



# SPS FUZION Conduct Review, Reporting & Resolution Process

## Party Resolution

Can the parties in conflict resolve the issue themselves?

Efforts should be made to resolve issues between the parties. Taking responsibility for one's own actions is the first and most important step. If you need to apologize for your behavior, or if you need to ask for an apology, we strongly suggest you do so before you involve SPS FUZION. Furthermore, we ask that you abide by the 24-hour rule:

*When an issue occurs and a party has a resulting complaint to make or issue to be resolved, they are asked to wait **24 hours**, then put the issue in writing in order to clarify your thoughts. If you still think the issue warrants attention, at this point you can proceed.*

This process shall not prevent a person in authority (e.g., a coach, or board member) from taking immediate, informal, corrective and appropriate disciplinary action in response to unacceptable behaviors conducted in their presence. Further, have you discussed this matter with your coach, manager, team representative, divisional director or applicable vice president? Many minor matters can be dealt with at the team or divisional level by simply having a dialogue with the appropriate person. In those instances where behavior cannot be resolved as between the parties affected, the complaining party may make an informal complaint, or a formal complaint.

## Informal Complaints

Informal complaints are intended to deal with minor infractions of the applicable Code of Conduct. Examples would include disrespectful conduct that does not reach the level of bullying, harassment or abuse, but is still not conduct that accords with SPS FUZION's goals of respect, tolerance, fair play, equality and diversity.

In the case of an informal complaint, the complainant will not be advised of the outcome. A letter will go to the person(s) complained of, outlining that:

- A complaint has been made
- Identifying the matter complained about
- Recommending steps to resolve the complaint

The letter will not require any party to comply with any directive, but will simply bring the matter to the party's attention. Note that with an informal complaint, the complainant will not be identified. The complainant will be required to identify themselves to the DLM through the submission process however. SPS FUZION does not support, and will not act on, anonymous complaints.

If a serious infraction of the Code of Conduct or Criminal Code is brought to SPS FUZION's attention via the informal process, SPS FUZION has the right to investigate and determine the veracity of the complaint and take whatever steps necessary to ensure the safety of its participants.



## ***Informal Complaint Reporting Process***

The complainant is to fill out the Informal Incident Report form on SPS FUZION's website. This will ask the Complainant to identify the conduct complained of, including the date, the time, the place and any other information that would assist SPS FUZION in understanding the complaint. The Incident Report Form is reviewed by the DLM, who on her/his own, will address the matter in writing to the party complained about. The Complainant will not receive a copy of this letter; however, it will remain on the accused's file.

## **Formal Complaints**

Formal complaints are not anonymous. As the party who is being complained about could have discipline meted out as a consequence of an infraction of the applicable conduct policy, they must have the opportunity to know the specific conduct complained of, and have an opportunity to refute the allegations.

Formal complaints can be about Minor Infractions or Major Infractions:

### **Minor Infractions**

Minor infractions are breaches of the applicable codes of conduct. This would include disrespectful conduct that does not reach the level of bullying, harassment or abuse, but is still not in accordance with SPS FUZION Codes of Conduct.

### **Major Infractions**

Major Infractions are breaches of the applicable code that are more serious. This would include, for example, hazing, bullying, multiple minor infractions, harassment, abuse, off ice fighting, racial, homophobic or other discriminatory slurs or conduct.

## ***Formal Complaint Reporting Process***

The Complainant is to fill out the Incident Report Form on SPS FUZION's website. The Complainant is to identify the conduct complained of, including the date, the time, the place and any other information that would assist SPS FUZION in understanding the complaint. The DLM accepts the Incident Report Form and determines whether the matter is a Minor Infraction or a Major Infraction and follows the procedure in each case.

### **Minor Infractions**

The DLM shall:

1. Review the Incident Report Form and determine the parties involved.
2. Request a response in writing from the other party or parties.
3. Determine if there are any facts in issue, or if the general understanding of the incident accords with both parties.
4. Where there are no facts in issue, the DLM may make a determination based on the written materials.
5. Where there are facts in issue, or where it appears to be warranted in the DLM's discretion, the DLM will call a discipline hearing and convene a Discipline Committee.



6. The DLM has the authority to:
  - a. Provide a written reprimand which will remain on the person's file for a maximum of 3 years
  - b. Order the offending party to refrain from repeating the offending conduct
  - c. Require the offending party to redo *Respect in Sport* or another educational course
  - d. Require the offending party to apologize in writing to any affected party
  - e. Make any other requirement that has as its goal re-education or dispute resolution

### **Major Infractions**

The DLM shall:

1. Review the Incident Report Form and determine the parties involved.
2. Request a response in writing from the other party or parties.
3. Determine if there are any facts in issue, or if the general understanding of the incident accords with both parties.
4. The DLM will then call a discipline hearing and convene a Discipline Committee.
5. The DLM will mediate the hearing with the parties and the Discipline Committee.
6. The Discipline Committee has the power to order:
  - a. a written reprimand which will stay on the offending party's file for a minimum of 3 years to a maximum of 5 years
  - b. Order the offending party to refrain from repeating the offending conduct
  - c. Require the offending party to redo *Respect in Sport* or another educational course
  - d. Require the offending party to apologize in writing to any affected party
  - e. Make any other requirement that has as its goal re-education or dispute resolution
  - f. Suspend the offending party from participation in or at specific and defined association activities, or a recommendation to the board for a complete suspension from participation in or attendance at any or all Association activities
  - g. a recommendation for an expulsion from the Association and/or a combination two or more of the above.
7. The Discipline Committee will communicate the decision to the DLM, who will in turn communicate the decision to the respective parties. The decision will include a link to the Appeals process.

