



FORT SASKATCHEWAN MINOR SPORTS ASSOCIATION DISCIPLINARY POLICY

The Fort Saskatchewan Minor Sports Association (FSMSA) has developed this Disciplinary Policy to address situations, which may arise from time to time, concerning disciplinary situations involving executive members of any of the Minor Sport program under the FSMSA, or the Board of Directors of the FSMSA.

Minor Sport programs or provincial sport governing bodies will be responsible for disciplinary situations involving players, coaches, managers, officials or parents whose actions are disruptive to a sporting event.

The policy has been developed with the assistance of Alberta Community Development and legal counsel, and is based on Roberts Rules of Order (Article XIII – Legal Rights of Assemblies and Trials of Their Members) and the Appeal Policy Package of the Sport Dispute Resolution Centre of Canada.

Where an individual Minor Sport program does not have their own disciplinary policy, they may adopt the FSMSA policy by default.

This policy was adopted at a general meeting of the FSMSA Board of Directors on February 6, 2007, as part of its Policies and Procedures.

Rights of the Society

The Fort Saskatchewan Minor Sports Association has the inherent right to make and enforce its own laws and punish an offender; the extreme penalty being expulsion from the Association and its Minor Sport programs.

The FSMSA does not have the right to go beyond what is necessary for self-protection and must make available to the membership the charges against the member.

Board or Executive Committee members may be removed from office for: conduct unbecoming or detrimental to the FSMSA; disruptive behaviour; criminal offences; verbal, physical or emotional abuse; harassment; discrimination; breach of confidentiality; or other actions not for the good of the FSMSA.

The FSMSA Board of Directors will act as the Disciplinary Committee on an ad hoc basis only after the complaint has been heard by the appropriate Minor Sport program and when a solution acceptable to all parties has not been achieved, or in exceptional circumstances where elected members are involved.

A Special Meeting of the FSMSA Board of Directors will be called by the President to include all members of the Board of Directors, the Minor Sport program as appropriate, the complainant, and the individual against which the complaint has been made. The President or Past President will chair the meeting and only the Board of Directors will have the right to vote. The decision of the Board will be presented to all parties involved in writing.

It is the responsibility of each Minor Sport program to notify the FSMSA Board of Directors of any complaints concerning abuse of a youth within their sport. It is a responsibility of the Board of Directors to ensure the Minor Sport programs are aware of the legal and moral obligations toward the youth.

Conflict of Interest

A fact or specific circumstance that may cause a person to lose their impartiality or objectivity in a case, or where a situation places an individual in a position where their own interests are in conflict with those of the case, should declare the conflict and remove themselves from all discussions. This applies to both the Disciplinary Committee and a potential appeal process that may result.

Definitions

Board of Directors or Board – the elected officials of the FSMSA, as well as one designated representative from each Minor Sport program under the FSMSA.

Minor Sport – includes all sports under the umbrella of the FSMSA, including, but not limited to, baseball, gymnastics, hockey, judo, lacrosse, outdoor soccer, ringette and softball, and any other sports which may be added or join the FSMSA from time to time.

Formal Appeal – a signed, written demand submitted by the Appellant with all details as outlined in this policy document.

Appellant – a member appealing a decision of the FSMSA.

Evidence – information that is used to prove a fact, disprove a fact, or support or contradict an argument. Evidence may be in the form of writing (documents, e-mails) or verbal testimony.

Direct Evidence – pertains to the incident itself, such as recording of an event or any eyewitness testimony.

Indirect Evidence – evidence that a person must draw an inference from and is one step removed from direct evidence, such as a letter describing the events of an incident.

Hearsay Evidence – evidence obtained from a third party. This type of evidence is not often admitted by the Disciplinary Committee making a decision because it is often difficult to prove. Facts and details often change when the account is passed from one person to another.

Circumstantial Evidence – not based on personal knowledge or observations of the facts in dispute, but on other facts and observations that, through reasoning and deduction, show the same outcome as if it had actually be observed.

