



## **Policy on Criminal Checks, Discipline and Appeal Processes**

### **Policy on Criminal Record Checks**

In keeping with the "Child Abuse Act of British Columbia" the BCWPA requires all its employees to submit to a criminal record check if at any time they will be in contact with children of minor age.

In addition the Board of BCWPA established a policy that they require all clubs to implement a program under the "Child Abuse Act of BC" to require a criminal record check for all those coaches, managers and volunteers who work and travel with athletes of minor age.

### **Policies on Discipline & Appeal Processes**

Discipline and Suspension:

The Board of the BCWPA, as so defined in the Constitution of the BCWPA retains the sole and exclusive power to discipline or suspend any member or official of the BCWPA, or any registered individual athlete or coach of a member club.

Any member, official or registered individual athlete or coach of a member club may be disciplined, which may include suspension, for non-payment of any BCWPA fees, dues, levies or assessments and charges.

Any member, athlete, official or coach of a member club may be disciplined, which may include suspension, for "cause", which shall include but not be limited to:

- a) failure to comply with the rules of BCWPA; or
- b) actions or behaviour endangering the health or well being of the member, athlete, official, coach or individuals of the BCWPA or the public; or
- c) disqualification for unsportsmanlike behaviour in a tournament sanctioned by the BCWPA.

The discipline hearing of a member, official, athlete or coach of the BCWPA will be heard by a committee chaired by the Registrar and composed of Regional Directors or their designates, of the BCWPA. The hearing will take place at a regular or special meeting of the Board of the BCWPA. The discipline must be ratified by not less than 60% of the members of the committee. Where the discipline involves "cause", the member, official, athlete or coach affected is entitled to notice of and the particulars of any complaints against him/her, and the right to appear before the Board to answer the complaint.

The notice of complaint must be in writing.

In the event of a discipline hearing, the President of the BCWPA shall file a copy of the proceedings and the decision with each of the following:

- a) the BCWPA office;
- b) the member, official, athlete or coach's regional director;
- c) the member, official, athlete or coaches' club;
- d) the member, official, athlete or coach; and
- e) each member of the BCWPA board.

Appeal. Any member, official, athlete or coach who has been disciplined shall have the right to appeal to the Board.

All questions and procedures with respect to the appeal procedures of the BCWPA shall be determined by a simple majority vote of the board whose decision shall be final.

The appeal shall be heard by a committee of the Board of Directors of the BCWPA excluding those members involved in the original hearing. The committee has all the rights of the original hearing committee to call witnesses, etc. The appellant has the right to appear before the appeal committee.

The President of the BCWPA shall file one copy of the appeal proceedings with each of the following:

- a) the BCWPA office;
- b) the member, official, athlete or coach's regional director;
- c) the member, official, athlete or coach's club;
- d) the member, official athlete or coach; and
- e) each member of the BCWPA board.

## Appeal Process:

The Board of Directors or chairperson of the appropriate committee may bring forth sanctions or interventions relating to member clubs, or any individual affiliated with a member club, such as athletes, coaches or officials. The sanctions or interventions shall be presented to the Board of Directors for ratification and initiation of such sanction or intervention.

Upon issuing a sanction or intervention the Board of Directors shall indicate to the member the reason for the decision in writing and notification by registered mail.

Any party or parties of the Association against which a sanction or intervention has been applied shall be entitled to appeal that action. The notice of appeal must be filed within fifteen (15) days upon receipt of the notice of the sanction or intervention by registered mail to the Association's office.

Any such appeal must be made on the grounds of improper penalty or punishment or improper application of the Association policy, rules and/or regulations of the Association, or the presentation of new evidence.

The Board of Directors shall appoint an Appeal Committee to review and hear the matter under appeal.

The Appeal Committee shall be established under the procedure delineated in Appendix "A".

The Appeal Committee shall conduct a hearing under the rules delineated in Appendix "B".

The facts of the matter under appeal shall be established by the Appeal Committee.

The Appeal Committee shall make a decision based on the facts of the matter under appeal and said decisions with the reasons therefore shall be rendered to the party directly involved in the appeal and filed with the Executive Director and President of the Association.

The decision of the Appeal Committee hearing on any matter is final and binding and non-appealable and shall be ratified by the Board of Directors. The Association shall ensure the carrying out of the Appeal Committee's decision.

In the event a hearing is convened it shall be organized so as to minimize the expense incurred by the BCWPA. The appellant shall be responsible for their personal expenses for attending the hearing. However, if the appeal is supported by the Appeal Committee the BCWPA shall reimburse the appellant for all reasonable expenses incurred in attending the hearing.

## **Appendix "A"**

An Appeal Committee shall consist of those persons appointed by the Board of Directors.

An Appeal Committee shall consist of three persons, and all persons need not be members of the Association, and one of which shall be appointed Chairperson.

On appointment of an Appeal Committee member the Board of Directors making the appointment shall ensure the following:

- a) That no association exists between a party of appeal and any member of the Appeal Committee, either actual or apparent.
- b) That no Appeal Committee member has been involved in any preliminary stage of the decision or matter under appeal.
- c) That no Appeal Committee member has a pre-set attitude or apparent interest in the result of the appeal.
- d) "Apparent" herein is defined as "in appearance" or "reasonable likelihood".

## **Appendix "B"**

Any notice for appeal shall be given in writing to the Executive Director and President and shall include the grounds and/or reasons for appeal.

Any notice for request for appeal shall be made within fifteen (15) days of the sanction or intervention or decision being appealed.

Within fifteen (15) days of receipt of notice for request for appeal an Appeal Committee shall be appointed; a date shall be set for hearing which date shall be within fifteen (15) days of appointment of the Appeal Committee; and notice to all parties of such a date, time and location shall be telephoned and confirmed by registered mail.

The Appeal hearing shall proceed as scheduled unless all parties to the appeal consent to an extension of time, which extension may not be for more than fifteen (15) days past the original date for the hearing.

The Appeal Committee shall insure that the appealing party has a response at least three (3) days before the scheduled hearing.

At the Appeal hearing the appellant may present information, witnesses, documents, and/or personal statements and may cross-examine the witnesses. The Appeal Committee may cross-examine or request any information of the appellant, any witnesses or any member of the Association. They may demand any Association documents to determine or assist in determining the matter appealed:

- a) The Appeal Committee shall decide on the basis of materials presented during the hearing and the facts of the alleged misconduct being appealed and shall file the same in writing as part of the Appeal Committee's decision;
- b) The Appeal Committee shall make a decision in relation to the appeal with reasons therefore and in writing;
- c) The Appeal Committee shall deliver to the appellant and the President and Executive Director of the Association its written decision within fifteen (15) days of the hearing.
- d) Notwithstanding items (ii.) and (iii) the Appeal Committee may render a verbal decision forthwith at the hearing provided items (i) and (iii) are properly completed thereafter;
- e) The date which the Appeal Committee shall be deemed to have rendered its decision shall be the date on which such decision is posted by registered mail to the appellant; and
- f) Appendices "A" and "B" do not have to be part of the Bylaw; they may be included under appeal procedures in the operations manual. Therefore, any changes to the procedures may be made by a simple majority vote.