



VOLLEYBALL CANADA DISCIPLINE AND COMPLAINTS POLICY

DEFINITIONS

1. The following terms have these meanings in this Policy:
 - a) “*Complainant*” – The party alleging an infraction.
 - b) “*Days*” – Days irrespective of weekend and holidays.
 - a) “*Member*”- All categories of membership defined in the Volleyball Canada Bylaws, as well as all individuals engaged in activities with Volleyball Canada, including but not limited to, athletes, coaches, judges, officials, volunteers, directors, committee members, officers, managers and administrators.
 - c) “*Respondent*” – The alleged infracting party.

PURPOSE

2. Membership in Volleyball Canada, as well as participation in its activities, brings with it 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 the Volleyball Canada Constitution, Bylaws, policies, procedures, rules and regulations. Irresponsible behaviour by Members can result in severe damage to the integrity of Volleyball Canada. Conduct that violates these values may be subject to sanctions pursuant to this policy.

SCOPE AND APPLICATION

3. This Policy applies to all Members as defined in the Definitions.
4. This Policy only applies to discipline matters that may arise during the course of Volleyball Canada business, activities and events, including but not limited to, competitions, practices, training camps, travel associated with Volleyball Canada activities, and any meetings.
5. Discipline matters and complaints arising within the business, activities or events organized by entities other than Volleyball Canada will be dealt with pursuant to the policies of these other entities unless accepted by Volleyball Canada at its sole discretion, or such discipline matters and complaints adversely affect relationships within Volleyball Canada work and sport environment and is detrimental to the image and reputation of Volleyball Canada.

PART I

REPORTING A COMPLAINT

6. Any Member may report to the Volleyball Canada head office any complaint of an infraction by a Member. Such a complaint must be signed and in writing, and must be filed within fourteen (14) days of the alleged incident. Anonymous complaints may be accepted upon the sole discretion of Volleyball Canada.
7. A Complainant wishing to file a complaint beyond the fourteen (14) days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the notice of complaint outside the fourteen (14) day period will be at the sole discretion of Volleyball Canada. This decision may not be appealed.

CASE MANAGER

8. Upon receipt of a complaint, Volleyball Canada will appoint a Case Manager 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 Volleyball Canada. 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. More specifically, the Case Manager has a responsibility to:



- a) Determine whether the complaint is frivolous or vexatious and within the jurisdiction of this Policy. If the Case Manager determines the complaint is frivolous or vexatious or outside the jurisdiction of this Policy, the complaint will be dismissed immediately. The Case Manager's decision to the acceptance or dismissal of the complaint may not be appealed.
 - b) Determine if the complaint is a minor or major infraction;
 - c) Appoint a Mediator and/or the Panel, if necessary, in accordance with this Policy;
 - d) Determine the format of the hearing;
 - e) Coordinate all administrative aspects of the complaint;
 - f) Provide administrative assistance and logistical support to the Panel as required; and
 - g) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
9. The Case Manager will inform the Parties if the incident is to be dealt with as a minor infraction or major infraction and the matter will be dealt with under Part II or Part III of this Policy, as applicable.
10. Any infractions or complaints occurring within competition will be dealt with under Part IV of this Policy. 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.
11. 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 may be applied in accordance with the procedures set out in this Policy.

CONFIDENTIALITY

12. The discipline and complaints process is confidential involving only the Parties, the Case Manager and 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

13. If the circumstances of the complaint are such that this policy will not allow a timely conclusion, or if the circumstances of the complaint are such the complaint cannot be concluded within the timelines dictated in this Policy, the Panel may direct that these timelines be revised.

APPEALS PROCEDURE

14. Except where stated otherwise in this Policy, a decision of the Panel may be appealed in accordance with the Volleyball Canada Appeal Policy.

PART II **MINOR INFRACTIONS**

15. Minor infractions are single incidents of failing to achieve the expected standards of conduct that generally do not result in harm to others, to Volleyball Canada or to the integrity of the sport of volleyball.
16. All disciplinary situations involving minor infractions will be dealt with by the appropriate person having authority over the situation and the individual involved (the person in authority may include, but is not restricted to, staff, officials, coaches, organizers, or Volleyball Canada decision makers).
17. Procedures for dealing with minor infractions will be informal as compared to those for major infractions and will be determined at the discretion of the person responsible for discipline of such infractions (as noted above in Section 16). This is provided that the Respondent being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident.



