



CONCERNS & COMPLAINTS POLICY

Updated: July 17th, 2023

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DEFINITIONS

The following terms have these meanings in this Policy:

1. “Case Manager” – an individual or a small committee (max 3) appointed by the SKY President to oversee management and administration of complaints submitted in accordance with this Policy and such appointment is not appealable. The Case Manager is not required to be a member of SKY. 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.
2. “Complainant” – The Party alleging an infraction.
3. “Days” – Days irrespective of weekend and holidays.
4. “Members” – All individuals employed by, or engaged in activities with, SKY including, but not limited to, athletes, coaches, coordinators, judges, officials, volunteers, managers, administrators, committee members, Parents, directors, and officers of SKY.
5. “Parent” means the parent(s) or legal guardian(s) of the Athlete.
6. “Parties” – The Complainant, Respondent, and any other Members or persons affected by the complaint.
7. “Respondent” – The alleged infracting Party.
8. “SKY” – means SKY Volleyball Club

PURPOSE

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

APPLICATION OF THIS POLICY

1. This Policy applies to all Members.
2. This Policy applies to discipline matters that may arise during the course of SKY activities at our workplace, during SKY business, activities, and events including, but not limited to, meets, tournaments, practices, tryouts, training camps, travel associated with SKY activities, and any meetings.
3. This Policy does not prevent discipline from being applied, during a game or event, according to Volleyball BC’s Protests and Event Discipline Procedure, or prevent a coach, at their discretion, disciplining the member during a game or event. Further discipline may be applied by the assigned complaint committee according to this Policy.

4. Discipline matters and complaints arising within the business, activities, or events organized by entities other than SKY will be dealt with pursuant to the policies of these other entities unless requested and accepted by SKY at its sole discretion.
5. SKY has the discretion to investigate any situation that the organization has learned about, but not officially reported to the organization. This allows SKY to look out for the best interests of the organization and its members.
6. 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 or provisional measures may be applied in accordance with the procedures set out in this Policy.
7. Any infractions or complaints occurring within competition will be dealt with under Volleyball BC's Protests and Event Discipline Procedure. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity or event only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this Policy.
8. If the complaint falls under the scope of Safe Sport infractions, the complainant will be guided to the information regarding Volleyball BC Safe Sport Handbook, Canadian Sport Helpline – 1-888-83SPORT, Abuse Free Sport and the Office of the Sport Integrity Commissioner for support and advice.

MINOR INFRACTIONS

Minor infractions are single incidents of failing to achieve expected standards of conduct that generally do not result in harm to others, SKY, or the sport of volleyball. Examples of minor infractions can include, but are not limited to, a single incident of:

- a) Disrespectful, offensive and/or abusive comments or behaviour
- b) Disrespectful conduct such as outbursts of anger or argument
- c) Conduct contrary to the values of SKY
- d) Being late for, or absent from, SKY events and activities at which attendance is expected or required
- e) Non-compliance with SKY's policies, procedures, rules, or regulations
- f) Minor violations of SKY's Code of Conduct

All disciplinary situations involving minor infractions will be dealt with by the appropriate person who has authority over both the situation and the Member involved. The person in authority can be, but is not restricted to being, staff, officials, coaches, judges, organizers, or SKY decision-makers.

Provided that the Respondent being disciplined 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).

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

- a) Verbal or written reprimand from SKY to one of the Parties
- b) Verbal or written apology from one Party to the other Party
- c) Service or other voluntary contribution to SKY
- d) Removal of certain privileges of membership for a designated period of time
- e) Suspension from the current competition, activity, or event
- f) Fines
- g) Any other sanction considered appropriate for the offense

Minor infractions that result in discipline will be recorded and records will be maintained by SKY. Repeat minor infractions may result in further such incidents being considered a major infraction.

MAJOR INFRACTIONS

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, to SKY, or to the sport of volleyball.

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 interferes with a competition or with any athlete's preparation for a competition
- g) Conduct that intentionally damages Volleyball BC's image, credibility, or reputation
- h) Disregard for SKY's bylaws, policies, rules, and regulations
- i) Major or repeated violations of Volleyball BC's Code of Conduct and Ethics
- j) Intentionally damaging SKY property or improperly handling SKY monies
- k) Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
- l) Any possession or use of banned performance enhancing drugs or methods.

Major infractions occurring within competition may be dealt with immediately, if necessary, by an appropriate person having authority. In such situations, disciplinary sanctions will be before the duration of the competition, training, activity, or event only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this Policy. This review does not replace the appeal provisions of this Policy.

COMPLAINT PROCESS

STEP 1: Complainant should address any concerns by dealing directly with the Member involved.