Corroborative Evidence – supports, strengthens or confirms other evidence.

Contradictory Evidence – weakens other evidence.

Bias – lack of neutrality on the part of a decision maker with regard to the issue being decided. If a member of a Disciplinary Committee is biased, the decision reached by that committee may be overturned by an Appeal Committee.

Actual Bias – includes financial interest in the outcome of the decision, or a close personal connection with one of the parties. For example, a biased individual sitting on the committee is involved in the decision that is being appealed.

Reasonable Apprehension – a situation where a reasonable person, knowing the facts concerning the member of the committee, would suspect that the member may be influenced, albeit unintentionally, by improper considerations to favour one side in the matter they are to decide.

Removal from a Meeting

The Fort Saskatchewan Minor Sports Association has the right to eject anyone who may be present at a meeting. When the assembly, either by a rule or by a vote, decides that a person shall not remain in the room, it is the duty of the chairperson to enforce the rule of order, using whatever means may be necessary to eject the party.

Process for Removal of Members

The Fort Saskatchewan Minor Sports Association has the right to purify its own body. It must, therefore, have the right to investigate the character of its members and may require them to testify in the case, under pain of expulsion if they refuse.

The FSMSA Board of Directors will investigate the matter and prepare a report. The report does not need to go into details, but should contain recommendations as to what action the FSMSA should take, and should usually close with resolutions covering the case, so that there is no need for any one to offer any additional resolutions upon it.

The ordinary resolution, where a member is recommended for expulsion, include: (1) to fix a time to which the Board of Directors will adjourn; and (2) to instruct the Secretary to cite the member to appear before the Board at this "closed, in camera" adjourned meeting to show cause why he should not be expelled, upon the following charges which should be given.

Special Meetings, such as hearings or deliberations, of the FSMSA Board of Directors will be held "in camera" when it is in the best interests of the FSMSA that confidential discussions be held. The following rules apply to the portion of the meeting held in camera: only bona fide members of the meeting may attend; the minutes of the proceedings in camera are confidential and available only to those persons who were eligible to attend the meeting; those who take part in the meeting and avail themselves of the privilege of consulting the minutes are deemed to have agreed to maintain the confidentiality of the proceedings; and minutes of the proceedings will not be circulated, but copies retained by the FSMSA's President and Secretary, and the FSMSA Registered Office.

After charges have been read against a member and they have been ordered to appear at a hearing, the member is deprived of all the rights of membership until their case is disposed of.

The Appellant will be sent a written notice to appear before the Board of Directors at the time appointed, and should at the same time furnish them with a copy of the charges. A failure to obey the summons is generally cause enough for summary expulsion.

At the appointed meeting the hearing takes place to ensure the Appellant has the right to be heard in a dispute and to be judged with complete objectivity and impartiality. The Appellant will be allowed to make an explanation and introduce witnesses, if they so desire. Either party should be allowed to cross-examine the other's witnesses and introduce rebutting testimony. When the evidence is all in, the Appellant should retire from the room, and the Board of Directors deliberate upon the question, and finally act by a vote upon the question of expulsion or other punishment proposed. No member should be expelled by less than two-thirds (2/3) vote, a quorum voting. The vote should be by secret ballot, except by general consent.

The moral conviction of the truth of the charge is all that is necessary for the deliberative body to find the accused guilty of the charges.

FORT SASKATCHEWAN MINOR SPORTS ASSOCIATION DISPUTE RESOLUTION PROCEDURE

Preamble

The Fort Saskatchewan Minor Sports Association (FSMSA) recognizes the right of any individual no longer in good standing to appeal the decisions of the FSMSA and hereby provides for an appropriate process for resolving disputes that could arise from time-to-time from such decisions of the FSMSA.

The purpose of the Dispute Resolution Procedure is to enable disputes with members to be dealt with fairly, expeditiously and affordably within the FSMSA, without having to have recourse to formal legal and court-like procedures.