18. Penalties for minor infractions, which may be applied singly or in combination, include the following:
 - a) Verbal or written warning;
 - b) Verbal or written apology;
 - c) Service or other voluntary contribution to Volleyball Canada;
 - d) Removal of certain privileges of membership for a designated period of time;
 - e) Suspension from the current competition, activity or event; or
 - f) Any other sanction considered appropriate for the offense.
19. Minor infractions that result in discipline will be recorded and maintained by Volleyball Canada. Repeat minor infractions may result in further such incidents being considered a major infraction.

PART III **MAJOR INFRACTIONS**

20. 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 Volleyball Canada or to the integrity of the sport of volleyball.
21. Examples of major infractions include, but are not limited to:
 - a) Repeated Minor Infractions;
 - b) Intentionally damaging Volleyball Canada property or improperly handling Volleyball Canada monies;
 - c) Incidents of physical abuse;
 - d) Pranks, jokes or other activities that endanger the safety of others, including hazing;
 - e) Blatant disregard for the bylaws, policies, rules, regulations and directives of Volleyball Canada;
 - f) Conduct that intentionally damages the image, credibility or reputation of Volleyball Canada;
 - g) Behaviour that constitutes harassment, sexual harassment or sexual misconduct; or
 - h) Abusive use of alcohol, any use or possession of alcohol by minors, use or possession of illicit drugs and narcotics.
22. Major infractions will be decided using the disciplinary procedures set out in this Policy, except where a dispute resolution procedure contained within a contract or other formal written agreement takes precedence.
23. Volleyball Canada may determine that an alleged incident is of such seriousness as to warrant immediate suspension of the Respondent pending a hearing and a decision of the Panel.

PROCEDURE FOR MAJOR INFRACTION HEARING

24. If the Case Manager is satisfied that the complaint is a major infraction, the Case Manager will, with the consent of the Parties, seek to resolve the complaint through mediation using the services of an independent mediator.
25. If the complaint cannot be resolved through mediation, then a hearing before a Panel will take place. The Case Manager will appoint the Panel, which will consist of a single Adjudicator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear and decide the complaint. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.
26. The Case Manager will determine the format of the hearing, which may involve an oral hearing in person, an oral hearing by telephone, a hearing based on written submissions or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Panel deem 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 in accordance with the appropriate timeline.
- c) Both Parties may be accompanied by a representative or adviser, including legal counsel, at their own expense.
- d) The Panel may request that any other individual participate and give evidence at the hearing.
- e) If a decision in the appeal may affect another party to the extent that the other party would have recourse to an appeal in their own right under this Policy, that party will become a party to the appeal in question and will be bound by its outcome.
- f) The hearing will be conducted in the official language of choice of the Complainant.
- g) Decisions will be by majority vote.

DECISION

- 27. After hearing the matter, the Panel will determine whether an infraction has occurred and if so what appropriate sanction will be imposed. The Panel's written decision, with reasons, will be distributed to all parties, the Case Manager and Volleyball Canada. The decision will be considered a matter of public record unless decided otherwise by the Panel.
- 28. Where the Respondent acknowledges the facts of the incident, he or she may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may hold a hearing for the purpose of determining an appropriate sanction.
- 29. If the Respondent chooses not to participate in the hearing, the hearing will proceed in any event.
- 30. In fulfilling its duties, the Panel may obtain independent advice.

SANCTIONS

- 31. The Panel may apply the following disciplinary sanctions singly or in combination, for major infractions:
 - a) Verbal or written warning;
 - b) Verbal or written apology;
 - c) Service or other voluntary contribution to Volleyball Canada;
 - d) Removal of certain privileges;
 - e) Suspension from certain Volleyball Canada teams, events and/or activities;
 - f) Suspension from all Volleyball Canada activities for a designated period of time;
 - g) Withholding of prize money;
 - h) Payment of the cost of repairs for property damage;
 - i) Suspension from Volleyball Canada or Sport Canada funding;
 - j) Expulsion from Volleyball Canada;
 - k) Other sanctions as may be considered appropriate for the offense.
- 32. Unless the Panel decides otherwise, any disciplinary sanctions will commence immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension of membership in Volleyball Canada until such time as compliance occurs.
- 33. A written record will be maintained by Volleyball Canada at their head office for major infractions that result in a sanction.

