

MEMBERSHIP / DISCIPLINE COMMITTEE RegulationsEstablished: September 8th 1999

Amended: January 15, 2013

1. The President, or designate, shall have the power to suspend any team, player, team official or other member for ungentlemanly conduct on or off the ice, abusive language to any officials or for failure to comply with the Association's Constitution, By-Laws, Regulations or Guidelines pending review of the incident by the Discipline Committee.
2. A Discipline Committee chairperson and an independent Appeals Committee shall be established within 90 days of the Annual General Meeting.
3. The Discipline Committee to consist of a minimum of three (3) Executive members, which shall include the President and/or 1st Vice President who will act as chairperson and two other Executive members. The Chairperson shall appoint the second and third committee member as required.
4. The Appeals Committee is to be appointed by the Executive and is to be comprised of former Society members.
5. Any dispute may be referred to mediation at any time, where suitable for the issue and where the disputing parties consent. Mediation must be attempted prior to litigation.
6. The duties of the Discipline Committee are to review applications for membership and investigate outcomes of criminal record checks as well as investigate written complaints against members and discipline such members as deemed necessary. As part of the deliberation on issues, the Discipline Committee must consider, in addition to other factors, the risk to PMHA members, the risk to PMHA assets and the risk to PMHA image.
7. The Discipline Committee has the authority to refuse membership applications on cause. Such cause is to be communicated to the applicant within Ten (10) days of the decision.
8. Written complaint must be received by an Executive member within five (5) days of the incident.
9. The Discipline Committee shall review written complaints against members within five (5) days of receipt of such complaint.
10. The Discipline Committee may interview the petitioner and accused as well as individual(s) knowledgeable of the events leading to the complaint. Minutes of such meeting(s) are to be kept. All information and minutes compiled during the investigation are to remain confidential except they will be released for purposes of Appeal & to the degree necessary to manage the circumstance & outcome within PMHA operations. Upon compliance with Appeal procedure and written request by the appellant, documents utilized by the Discipline Committee to render decision shall be made available to the appellant. The parent(s) or guardian is to be present during the interview of the accused should the accused be a minor.

11. The Discipline Committee has the authority to issue discipline as deemed necessary up to including the expulsion of such member(s). The decision is to be communicated in writing to the culpable member(s) and Executive within Ten (10) days of the decision. It is up to the appropriate Division Director, in conjunction with the team manager, to ensure a suspended member is fulfilling the terms of their suspension. See appendix.
12. Any team or player caught vandalizing facilities will be indefinitely suspended until the Discipline Committee has reviewed the incident and determined an appropriate penalty. The cost for any damage incurred will be presented to the players' parent(s) or legal guardian. Where no responsible individual are known the team will be responsible for costs of cleaning and/ or repairs.
13. The Discipline Committee decision may be appealed to the Appeals Committee within five (5) days of receipt of the decision. Appeals to the Appeal Committee shall be accompanied by a cheque in the amount of \$250 payable to Penticton Minor Hockey Association and will be forfeited should the original conclusion be upheld. Decisions of the Appeals Committee are final.
The decision of the Appeals Committee is to be communicated within Ten (10) days of such decision to the Executive and appellant.
14. The Appeal Committee will only review a decision or hear an appeal under one of the following conditions:
 - a. New evidence not used in the original hearing can be presented which may have an effect on the decision.
 - b. An appeal may be filed on the grounds of irregularities in the proceedings of the original hearing that may have caused an unjust decision.
 - c. An appeal may be filed on the grounds that the decision of the original hearing was too severe.
 - d. An appeal may be filed on the grounds that there is proof to establish that the decision of the original hearing was reached in an unjust manner.
15. The appeal shall be dealt with by the Appeal Committee within fourteen (14) days of receipt electronically or written, unless a mutual agreement is reached by both parties to extend this time. If the appellant has requested a personal appearance, the appeal shall be dealt with within thirty (30) days of receipt.
16. When an appeal is filed there shall be no stay of any suspension imposed that is the subject of the appeal.
17. No member shall pursue a dispute in Court until all other internal and independent remedies have been exhausted.
18. Any member who fails to exhaust the appeal procedures provided herein prior to resorting to external legal remedies shall be subject to suspension at the discretion of the majority of the Executive.