### **The SPS FUZION Discipline Committee**

1. The Discipline Committee shall be made up of the appropriate Division Director and the corresponding Vice President (Junior or Senior) for that division, and a third member from the SPS FUZION Board appointed by the DLM. Should there be a conflict of interest between any of these parties, the replacement for that party will be the Vice President not currently presiding (Junior or Senior).
2. The matter will be referred to the Discipline Committee by the DLM, as well as the date and time of the hearing.
3. The Discipline Committee will review the Incident Report Form and any other information provided by the DLM in advance of the hearing and will convene subsequent to the hearing to review all of the information and to make a decision on the respective discipline, if any, to be assessed to the Respondent.
4. The Discipline Committee will communicate this decision to the DLM on behalf of SPS FUZION, who will in turn communicate the decision to the respective parties.



## **Informal Determination**

If the three members of the Discipline Committee believe that the matter can be dealt with on an informal basis without the necessity of a hearing, such committee may investigate the complaint, accept submissions in writing or

verbally from the Complainant, the person being investigated, and such other persons as may be required to ensure a fair and reasonable decision is rendered. The Discipline Committee shall provide a written notice of its decision to the Complainant and party being investigated. Should either the Complainant or party being investigated feel that the informal process has not satisfactorily resolved the issue, either may request in writing, that the Discipline Committee undertake a formal hearing.

## **Formal Hearing**

The DLM's role will be to schedule and mediate the hearing. The DLM shall establish dates and times to interview all applicable parties to the matter, in person or virtually by video or teleconference, at the discretion of the Discipline Committee as soon as practicable following receipt of the complaint.

The DLM will act as the point of communication between the Complainant, the Respondent (accused party) and the Discipline Committee. The Complainant and the Respondent shall receive confirmation as to the nature of the complaint and any information to be provided to the DLM and the Discipline Committee at such time prior to their initial interview.

1. The Respondent and the Complainant shall provide the DLM with a list of any other parties that the Discipline Committee should contact to discuss the matter.
2. The Discipline Committee shall also discuss the matter with any other party that it deems necessary or as a result of any interview.
3. If either the Complainant or the Respondent shall fail to appear at the hearing, the hearing shall be conducted with the available witnesses and information available to the Discipline Committee.
4. Following the Discipline Committee interviewing the applicable parties, it shall render its decision in writing within 5 business days to the DLM, who will in turn provide a copy to the Complainant, the Respondent, the SPS FUZION Registrar, and the SPMHA General Manager. The decision will include a link to the Appeals Process.

## **Appeals**

If either party is not satisfied with the Discipline Committee decision, they have a right to appeal, as set out below. The Appeal must be based on an error of interpretation or application of the applicable Code of Conduct, or of a palpable and overriding error of fact.

### ***Appeal Process***

1. The Appeals Committee will be formed at the behest of a participant by filing the Notice of Appeal form.
2. Appeals are to be received in the SPMHA office by fax or written correspondence within 5 business days of notice of the decision by the Discipline Committee.
3. Appeals will be accompanied by a non-refundable fee in the amount of \$400.
4. Members of the Appeals Committee shall be the President of SPS FUZION, the President of SPMHA or their designated representative, and an SPS FUZION Vice President who has yet to be involved, to be determined by the SPS FUZION President, or any other member to be determined by the SPS FUZION President.



5. Any appeal by a player younger than sixteen (16) years of age may only be made by that player's parent or legal guardian on behalf of the suspended player.
6. The Appeal is a written application and will not have an in person or virtual hearing. The Process is as follows:
  - a. The Appellant Submits the Notice of Appeal Form, along with any supporting documentation and their written argument. Upon receipt of payment, the Appeals Committee will be formed and will communicate with the DLM for all applicable information regarding the decision.
  - b. Notice of the Appeal will be provided to the Respondent, who shall have 2 days to provide a response argument, which will be provided to the Appeals Committee and the Appellant.
  - c. The Appellant shall have 2 days to provide a reply to the Appeals Committee.
  - d. The Appeals Committee shall make its determination within 5 business days of the submission of any reply, or the expiration of the time for the reply submission.
  - e. The determination will be provided to the parties in writing by the President of SPS FUZION.
  - f. The Appeals Committee has the authority to:
    - i. Quash the decision and send the matter back to the Discipline Committee for a re-hearing;
    - ii. Quash the decision and provide its own determination;
    - iii. Uphold the decision; or
    - iv. Quash the discipline and provide its own determination.
7. The filing of an appeal does not lift or postpone a suspension; suspensions must continue to be served while an appeal is being considered.