Serious Infractions

- 34. Volleyball Canada may determine that an alleged incident is of such seriousness as to warrant suspension of the Respondent pending a hearing and a decision of the Panel.



Criminal Convictions

35. A conviction for any of the following Criminal Code offenses will be deemed a major infraction under this Policy and will result in expulsion from Volleyball Canada and/or removal from volleyball Canada competitions, programs, activities and events upon the sole discretion of Volleyball Canada:
- a) Any child pornography offences;
 - b) Any sexual offences;
 - c) Any offence of physical or psychological violence;
 - d) Any offence of assault; or
 - e) Any offence involving trafficking of illegal drugs.

PART IV COMPLAINTS DURING COMPETITION (PROTESTS)

PROTEST PROCEDURES

36. Most tournaments are organized to allow the settling of a protest immediately, and the procedure is usually outlined in the tournament rules. If the protest occurs during league play, or any other time a protest committee is not on the site, the referee must know how to handle the situation.
37. THE REFEREE'S DECISIONS REGARDING BALLHANDLING FAULTS ARE NOT OPEN TO PROTEST.
38. A captain may legally protest only AN ERROR IN APPLYING A RULE OR RULE INTERPRETATION. The captain must lodge the protest immediately to the first referee who will then indicate to the scorekeeper that a protest has been lodged. Once the match has ended, the captain must describe the incident on the score sheet or on a paper to be attached to the score sheet before he signs off the score sheet. This record includes game number, score, ball possession and player position on floor at time of protested decision, and reason for protest.
39. The protest is then referred to the appropriate higher authority (i.e. league executive, jury) for acceptance or refusal. Refusal means that the game or match result stands as played. Acceptance involves replaying of the event in whole or in part depending on the judgment and in the next available gym space as allocated by the Domestic Competition Committee (DCC) Jury member.

DISCIPLINARY ACTION

40. Violations of Volleyball Canada's policies, procedures, competition rules and regulations during competition may subject the offending player(s), coach(es), official(s), manager(s), administrator(s) or team(s) to disciplinary action as outlined under "Penalties".

PROCEDURE

41. All complaints and violations which occur during or as a result of a Volleyball Canada National Championship will be reported immediately to the onsite DCC representative by the tournament director and shall be confirmed in writing. All violations will be investigated by the tournament jury.
42. Similar complaints and violations incurred at provincially sanctioned events and involving persons from the jurisdiction in which the infraction took place should be handled in an identical manner by the region. Volleyball Canada's Executive Committee would act solely in the role of appeal.
43. All Volleyball Canada National Championships will be overseen by a jury which will be composed of:
- a) A member of the DCC or an approved designate who will act as chairperson of the jury;
 - b) A representative of the National Championship Host Committee; and
 - c) A member of the National Officials Committee (NOC) or the Referee Supervisor.



44. The jury is the highest authority in all aspects of the competition. Its decisions take precedence and cannot be appealed on site. The jury makes the final decision regarding complaints about tournament organization, results, technical matters, and breaches of Volleyball Canada's policies, rules and regulations, or any other related matter.
45. Any person having knowledge of, or making allegation in respect to, a violation during or as a result of a Volleyball Canada National Championships, shall report verbally and in writing, the alleged violation to the Tournament Director and Site Coordinator or any member of the jury.
46. The tournament director or site coordinator shall determine the names and addresses of the alleged violator(s) and shall determine the circumstances of the alleged violation
47. Upon receipts of the reports, the DCC representative will convene the jury to investigate the violation.
48. The DCC representative shall notify the alleged violator(s) that the jury will be convened immediately to conduct a hearing into the alleged violation and would take action accordingly. The following steps will be taken:
 - a) Notify both teams that there is a protest and hold both teams in the gym until the procedure is established;
 - b) Chairperson of jury convenes the jury;
 - c) The jury will interview and secure a statement from any witnesses to the alleged violation;
 - d) If the violation occurred during a match, interviews will be held with the officials who conducted the match and with the coaches and captains of each team where necessary and appropriate;
 - e) The jury will also interview and secure a statement from the person(s) accused of the violation;
 - f) The jury would render a decision and possible penalty; and
 - g) The Chairperson of the jury would inform all parties concerned regarding the decision made.
49. A full written report on the incident and the jury's decision would be completed at that time.
50. The DCC representative shall immediately transmit the written report to the DCC Chairperson who shall confirm in writing the receipt of the written report.
51. The DCC Chair shall examine the report of the Jury committee and may conduct further investigation as he/she deems necessary and prepare a record of the matter.
52. The DCC Chairperson shall forward to VC's National Office the report from the jury Committee and any supplementary report containing the details and recommendations of his/her own investigation.

