decision however made is final and not subject to appeal. The decision of Hockey Operations need not be communicated to the player in writing, but may be done orally as the Committee decides. Reasons of the decision of Hockey Operations are not required to be provided. It should be noted that it is not Hockey Operations role to substitute their judgment for that of the referee for the purpose of player appeals. No other portion of this By-law applies to players except the above.

The Board of the Corporation shall further have the power to suspend or discipline any Director, coach, manager, trainer, referee or other Officer in any way affiliated with the Corporation (hereinafter collectively referred to as the "Affiliates"). Identifying performance problems and/or inappropriate behavior of Affiliates and the appropriate and most effective means of resolving them can be complex and require a variety of considerations. Disciplinary actions are usually corrective and progressive in nature; however, serious misconduct and work performance problems or violations of laws and/or policies of the Corporations, procedures, and practices may warrant disciplinary action, including termination, outside of the corrective, progressive approach that is outlined below. These procedures serve as a guide for Directors and all Affiliates of the Corporation to help ensure that a fair approach is taken in dealing with Affiliates should not come as a surprise to any Affiliate, which should occur after either informal remedial and/or corrective measures such as ongoing performance feedback, coaching, training, have not been successful.

There are three (3) types of disciplinary actions that may be taken; warning; suspension; and termination (as described below). However, in determining the proper course of disciplinary action, the Board may repeat, modify, or omit a level of discipline based upon the facts of the specific case. For example, in the case of serious misconduct, a suspension or termination of any Affiliate's position on the first offence may be warranted. Some examples of this type of situation: Affiliates who fail to meet performance expectations in positions that require them to: (1) regularly and reliably exercise a high level of judgment and discretion, (2) consistently demonstrate effective supervision, management and leadership, and (3) productively participate in a confidential capacity as part of the Corporation, or if the actions and inactions of such

individuals may seriously impair the ability of the Corporation to fulfill its objectives. In such cases, as early as possible, the affected Affiliate should be given a clear understanding of how the Affiliate's performance is not meeting expectations or the standards of the position. The representative of the Board should thoroughly discuss the concerns with the Affiliate and allow the Affiliate an opportunity to present the Affiliate's understanding of the situation. If a mutually agreeable resolution to the situation cannot be found, the Corporation reserves the right to terminate the Affiliate's position with the Corporation.

## **DISCIPLINARY ACTIONS**

### **Warning**

Initial disciplinary actions can be oral or written depending on the severity of the situation and the dictates of the Board. The Board or its representative should meet with the Affiliate to discuss the performance problem and/or inappropriate behavior and outline the steps necessary to correct it. Notes of this initial discussion may be made and retained for future reference.

If performance or behavioral problems continue, or if the severity of the initial offence warrants, the Board or its representative should meet with the Affiliate and give a formal written warning to document the discussion. The written warning should include a description of the problem and the specific steps necessary to successfully correct it, a time line for improvement and a scheduled time to meet to review the Affiliate's subsequent performance. The warning should also indicate that unless the unacceptable behavior or performance is corrected and the acceptable behavior maintained as discussed, further disciplinary action, including termination, may occur.

If there is no change or improvement in performance or behavior, further disciplinary action may include a second written warning, a final warning, a suspension or termination, depending on the actual situation.

### **Suspension**

Suspension may be appropriate as a form of discipline. It may also be invoked to facilitate investigative actions by Hockey Operations.

Disciplinary suspensions are used to address serious misconduct or violations of procedures, practices or laws. They also may be used when oral and written warnings have not corrected deficient performance or behavior or when the performance or behavior warrants a more severe discipline in the first instance. No Affiliate may be suspended without the Board and/or Hockey Operations first having approved said procedure in a vote by its Directors. No Affiliate shall receive any form of remuneration while suspended. A decision by Hockey Operations to suspend any Affiliate does not need approval by the Board, and vice versa. All appeals of such decisions will be handled by the Board as herein contained.

