

THE BASEBALL B.C. DISPUTE RESOLUTION AND DISCIPLINE POLICY

NOTE: IN THIS POLICY “MEMBER” REFERS TO all categories of members in Baseball B.C., as well as to all individuals engaged in activities with or employed by Baseball B.C., including, but not limited to, athletes, coaches, officials, volunteers, directors, officers, team managers, team captains, medical and paramedical personnel, administrators and employees (including contract personnel).

PREAMBLE

- 1) Baseball B.C. is committed to the development of amateur baseball in B.C. and the establishment of a friendly and mutually rewarding relationship among the members of the Baseball B.C. to better facilitate competition.
- 2) Membership in Baseball B.C. brings with it many benefits and privileges. At the same time, members are expected to fulfill certain responsibilities and obligations, including but not limited to, complying with the Code of Conduct, Harassment Policy, general policies, rules and regulations of Baseball B.C.
- 3) The Baseball B.C. Code of Conduct identifies the standard of behaviour which is expected of members of Baseball B.C. Members who fail to meet this standard will be subject to the disciplinary sanctions identified within this Dispute Resolution and Discipline Policy (the “Policy”).

APPLICATION

- 4) This Policy applies to all categories of members in Baseball B.C.
- 5) This Policy applies to discipline, disputes and complaints that may occur during the course of all Baseball B.C. business, activities and events, including but not limited to, training camps, exhibitions, tournaments and international tours.
- 6) Discipline, disputes and complaints arising within the business, activities or events of local, provincial and territorial baseball associations, teams, and affiliated organizations of Baseball B.C. shall be dealt with first by using the discipline policies and procedures of such organizations. Thereafter, the Baseball B.C. Appeal Procedure will then apply. In the event that there are no discipline policies and procedures available or in place in such organizations then the Baseball B.C. Discipline and Dispute Policy, and if necessary, the Baseball B.C. Appeal Procedure will be utilized by those organizations.
- 7) In matters of disputes and non-disciplinary complaints, paragraphs 8 through 27 of this Policy apply. In matters of discipline, such as complaints regarding conduct or the failure to adhere to the Baseball B.C. Code of Conduct, paragraphs 28 through 49 of this Policy

apply. In matters in of harassment, the Baseball B.C. Harassment Policy applies.

DISPUTE RESOLUTION

Reporting a Complaint

- 8) Any individual subject to this policy may report a complaint to the Executive Director of Baseball B.C. in writing, setting out a brief summary of the matters in dispute. Within 7 days of receiving the incident report, the Executive Director shall forward the report to the President, or President's delegate, who shall determine whether the matter in dispute and the parties to the dispute are properly within the scope and application of this Policy, or are more properly to be dealt with pursuant to another policy of the Baseball BC. This decision regarding jurisdiction is final and may not be appealed.

Investigation

- 9) Depending on the nature of the reported complaint, the President may appoint an independent individual to conduct an investigation. If this is the case, the Investigator shall carry out the investigation in timely manner and at the conclusion of the investigation shall submit a written report to the President.

Hearing Panel

- 10) If the President or his designate is satisfied that this Policy applies, then within 14 days of having received the original notice of the complaint, or within 14 days of receiving the written report of the Investigator if an investigation was carried out, the President shall establish a Hearing Panel and select the members of the Panel as follow:
 - a) The Hearing Panel shall be comprised of either one, or three, individual(s) who shall have no significant relationship with the affected parties, shall have had no involvement with the complaint or the dispute, and shall be free from other actual or perceived bias or conflict. The decision regarding the size of the Hearing Panel shall be in the sole discretion of the President who must, in coming to this decision, ensure that the hearing process complies with the principles of natural justice and provides procedural fairness to all parties;
 - b) If the Hearing Panel consists of three persons, and if an athlete brings the complaint, one member of the Hearing Panel shall be an athlete's representative. The athlete may submit a list of three candidates from which the President shall select one candidate to be a member of the Hearing Panel. The athlete's representative shall have had no involvement with the complaint or dispute, and shall be free from any other actual or perceived bias or conflict; and
 - c) If the Hearing Panel consists of three persons, the President, or designate, shall select the Chairperson of the Hearing Panel.