Discipline Guidelines - Appendix

Policy Overview

It is by behaving ethically and with good conduct, that will we preserve PMHA's reputation.

Despite our expectations and ongoing education of many members and other individuals, a few people will inevitably engage in misconduct up to and including criminal activity. This will not be tolerated.

PMHA's policy for any confirmed misconduct is to advise the member/individual of what he or she has done wrong, what **disciplinary measure** is being taken and what is expected of the member/individual (unless termination of member is the disciplinary measure, in an extreme case). The disciplinary measure must be objective, fair and timely, and take into consideration the severity of the misconduct, the individuals past record and any mitigating circumstances.

Objectives

The purpose of discipline is to encourage ethical behaviour and good conduct; highlight that misconduct is unacceptable; correct any unacceptable behaviour; and, in very serious cases, provide for termination of the relationship with PMHA. Discipline is to be both corrective & progressive in nature.

Misconduct must be established prior to administering discipline.

Recourse

A member/individual can appeal any disciplinary measure taken by PMHA.

The onus is on PMHA to establish that misconduct has taken place. It is up to the member/individual to report any factors that might cause a disciplinary measure to be reduced or waived.

Disciplinary Fact Finding / Investigation

Determines whether there is misconduct, its nature, its cause, who is responsible, and factors which might mitigate the misconduct.

Disciplinary Measure

A carefully considered action like an oral counselling or written reprimand,

suspension from role/duty or, for very serious misconduct, termination/ban of position.

All members/individuals are personally responsible for behaving ethically and with good conduct when acting in their capacity and, in some cases, when off-duty.

When PMHA is confronted with the possibility of misconduct on the part of a member/individual, PMHA must ensure that a **preliminary inquiry** is undertaken **immediately** by an appropriate authority.

PMHA will start the discipline administration process as soon as possible after there is alleged misconduct by:

- conducting or arranging for a preliminary fact-finding inquiry;
- initiating an investigation of any incident, or series of incidents, that could constitute misconduct

The person undertaking the inquiry must:

- determine the facts of the alleged incident;
- identify the possible parties involved;
- identify any witnesses;
- gather readily available factual documentation;
- determine if misconduct is evident, i.e. the allegation has merit; and
- if it does, call for a more formal investigation, if appropriate, before considering if any disciplinary action is necessary.

If the alleged misconduct involves a violation of criminal legislation or other laws, the director, fact finder or other PMHA executive member must report it to the appropriate authorities (RCMP, etc).

The person conducting an investigation must:

- not be involved in any way with the alleged misconduct;
- gather and review factual documentation and gather additional documentation, if necessary;
- interview the member/individual(s) involved in the alleged misconduct;
- obtain factual information from witnesses through interviews or from written statements (including email);
- keep written records of all interviews;
- determine the scope of the incident and any mitigating circumstances;

Assignment to Less Sensitive Duties or Suspension

When the Discipline Committee has cause to suspect a member/individual of misconduct, the Committee will make every effort to allow the member/individual to remain in his or her position pending the completion of an investigation of the alleged misconduct.

When allegations of serious misconduct involve a member/individual who occupies a position which requires a high degree of trust and integrity (e.g. Executive Board Member, Coach Coordinator, Head Coach of a PMHA team, or other team administration position, etc.), the Committee must consider if the member/individual should be removed from his/her duties until an investigation is completed and a decision is rendered. Allegations of serious misconduct generally relate to, but are not limited to, physical, psychological or emotional confrontation that is inappropriate for the age group involved or Criminal Code offences such as assault, theft or fraud.

Removing a member/individual from his/her role/duties is done to protect the interests of PMHA, to avoid any appearance of condoning a member/individual's alleged behaviour and to demonstrate the seriousness of the alleged misconduct. In this situation, the Committee must **quickly implement one of two options**:

- assignment to less sensitive duties, or
- indefinite suspension

Member/Individual Rights and Obligations

The member/individual being investigated has the right to be presumed innocent until misconduct has been established. Consequently, the member/individual has the right to know the details of the case, to respond to and rebut any allegations and to be made aware of the consequences of a finding of misconduct. The member/individual being investigated, and other member/individual, are obliged to fully cooperate with the appointed investigator(s) during the investigation.