Appeals are not for re-deciding matters, they are for correcting errors in decision-making. The Appeal Process was developed to ensure that decision-makers make only those decisions they have the power to make, that decision-makers are unbiased, and that decisions are made fairly and according to the FSMSA's Policies and Procedures.

An Appellant cannot challenge a decision simply because he/she disagrees with it; allowing an Appellant to appeal a decision on its merits simply because he/she doesn't like the outcome does a great disservice to those who made the decision in the first place. If any and all decisions may be appealed, then decision-makers might as well not take the time and effort to make decisions diligently, thoughtfully and fairly in the first place.

The FSMSA appeal process outlines the internal process approved by the Board to deal with issues arising from decisions made by the Board. While the Board has the authority to make decisions according to the power invested in them from the governing documents of the FSMSA, there is also a requirement to ensure that members of the FSMSA have a process to appeal decisions within a formal framework of operation.

The following detail outlines the grounds for an appeal and the FSMSA's appeal process.

Fort Saskatchewan Minor Sports Association Appeal Process

Grounds for an Appeal

Grounds for an appeal of a decision by Fort Saskatchewan Minor Sports Association (FSMSA) is based on four elements:

1. That the decision-making process did not follow the stated guidelines or procedures outlined by the Association.
2. That the individual, group or committee making the decision were not empowered by the Association to make such decisions.
3. That the decision-making process was flawed in that important information was not considered by the decision-making group and, as a result, the decision made was unreasonable or unfair.
4. That the decision made was influenced by bias, where bias is defined as a lack of neutrality to such an extent that the decision-maker (or body) is unable to consider other views or that the decision was made on the basis of, or significantly influenced by factors unrelated to the merits of the decision.

Appeal Process

1. An Appellant can formally, in writing, appeal to the Fort Saskatchewan Minor Sports Association to review their decision if the appeal meets the criteria noted in this document. The appeal, including the rationale, must be sent to the FSMSA office by registered mail within 20 working days of the disciplinary decision advice, along with a \$200 non-refundable deposit.
2. An Appellant must submit in writing a signed appeal to the FSMSA, including the following information:
 - Date
 - Name of Appellant
 - Name and Coordinates of the Appellant (address, phone numbers – home and work, fax number and e-mail address)
 - Grounds for the Appeal (arguments), including a summary of the evidence that supports these grounds (may include documents, rules and bylaws, audio-visual, etc.)
 - List of Witnesses, if appropriate, along with coordinates of these witnesses and a summary of the evidence to be provided by each.

Appeals must be submitted individually; a group appeal will not be accepted.

3. Once an appeal is received by the FSMSA, the Association will set up an Appeal Committee within 30 days. The Committee members will consist of the following individuals:
 - Alternate executive members from a minimum of four (4) Minor Sports programs, excluding the Minor Sports program directly related to the charge
 - One representative from the Board of the FSMSA
 - Two representatives from the minor sport community at large

All written information pertaining to the appeal, including evidentiary documents and decision-making information from the FSMSA, will be forwarded to each member of the Appeal Committee. The names of the individuals on the Committee will be forwarded to the Appellant once the committee is confirmed for their information only.

The Chairperson for the Appeal Committee will be the President or an alternate member of the Board of Directors of the FSMSA.

4. The Appeal Committee will conduct a separate closed hearing in a timely manner to ask the Appellant questions to clarify their appeal. A representative from the FSMSA Board of Directors will also attend to provide explanations and details related to the FSMSA's decision if so required. In addition, a representative of the appropriate Minor Sport program will also attend, if appropriate, to provide explanations and details pertinent to the Minor Sport.
5. The Appeal Committee will communicate their decision in writing to the FSMSA Board of Directors and the Appellant within 14 days of the hearing.
6. The decision from the Appeal Committee will be binding on FSMSA and the Appellant, and future appeal(s) will be not granted.