Preliminary Conference

- 11) The Hearing Panel may determine that the circumstances of the complaint warrant a preliminary conference. In most cases the preliminary conference shall be conducted by telephone. The issues that may be considered at a preliminary conference include:
- a) The format of the hearing, as the hearing may proceed by a review of documentary evidence, an in-person hearing, an oral hearing by telephone, or a combination of these methods. The Hearing Panel, in coming to its decision regarding the format of the hearing, must ensure that the hearing process complies with the principles of natural justice and provides procedural fairness to all parties;
 - b) Timelines for the exchange of documents and the extent of disclosure required;
 - c) Clarification of issues in dispute;
 - d) Clarification of evidence to be presented to the Hearing Panel;
 - e) Order and procedure of the hearing;
 - f) Identification of witnesses; and
 - g) Any other procedural matter which may assist in expediting the hearing
- 12) If the Hearing Panel consists of three persons, the Hearing Panel may delegate to its Chairperson the authority to deal with any or all of these preliminary matters.

The Procedure for an Oral Hearing

- 13) Where the Hearing Panel has determined that the hearing shall be held by way of oral hearing, whether in person or not, the Hearing Panel shall govern the hearing by such procedures as it deems appropriate and fair, provided that:
- a) The hearing shall be held within 21 days of the appointment of the Hearing Panel;
 - b) The parties involved shall be given 10 days written notice of the date, time and place of the hearing;
 - c) The parties shall receive a copy of the Investigator's report, where an investigation was carried out;
 - d) A quorum shall be the single Hearing Panel member or all three members, as the case may be;
 - e) If there are three Hearing Panel members, decisions shall be by majority vote, where the Chairperson carries a vote;
 - f) If the decision of the Hearing Panel may affect another party to the extent that the other party would have recourse to a hearing in their own right, that party shall become a party to the hearing in question;

- g) Any of the parties at the hearing may be accompanied by a representative or advisor, including legal counsel; and
- h) The Hearing Panel may direct that any other person participate in the hearing.

The Procedure for a Documentary Hearing

- 14) Where the Hearing Panel has determined that the hearing shall be held by way of documentary review, it shall govern the hearing by such procedures as it deems appropriate and fair provided that:
 - a) All parties are given a reasonable opportunity to review the Investigator's report, where an investigation was carried out, to provide written submissions to the Hearing Panel, to review the written submissions of the other parties, to provide written rebuttal, and to provide written arguments, and
 - b) The applicable principles and timelines set out in Paragraph 13 are respected.

Evidence Which May Be Considered

- 15) As a general rule, the Hearing Panel shall consider any evidence that is relevant to the matters in dispute. The normal rules of evidence will be relaxed. The Hearing Panel has authority to consider hearsay evidence provided the Hearing Panel gives to such evidence weight as might be reasonable in light of the circumstances of its inclusion.

The Decision

- 16) Within 14 days of concluding the hearing, the Hearing Panel shall issue its written decision, with reasons. The Hearing Panel shall have no greater authority than the initial decision-maker. The Hearing Panel may decide:
 - a) To uphold the complaint;
 - b) To deny the complaint;
 - c) To design a remedy that, in the opinion of the Hearing Panel, will resolve the dispute. However, in so doing the Hearing Panel is not authorized to change or alter any rule, criteria, policy, procedure or bylaw of the Baseball B.C. that has been properly passed and implemented by the appropriate governing body; and
 - d) To determine how costs of the hearing, excluding legal fees and legal disbursements of any of the parties, shall be allocated, if at all.
- 17) A copy of the decision shall be provided to each of the parties and to the President. This decision shall be binding on all parties to the dispute. Failure by any party to comply with a decision and remedy shall result in automatic suspension of membership in Baseball B.C. and participation in any of the programs of Baseball B.C., until such time as the decision and remedy are complied with.

Timelines

- 18) If the circumstances of a complaint or a dispute are such that this policy will not allow a timely resolution of the matter, or if the circumstances of a dispute are such that the matter cannot be resolved within the timelines dictated in this Policy, the Hearing Panel may direct that these timelines be revised.