Investigation suspensions may be used in situations where actions of an Affiliate are being investigated. The Affiliate is placed on a suspension, with or without remuneration as applicable, depending upon the circumstances of the case, while the investigation is being conducted. Based on the outcome of the investigation, the Affiliate may be issued a disciplinary suspension, reinstated either with or without the position of a lesser disciplinary action, or terminated. No Affiliate may be suspended without the Board and/or Hockey Operations first having approved said procedure in a vote by its Directors. A decision by Hockey Operations to suspend any Affiliate does not need approval by the Board, and vice versa. All appeals of such decision will be handled by the Board as herein contained.

Following the investigation and discussion with the Affiliate, the individual should receive a letter documenting the reason for the suspension, whether the suspension is with or without remuneration (as applicable), and the period of suspension. A copy of the letter will be retained with the recording secretary of the Corporation.

### **Termination**

An Affiliate's position may be terminated for performance deficiencies that are not corrected, or for serious misconduct. No Affiliate may be terminated without the Board first having approved said procedure in a vote by its Directors.

Following the investigation discussion with the Affiliate, a memorandum or letter documenting the reason for termination must be given to the Affiliate and placed with the recording secretary of the Corporation. Any and all property belonging to the Corporation must be returned by the Affiliate within three (3) working days of the decision to terminate being made.

### **PROCEDURE FOR APPEALING DISCIPLINARY ACTIONS**

Disciplinary actions resulting in termination or suspension may be appealed by the Affiliate pursuant to the process set out below. The time limit set forth in the appeal procedure must be adhered to by both the Affiliate and the Board of the Corporation unless extended for good cause by the president of the Corporation. The failure of the affiliate to process the appeal in a timely manner to the next level shall constitute a withdrawal of the appeal. The failure of any Member of the Corporation to respond in a timely manner to an appeal shall constitute authorization for the Affiliate to process the appeal to the next step.

#### **Step 1**

The Affiliate may present a written appeal to the third vice-president of the Corporation within five (5) working days from the date of disciplinary action. The appeal shall contain a clear and concise statement of why the disciplinary action is inappropriate. Within ten (10) working days of the date of the appeal, a written decision shall be mailed to the Affiliate.

## Step 2

The decision of the third vice-president in Step 1 may be appealed to the second vice-president of the Corporation within five (5) working days of the date of the Step 1 decision. The appeal must be in writing and shall state why the decision of the third vice-president is incorrect. A written decision on the appeal shall be mailed to the Affiliate within ten (10) working days of the date of the appeal.

## Step 3

If the Affiliate is not satisfied with the decision of the second vice-president in step 2, the Affiliate may present a written request for hearing before a minimum of three (3) of the Board, none of whom may have already adjudicated on the matter. The request for a hearing must state with particularity why the disciplinary action was inappropriate and/or why the decision of the second vice-president should be changed. The request must be made within five (5) working days following the date of the appealed decision. The Directors shall, at their complete discretion, compose a panel to hear the appeal of no less than three (3) Directors, one (1) of whom must be the first vice-president or the immediate past president, and is not to include the president. The hearing shall be conducted pursuant to an informal procedure to be established by the Board. The Affiliate will be permitted to present any documentary or oral evidence the affiliate desires in order to establish the validity of the Affiliate's claim. The hearing shall be conducted as soon as practical, but not later than twenty (20) working days following the date of the appeal. The Affiliate has no right to be represented at the hearing by an attorney or other individual representative. The finding of the panel must only be a majority vote.

## Step 4

If the Affiliate is not satisfied with the decision of the panel in Step 3, a written appeal may be made to the president of the Corporation within five (5) working days of the date of the Step 3 decision and must state why such decision is incorrect. The review by the president shall be based solely upon the Step 3 record and shall not include any new issue or evidence. Within a reasonable period of time, not to exceed thirty (30) days following the date of the appeal, a written decision shall be mailed to the Affiliate. The decision of the president is final.

The Corporation has the burden of proving by a preponderance of credible evidence that good cause exists for the disciplinary action and, therefore, shall have the right to open and close the proceedings as well as to conduct the manner in any way it sees fit.

Enacted the 6<sup>th</sup> day of SEPT, 2018.

President

Secretary

PASSED by the Board of Directors this 6<sup>th</sup> day of SEPT, 2018.

Chasen

HR

Jane Clark

PORT

CONFIRMED by the Members this 28 day of OCT, 2018.

[Signature]

Sammy Cole

J. M. Kaul

And [Signature]