The discussions with the member/individual must take place in private. Any written communications are confidential. The requirement of privacy does not exclude, at the member/individual's request, the attendance of another individual to act as an **observer** (provided this individual is not to be interviewed as a witness or is a concerned party in any way during the investigation). The member/individual may consult with the individual, but the individual may not speak on behalf of the member/individual being interviewed.

Discipline

Determination of Appropriate Disciplinary Measures

The determination of an appropriate disciplinary measure must be based on the particulars of each case and must be constructive in that it is intended to correct behaviour rather than punish it.

The progressive approach to discipline is based on the premise that PMHA has a duty to warn a member/individual of the seriousness of his or her conduct and its potential impact on his or her involvement with PMHA activities and interests.

Single Serious-Incident Misconduct

It may be necessary to terminate a member/individual for cause after a single act of misconduct so serious that it renders the member/individual unsuitable for continued involvement with the PMHA. Examples of the types of serious single-incident misconduct may involve, but are not limited to, Criminal Code violations, theft, breach of trust, abuse of authority, and personal or sexual harassment.

Culminating Incident

A Culminating Incident occurs when a member/individual repeatedly violates established standards of behaviour. These acts of misconduct can be similar or different in nature. It is an act of misconduct, which, in isolation, does not warrant severe disciplinary action but, when considered in light of the member/individual's past record of misconduct, calls for the application of a severe disciplinary measure up to and including termination of ongoing involvement with PMHA.

Mitigating Circumstances

The Disciplinary Committee must give consideration to circumstances that might lessen the effect of a possible disciplinary measure. These might include, but are not limited to, the member/individual's length of service, past record and the seriousness of the misconduct.

Mitigating circumstances may require PMHA to adjust its response to seemingly similar misconduct by different member/individual. PMHA must make it clear to all members that disciplinary measures depend on the nature of the misconduct and the accompanying circumstances, including personal circumstances that may have influenced the member/individual's behaviour.

Notification of a Disciplinary Measure

The Disciplinary Committee or their delegate must notify the member/individual of the disciplinary measure in writing. Such advice will include:

- in specific terms, how the member/individual's conduct has failed to meet PMHA expectations;
- the member/individual's explanation (with reference to the interview with the member/individual);
- the expected future behavior on the part of the member/individual;
- reference to oral, written reprimands and/or suspensions previously given for the same or other incidents of misconduct;
- a statement advising the member/individual of the right to appeal; and
- a caution that any future acts of misconduct will result in more severe disciplinary measures (unless the member/individual is being terminated).

In cases of suspension, a letter of suspension should contain the above information and also:

- note the duration of the suspension to be served;
- have a statement informing the member/individual that entry into specific premises is prohibited, if applicable (i.e. coach not allowed on ice surface, in dressing room with team, etc);
- a statement advising the member/individual that a copy of the discipline notice will be placed on their PMHA file;

Examples of misconduct may include but are not limited to:

Failure to open concession

Failure to utilize ice or other facilities as assigned (i.e. no show)

Vandalism or damage to any facility engaged for use by PMHA members

Failure to follow direction of PMHA Board or Board Member/Division Director or Coach Coordinator, as applicable

Improper use/care of PMHA facilities / equipment

Failure to return equipment as required

Harassment, intimidation &/or disrespect for members including players, officials, parents as well as representatives from other cities and/or associations

Falsification of expense accounts

Dangerous pranks or horseplay

Failure to adhere to standard of appearance (i.e Rep team dress code as established by team)

Negligent or careless disregard for proper performance of duties

Use of abusive language or profanity

Disregard for safety and health practices and instructions

Illicit gambling

Interfering with or impeding the work/tasks of others

Obstructing or refusing to co-operate in an investigation

Drinking to excess or taking illicit drugs while involved in PMHA activities

Fighting

High Risk Play

Any activity endangering life and property

Any act that would bring the PMHA or parent organizations into disrepute

Embezzlement or failing to fully account for funds in custody & control

Theft

Breach of the Criminal Code (i.e. trafficking in illicit drugs)

It is also an offence to repeat any of these infractions or encourage others to do so.