Disputes at Competition or Where There Is A Critical Lack of Time

- 19) Complaints regarding conduct and disputes that arise during competitions, events or in any situation where this Policy applies, but where there is no time to implement the process set out above, may be dealt with immediately by the person having been given the authority to act by the Baseball B.C.
- 20) For every competition, event or activity, the Baseball B.C. President shall formally designate a person to represent the Baseball B.C. who shall have the authority to act pursuant to paragraphs 19 through 24 only. This person shall be referred to as "The Baseball B.C. Person in Authority". Notwithstanding any other process contained in this Policy, nothing shall prevent such a person from taking and imposing, on an interim basis, immediate, informal, corrective disciplinary action where appropriate.
- 21) Any interim sanction, discipline or remedy imposed by the Baseball B.C. Person in Authority shall:
- a) Be reasonable and proportionate to the conduct complained of after hearing the athlete's version of events;
 - b) Remain in effect only for the duration of the competition, event or activity; and
 - c) Where the decision is to remove an athlete, coach or official from competition or from the Baseball B.C. team, such a decision may only be made after consultation with the President or Executive Director of the Baseball B.C.
- 22) Further sanctions or remedies may be applied to, or imposed on the athlete after the competition.
- 23) The decision of the Baseball B.C. Person in Authority shall be binding on all parties to this Agreement. Failure by any party to comply with a decision of the Baseball B.C. Person in Authority shall result in an automatic suspension of membership in Baseball B.C. and no further right to any participation in the Baseball B.C. Team or in Baseball B.C. Team-related activities. The suspension shall continue until such time as the interim sanctions, discipline or other remedies are complied with.
- 24) A decision of the Baseball B.C. Person in Authority, made pursuant to paragraphs 19 through 23, is effective immediately and may not be appealed until the interim sanction, discipline or remedy has been reviewed in accordance with this Policy.

Confidentiality

- 25) Where the dispute is of a highly sensitive nature, Baseball B.C. shall keep all proceedings under this Policy confidential, except where disclosure is directed by the Hearing Panel as part of the remedy to resolve the dispute, is required by law, or is in the best interests of the public.

Location

- 26) The hearing shall take place in the location designated by the President, unless the Hearing Panel decides the hearing is to be held by way of telephone conference or unless at the specific request of a party, a different location is mandated by the Panel as a preliminary matter.

Appeals Procedure

- 27) Except where otherwise provided, the decision of the Hearing Panel may be appealed in accordance with the procedures set out in the Baseball B.C. Appeal Policy.

DISCIPLINARY PROCEDURES

Minor Infractions:

- 28) Examples of minor infractions are shown in Appendix A. These examples are not exhaustive and the Executive Director may determine that other conduct constitutes a minor infraction. All disciplinary situations involving minor infractions occurring within the jurisdiction of Baseball B.C. will be dealt with by the appropriate person having authority over the situation and the individual involved (this person may include, but is not restricted to, a board member, committee member, tournament chairperson, umpire-in-chief, coach, team manager, team captain or head of delegation).
- 29) Procedures for dealing with minor infractions shall be informal as compared to those for major infractions and shall be determined at the discretion of the person responsible for discipline of such infractions, provided the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident.
- 30) The following disciplinary sanctions may be applied, singly or in combination, for minor infractions:
- a) Verbal reprimand;
 - b) Written reprimand to be placed in individual's file;
 - c) Verbal apology;
 - d) Hand-delivered written apology;
 - e) Team service or other voluntary contribution to Baseball B.C.;

- f) Suspension from the current competition; and
- g) Other sanctions as may be considered appropriate for the offense.

31) A minor infraction which results in discipline shall be recorded using the Incident Report form in Appendix B. Use of this form is particularly important for recording repeat offences.

