

# **Southern Tier Admirals Hockey Corporation (STAHC)**

## **Complaint Policy**

### **1. Policy**

The STAHC strives to ensure that all complaints are dealt with fairly and expeditiously. Complaints received by STAHC that involve any member of STAHC will fall under the jurisdiction of this policy. All complaints will be written, signed and addressed to the President of STAHC for assessment and action.

### **2. Definitions**

**Complaint:** Any accusation of non-compliance with any rule that is in force within the Ontario Minor Hockey Association, STAHC or any breach of conduct that the Executive of STAHC believes to be inappropriate.

**Exceptions**

- a) A complaint made pursuant to the Anti-Harassment Policy of STAHC will be dealt within the parameters of that policy.
- b) A complaint made pursuant to the Constitution of STAHC (referred to as By-Law No.1) in relation to the duties of the members of the Executive will be dealt with according to that policy.

**Offense:** Any non-compliance with any rule that is in force within the Ontario Minor Hockey Association, STAHC or any breach of conduct that the Executive of STAHC believes to be inappropriate.

**President:** Holds the position of President of STAHC.

**Executive:** An elected or appointed member of the Executive of STAHC.

**Board of Inquiry:** A panel of people appointed by the President of STAHC

**Member:** Any player, volunteer, coach, trainer, manager, parent representative, an ice official, off ice official, parent of a player, grandparent of a player or adult responsible for a player of STAHC.

**Player:** Any person who is registered at the time, with the STAHC, the Ontario Minor Hockey Association and the Canadian Hockey Association.

**Subject Member:** Any Member who is named in a complaint that falls within the jurisdiction of this policy.

**Witness member:** Any member, who is not named in a complaint that falls within the jurisdiction of this policy, but is believed to have knowledge that may assist in an inquiry into that complaint.

**Formal Investigation:** A type of inquiry that determines the facts by personal interviews, written statements and the collection of evidence.

**Informal Investigation:** a type of inquiry that does not require personal interviews, statements or the collection of evidence.

### **3. Jurisdiction**

A complaint is defined as: Any accusation of non-compliance with any rule that is in force within the Ontario Minor Hockey Association, STAHC or any breach of conduct that the Executive of STAHC believes to be inappropriate. Those expressing an oral complaint will be required to put the complaint in writing, dating and signing the complaint to facilitate the investigation, this will constitute a formal complaint. All written complaints will be signed and addressed to the President for investigation. Where more than one party is involved in the investigation, all parties must sign the written complaint.

Anonymous or pseudonymous complaints or material, unless it is believed that such complaint or material references an illegal, abusive or protection matter, or is otherwise believed to be relevant in law, will not be considered, copied, distributed, repeated, responded to or entertained by STAHC. In consultation with the STAHC Executive, anonymous or pseudonymous complaints or material of an illegal, abusive or protection, matter will be referred to the appropriate party or parties such as the police and/or Family and Children Services. Anonymous or pseudonymous written complaints received by STAHC, excluding those which it are believed refer to an illegal, abusive or protection matter, will be shredded.

The President will acknowledge in writing that the complaint has been received within three (3) working days. The complaint will then be passed on to the Board of Inquiry, who will work with the complainative to resolve the complaint. This process may involve a formal investigation including interviews and written statements from those parties who may be witness or have information regarding the nature of the complaint. This process shall be sensitive to all parties in a timely fashion

The Board of Inquiry will be appointed by the president.

When the decision is reached, the Board of Inquiry reports the findings to the President of STAHC and will provide in writing the outcome of the inquiry to the complainative. If the complainative is not satisfied with the verdict, he/she can formally appeal the decision in writing to the President. The President may choose to further investigate the complaint, including speaking to the complainative. The President will acknowledge the receipt of the appeal in writing and have up to 21 days to respond. The President's decision will be presented in writing to the complainative. The President's decision is final and binding as per the STAHC constitution.

### **4. Assessment**

The Board of Inquiry will assess the complaint using the following parameters:

- a) Nature of the complaint.
- b) Severity of the complaint in relation to the victim.
- c) Severity of the complaint in relation to the organization.
- d) Conduct of all parties involved in the complaint.
- e) Any other mitigating factors that may arise.

### **5. Resolution Process**

The President will request that a Board of Inquiry investigate the complaint and resolve it formally or informally.

Any complaint that is resolved by the Board of Inquiry, may be resolved by the following determinations:

- a) Unfounded (Offence did not occur)
- b) Inconclusive (Offence may have occurred)
- c) Conclusive (Offence occurred)
- d) Justified (Offence occurred and the actions taken were justified)
- e) Excused (Offence occurred and the actions taken were excusable)

## **6. Sanctions**

The Board of Inquiry may impose sanctions on members of STAHC at the conclusion of an inquiry if a complaint has been substantiated and the offence committed. All sanctions will be addressed and delivered in writing to the effected member.

Sanctions may include:

- a) Admonishment
- b) Reprimand (Written or Verbal)
- c) Suspension (Coach, Trainer, Manager, Manager, Parent Rep, on-ice official, office official)
- d) Loss of position or title (Coach, Trainer, Manager, Parent Rep, off-ice official, Volunteer)
- e) Removal from STA functions for a period not to exceed one calendar year
- f) Requirement to make a verbal apology
- g) Requirement to make a written apology
- h) Conditions being imposed for a period not to exceed two years
- i) Expulsion from membership in the STAHC.
- j) Exception: No sanction may be assessed on a member if the inquiry results in a determination of Unfounded or Inconclusive

## **7. Record Retention**

All written records, including official documents, notes, correspondence and written decisions concerning complaints will be retained in a secure place for a period not to exceed one (1) year. The security of these documents will be responsibility of the President of STAHC or his designee. These documents will be accessible to only those persons directed by the President or his designee that require disclosure for official purposes.