1. Wait 24 hours, but no longer than 10 days after the event has occurred (except in cases where immediate action to deal with a major infraction is concerned then the 24 hour period can be waived)
2. Anonymous complaints may be accepted at the sole discretion of SKY.
3. A Complainant wishing to file a complaint outside of the ten-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 ten-day period will be at the sole discretion of SKY. This decision may not be appealed.
4. Write out the facts of the conflict or concern using the form provided below.
5. The Complainant shall contact the other Member and ask to meet outside of normal practice / game times (ie after or before practices, games) as soon as possible after the event/concern allegedly took place. The parties should meet within 48 hours of the request being made to discuss the issue.
6. The Complainant requesting the meeting should bring their written, specific concerns to this meeting, not simply to complain about general issues related to the team or other Members.
7. If resolved at this meeting, then no further actions needed. The parties should document this and notify SKY at concerns@skyvolleyballclub.ca of the resolution of the issue.
8. If the alleged issue is not resolved then both parties must put their concerns in writing (or email) and forward these to concerns@skyvolleyballclub.ca within 24 hours of the meeting.

STEP 2: Involvement of one SKY Board of Director (President, Vice President, Coaching Director or Policy Committee Chair).

1. A meeting will be arranged to meet with the Parties within 5 days of receiving written statements from both Parties describing the conflict and suggested resolutions.
2. SKY will gather information as necessary to ensure they have a clear understanding of the facts which could include phone calls or follow up emails to Members directly. If there is dispute over the facts, statements from witnesses and other relevant evidence may be obtained.
3. If the alleged issue is still not resolved, then SKY will assign a Case Manager and deem the alleged issue as a major infraction.

STEP 3: SKY will appoint a Case Manager

1. The Case Manager has the responsibility:
 - a. If complaint is determined frivolous or vexatious and within the jurisdiction of this Policy, the complaint will be dismissed immediately. This decision is at the sole discretion of the Case Manager and may not be appealed.

- b. If the complaint is determined to be outside the jurisdiction of this Policy, it will be referred to the appropriate investigating body and the complainant will be provided with information on whose jurisdiction it falls. If referred, the complainant will be informed in a timely manner of whom the concern has been forwarded to for consideration and follow up.
- c. Appoint the Panel, in accordance with this Policy, unless a dispute resolution procedure contained in a contract, employee agreement or other formal written agreement takes precedence.
- d. Provide administrative assistance and logistical support to the Panel as required.
- e. Provide any other service or support that may be necessary to ensure a fair and timely proceeding.

PROCEDURE FOR MAJOR INFRACTION HEARING

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. This decision is at the sole discretion of the Case Manager and may not be appealed.
2. The Case Manager will appoint a Discipline Panel, which shall consist of three persons appointed to hear the complaint. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.
3. 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.
4. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
5. 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:
 - a. The Parties will be given appropriate notice of the day, time, and place of the hearing.
 - b. 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.
 - c. The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense.
 - d. The Panel may request that any other individual participate and give evidence at the hearing.

- e. 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.
 - f. The decision will be by a majority vote of Panel members.
6. If a decision may affect another party to the extent that the other party would have recourse to a complaint or an appeal in their own right, that party will become a Party to the complaint in question and will be bound by the decision.
7. In fulfilling its duties, the Panel may obtain independent advice.

DECISION

After hearing the matter, the Panel will determine whether an infraction has occurred and, if so, the sanctions or provisional measures to be imposed if complaint to be referred to a higher complaint administering body. Within fourteen days of the hearing's conclusion, the Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and SKY. 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-day period. The decision will be considered a matter of public record unless decided otherwise by the Panel.

SANCTIONS

The Panel may apply the following disciplinary sanctions, singularly or in combination, for major infractions:

- a) Verbal or written reprimand from SKY to one of the Parties
- b) Verbal or written apology from one Party to the other Party
- c) Service or other voluntary contribution to SKY
- d) Expulsion from SKY
- e) Removal of certain membership privileges
- f) Suspension from certain SKY teams, events, and/or activities
- g) Suspension from all SKY activities for a designated period of time
- h) Withholding of prize money or awards
- i) Payment of the cost of repairs for property damage
- j) Suspension of funding from SKY or from other sources
- k) Any other sanction considered appropriate for the offense

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

Major infractions that result in discipline will be recorded and records will be maintained by SKY.

SUSPENSION PENDING A HEARING

SKY may determine that an alleged incident is of such seriousness as to warrant suspension of a Member pending the decision of the Panel, a decision of a discipline process of a higher level following a referral or upon completion of criminal proceedings.

CRIMINAL CONVICTIONS

A Member'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 SKY and/or removal from SKY competitions, programs, activities and events upon the sole discretion of SKY:

- 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 involving trafficking of illegal drugs
- f) Any other offense of a serious nature

CONFIDENTIALITY

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.

TIMELINES

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.

RECORDS AND DISTRIBUTION OF DECISIONS

Minor and major infractions that result in discipline, as well as decisions of any appeals, may be recorded and maintained by SKY.

Volleyball Canada and any other provincial volleyball association may be advised of any decisions and, if there was an appeal, the appeal decision.

Decisions and appeals are matters of public interest and shall be publicly available with the names of the Members redacted. Names of persons disciplined may be disclosed to the extent necessary to give effect to any sanction imposed. Pursuant to SKY's Confidentiality Policy, 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.

APPEAL PROCEDURE

The decision of the Panel may be appealed in accordance with SKY's Appeal Policy.