Major Infractions:

- 32) Examples of major infractions are shown in Appendix A. These examples are not exhaustive and the Executive Director may determine that other conduct constitutes a major infraction. Any member of Baseball B.C. may report to the Executive Director of Baseball B.C. a major infraction using the Incident Report form in Appendix B.
- 33) Upon receipt of an incident report, the Executive Director shall determine if the incident is better dealt with as a minor infraction, or if a hearing is required to address the incident as a major infraction.
- 34) If the incident is to be dealt with as a minor infraction, the Executive Director will inform the appropriate person in authority as described in paragraph 28 and the alleged offender, and the matter shall be dealt with according to paragraphs 28 through 31 of this policy.
- 35) If the incident is to be dealt with as a major infraction and a hearing is required, the alleged offender shall be notified as quickly as possible, and in any event, no later than 3 days from date of receipt of the incident report, and shall be advised of the procedures outlined in this policy.
- 36) Major infractions occurring within competition may be dealt with immediately, if necessary by a Baseball B.C. representative in a position of authority, provided the individual being disciplined is told of the nature of the infraction and has an opportunity to provide information concerning the incident. In such situations, disciplinary sanctions shall be for the duration of the event only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this policy for major infractions. This review does not replace the appeal provisions of this policy.

Hearing

- 37) Within 7 days of receiving the incident report, the Executive Director shall forward the report to the President, or President's delegate, who shall appoint three individuals to serve as a Discipline Panel. Where possible, one of the Discipline Panel members shall be from the peer group of the alleged offender. That Discipline Panel member shall have had no involvement with the complaint or dispute, and shall be free from any other actual or perceived bias or conflict.
- 38) The Discipline Panel shall hold the hearing as soon as possible but not more than 21 days after the incident report is first received by the President.
- 39) The Discipline Panel shall govern the hearing as it sees fit, provided that:

- a) The individual being disciplined shall be given 10 days written notice (by courier or fax) of the day, time and place of the hearing. The Discipline Panel may decide to conduct the hearing in person or by telephone or video conference;
 - b) The individual being disciplined shall receive a copy of the incident report;
 - c) Members of the Discipline Panel shall select from among themselves a Chairperson;
 - d) A quorum shall be all 3 Panel members;
 - e) Decisions shall be by majority vote and the Chairperson carries a vote;
 - f) The individual being disciplined may be accompanied by a representative or advisor, including legal counsel;
 - g) The individual being disciplined shall have the right to present evidence and argument;
 - h) The hearing shall be held in private;
 - i) The Discipline Panel may request that witnesses to the incident be present or submit written evidence; and
 - j) Once appointed, the Discipline Panel shall have the authority to abridge or extend time periods associated with all aspects of the Hearing.
- 40) As a general rule, the Discipline Panel shall consider any evidence that is relevant to the matters in issue. The normal rules of evidence will be relaxed. The Discipline Panel has authority to consider hearsay evidence provided that the weight to be given to such evidence is reasonable in light of the circumstances of its inclusion.
- 41) The Discipline Panel shall render its decision, with written reasons within 5 days of the Hearing. A copy of this decision shall be provided to all of the parties to the hearing and the Executive Director.
- 42) The preceding provisions may be modified, or added to, as required by the provisions of any other pertinent Baseball B.C. policy, such as those dealing with harassment, doping, personnel or event-specific matters.
- 43) Where the individual acknowledges the facts of the incident, he or she may waive the hearing, in which case the Discipline Panel shall determine the appropriate disciplinary sanction. The Discipline Panel may hold a hearing for the purpose of determining an appropriate sanction.
- 44) If the individual being disciplined does not participate in the hearing without a reasonable explanation for the absence, the hearing shall proceed.

Sanctions

- 45) The Discipline Panel may apply the following disciplinary sanctions singly or in combination, for major infractions:
- a) Written reprimand to be placed in individual's file;
 - b) Hand-delivered written apology;
 - c) Forfeiture of certain games;
 - d) Suspension from certain Baseball B.C. events which may include suspension from the current competition or from future teams or competitions;
 - e) Payment of a financial fine, amount to be determined by the Discipline Panel;
 - f) Suspension of Baseball B.C. or Sport B.C. funding;
 - g) Suspension from certain Baseball B.C. activities (i.e. competing, coaching or officiating) for a designated period of time;
 - h) Suspension from all Baseball B.C. activities for a designated period of time;
 - i) Expulsion from Baseball B.C.; and
 - j) Other sanctions as may be considered appropriate for the offense, including notification to law enforcement authorities if appropriate in all of the circumstances.
- 46) The preceding sanctions may be modified, or added to, as required by the provisions of any other pertinent Baseball B.C. policy, such as those dealing with harassment, doping, personnel or event-specific matters
- 47) Unless the Discipline Panel decides otherwise, any disciplinary sanctions shall commence immediately.
- 48) In applying sanctions, the Discipline Panel may have regard to the following aggravating or mitigating circumstances:
- a) The nature and severity of the offense;
 - b) Whether the incident is a first offense or has occurred repeatedly;
 - c) The individual's acknowledgment of responsibility;
 - d) The individual's extent of remorse;
 - e) The age, maturity or experience of the individual; and
 - f) The individual's prospects for rehabilitation.
- 49) Notwithstanding the procedures set out in this policy, any member who is convicted of a