## **8. Responsibility to Attend Inquiry**

All members requested to appear before a Board of inquiry or the President conducting an Appeal Inquiry, shall within 14 days, attend at a designated location to answer questions concerning facts surrounding the issues of the complaint. Any member who fails to appear before a Board of Inquiry or

the President conducting an Appeal Inquiry, shall be sanctioned as defined in Section 6. In addition, the member may be suspended from all STAHC functions for an indefinite period pending the outcome of the inquiry.

### **9. Responsibility to be Truthful**

All members who are requested to attend a Board of Inquiry or President conducting an Appeal Inquiry, shall respond to questions put to him/her in a truthful manner. Members who lie, misrepresent the truth or attempt to mislead a Board of Inquiry or President conducting an Appeal Inquiry, will be dealt with according to Section 6. Members who refuse to answer questions put to them by a Board or Inquiry, Executive Member conducting an Inquiry or the President conducting an Inquiry, shall be dealt with according to Section 6. The Board of Inquiry or the President conducting an Appeal Inquiry shall be responsible for justifying any sanctions issued under this section, to the Executive of the STAHC.

Exception:

- a) Any subject member as defined in this policy and is under investigation with any municipal, provincial or federal police agency in relation to this complaint, or if it is believed that the subject of the complaint will result in criminal charges; the subject member is not obligated to answer questions put to him or her concerning the facts surrounding the complaint. Any subject member who exercised privilege under this section may be suspended from all functions associated with the STAHC until the President is satisfied that the complaint has been resolved.
- b) Any subject member as defined in this policy and is under the age of eighteen (18) on the date of the alleged offence, may have a responsible adult with him/her at the time any questions are put to him/her.
- c) Any witness member as defined in this policy a that is believed to have information to assist in an inquiry and is under the age of eighteen (18) on the date of the inquiry, may have a responsible adult with him/her at the time any questions are put o him/her.
- d) Failing to Provide Responses - Any member who attends a Board of Inquiry or President conducting an Appeal Inquiry and refuses to respond to questions put to him/her concerning the issues surrounding the complaint, shall be sanctioned as defined in Section 6. In addition, the member may be suspended by the President for an indefinite period pending the outcome of the inquiry.

### **10. Civil Actions**

If any member enters into any civil court process that STAHC, any of its executives or members may be named as respondents, that member may be requested to abstain from attending or participating from some or all STAHC functions. The President may request that immediate family members of the member entering into a civil court process, abstain as well from attending some or all STAHC activities.

### **11. Undermining the Organization / Member**

No member shall submit a complaint in either writing or verbally, with the intent to be malicious, vexatious, retaliatory toward a member or with the intent to undermine a member or STAHC. A complaint will not be accepted if the President finds that the complaint was frivolous in nature and was made for reasons that were not in the best interest of the organization. Any member, who contravenes this section, may be sanctioned as defined in Section 6.

### **12. Pending Inquiries**

Any member who is the subject of a complaint, a witness to a complaint or the complainant, may be required to step down from any position he/she may hold with STAHC, during the course of an inquiry, if the Board of Inquiry, or President conducting an Appeal Inquiry, believe that it is in the best interest of STAHC to do so. This decision can be made at any time during an inquiry. In addition, the member may be required to abstain from attending any STAHC functions during the course of the inquiry.

### **13. Appeals**

A subject member may request to appeal to the President on a conclusive determination of the Board of Inquiry and any subsequent sanction directed to that member. An Application to Appeal must be type written and addressed to the President of STAHC within seven days of the Board of Inquiry determination. The contents of the Application of Appeal must clearly indicate of the applicant is requesting to have the determination of the Board of Inquiry overturned. The applicant must also state the grounds and any additional information that the appeal will be based on. Members submitting an Application for Appeal will be required to submit cash, certified cheque or money order in the amount of one hundred dollars (\$100.00). The Application for Appeal will only be remitted if the original determination of the Inquiry is struck down and a new Inquiry is ordered.

### **14. Outcome of Appeal**

- a. Dismiss the appeal concerning the determination of the Inquiry
- b. Dismiss the appeal concerning the sanction directed by the inquiry
- c. Strike down the original determination and order a new inquiry
- d. Strike down the original sanction directed by the Inquiry and either reduce its severity or increase its severity
- e. Order a review of the facts of the original inquiry

### **15. Conflict of Interest**

Board of Inquiry members and the President involved in conducting or directly supervising a complaint investigation must be free from actual or perceived conflict of interest, including actual or perceived non-pecuniary conflicts or biases. A conflict of interest with resolving the complaint shall exist when Board of Inquiry member or President is related by family or by marriage to the complainant who is the subject of the complaint or a member of the investigating team will profit or gain directly from the outcome of the inquiry. For integrity of the process and decision, the member who is in a conflict situation will immediately declare a conflict of interest to the President of the STAHC who will appoint another Executive member on the Board of Inquiry for this particular case. When a conflict of interest is declared by the President the Treasurer will hear the complaint.