NOTIFICATION

53. Any person accused of a violation must be notified in writing of the time, place and date of the hearing. Such person is entitled to an alternate date if for a good cause the original date is unacceptable.

HEARING

54. All persons accused of a violation must be given an opportunity for a hearing in the jurisdiction where the violation took place.
 - a) At a national championship, this hearing will be held on site with the DCC designate conducting the hearing;
 - b) In Volleyball Canada sanctioned events, the chairperson of the jury conducts the hearing.
55. If an immediate hearing is not possible, the tournament director should collect all pertinent information and forward it to the DCC Chairperson for action.



56. Should the accused person fail to attend the hearing, the person conducting the hearing may proceed and take the evidence of those in attendance. The hearing may accept or reject sworn statements provided by the witnesses.

RULINGS

57. After hearing all of the evidence, the person presiding at the hearing may take whatever action he/she deems appropriate or may refer the matter to Volleyball Canada's President or Executive.

58. The accused person must then be advised in writing by the Executive Director of Volleyball Canada of the "Notice of Ruling" taken and any penalties imposed, if it hasn't already been handled on site.

PENALTIES

59. Penalties shall be at the discretion of the special commissioner or Executive Committee as outlined below:

- a) Penalties imposed by Volleyball Canada may be in the form of a letter of censure, suspension, expulsion, fines, or a combination of these, or any other penalty considered more suitable depending on the offence;
- b) Volleyball Canada may impose penalties directly, notifying the regional association of the actions, or may have the regional association impose a penalty;
- c) An active member being considered for penalization shall receive 30 days' notice of same, including reasons before any penalty is enacted.

RIGHT OF APPEAL

60. Any person desiring to appeal must notify the Executive Director of Volleyball Canada in writing outlining his/her intention within 60 days after mailing of the "Notice of Ruling" mentioned in "RULINGS" above.

61. It is understood that any such appeal will be reviewed by the Board of Directors at their next meeting. The Board of Directors shall determine if a fair hearing was held and an equitable solution reached. The decision of the Board of Directors shall be final.

REVIEW AND APPROVAL

62. This policy will be reviewed bi-annually in odd numbered year.

63. This policy was approved by the Volleyball Canada Board of Directors on the 8th day of November, 2011.



PENALTY GUIDELINES

1. Any Member who has committed the specific unsportsmanlike acts or practices noted below may be subject to the following penalties:

a) Illegal Acts: Committing any act which is considered an offence under law.

Suspension for one year plus.

b) Bribery:

- i. Accepting money or other consideration for losing a match or winning by a particular margin;
- ii. Being a party to any payment of money or other consideration to another person to lose a match or win by a particular margin.

Suspension for one year plus.

c) Betting:

- i. Betting or acting as a “bookmaker” on matches or tournaments;
- ii. Associating with professional gamblers.

Suspension from one month to one year.

d) Willfully Damaging Property: = **Replacement and Suspension from one month to one year.**

e) Cheating:

- i. Entering a competition and then failing to appear without valid excuse and adequate notice;
- ii. Defaulting a game/match in a competition except as a result of injuries or other valid reason;
- iii. Withdrawing a team from a match except as a result of injuries or other valid reason;
- iv. Playing in a competition under an assumed name, falsifying a team entry form or giving false information to a tournament official;

Forfeit for the tournament plus Fine equal to registration fee and Suspension from two weeks to one year for team or individual.

f) Violence:

- i. Showing outward displays of temper;
- ii. Deliberately throwing or hitting a ball in the direction of an official, spectator or opponent;
- iii. Threatening bodily injury to anyone.

Suspension from three (3) months to life.

g) Poor Attitude:

- i. Swearing at an official, linesjudge, scorekeeper, spectator or opponent;
- ii. Using profanity or obscene language or gestures.

Suspension from two (2) weeks to one year.