criminal offense involving sexual exploitation, invitation to sexual touching, sexual interference, sexual assault, shall face automatic suspension from Baseball B.C. for a period of time corresponding to the length of the criminal sentence imposed by the Court, and may face further disciplinary action by Baseball B.C. in accordance with this policy.

Irregularities, Procedural Objections and Time Requirements

50) Notwithstanding any provision in this Dispute Resolutions and Discipline Policy:

- a) A hearing, decision of, or disciplinary action by Baseball B.C., the President of Baseball B.C. (or designate), any appointed Panel, or any appeal related thereto, is not invalidated or defeated by an irregularity or preliminary procedural objection or failure to meet a time requirement under this Policy.
- b) If an irregularity, procedural error, or failure to meet a time requirement has occurred, Baseball B.C., the President of Baseball B.C. (or designate), or the Panel, may determine that the hearing, decision, disciplinary action or appeal shall remain in place, or proceed as the case may be, and may impose such conditions, including the granting an adjournment of further proceedings, as deemed appropriate in all of the circumstances.

APPEALS PROCEDURE

51) Except where otherwise provided, an appeal of any disciplinary matter will be done according to the Baseball B.C. Appeal Policy.

APPENDIX A

Minor infractions may include:

- 1) A single incident of disrespectful, offensive, abusive, racist or sexist comments or behaviour directed towards others, including but not limited to peers, opponents, athletes, coaches, officials, administrators, spectators and sponsors;
- 2) Unsportsmanlike conduct such as angry outbursts or arguing;
- 3) A single incident of being late for or absent from Baseball B.C. events and activities at which attendance is expected or required; and
- 4) Non-compliance with the rules and regulations under which Baseball B.C. events are conducted, whether at the local, provincial, national or international level.

Major infractions may include:

- 1) Repeated incidents of disrespectful, offensive, abusive, racist or sexist comments or behaviour directed towards others, including but not limited to peers, opponents, athletes, coaches, officials, administrators, spectators and sponsors;
- 2) Playing under an assumed name, falsifying an affidavit or roster, or giving false information to tournament officials;
- 3) Knowingly participating while ineligible;
- 4) Knowingly competing with or against players who have been disqualified;
- 5) Repeated unsportsmanlike conduct such as angry outbursts or arguing;
- 6) Repeated incidents of being late for or absent from Baseball B.C. events and activities at which attendance is expected or required;
- 7) Activities or behaviour which interfere with a competition or with any athlete's preparation for a competition;
- 8) Pranks, jokes or other activities which endanger the safety of others;
- 9) Deliberate disregard for the rules and regulations under which Baseball B.C. events are conducted, whether at the local, provincial, national or international level;
- 10) Abusive use of alcohol where abuse means a level of consumption which impairs the individual's ability to speak, walk or drive; causes the individual to behave in a disruptive manner; or interferes with the individual's ability to perform effectively and safely;
- 11) Any use of alcohol by minors;
- 12) Use of illicit drugs and narcotics; and
- 13) Use of banned performance enhancing drugs or methods.

APPENDIX B

BASEBALL B.C. INCIDENT REPORT

Date and time of incident: _____

Name of writer: _____ Position: _____

Location of incident: _____

This incident is a: _____ minor infraction _____ major infraction

Individual(s) involved in the incident: _____

Objective description of the incident (please be concise, accurate and non-judgmental):

(Use other side of page if necessary.)

Names of individual(s) who observed the incident: _____

Disciplinary action which was taken (if applicable): _____

Signature of writer: _____

Date: _____