

**FIELD HOCKEY ONTARIO**

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## DISCIPLINE AND COMPLAINTS POLICY

\* Indicates a definition adapted from the *Universal Code of Conduct to Prevent and Address Maltreatment in Sport ("UCCMS")*

### Purpose

1. Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with FHO's policies, By-laws, rules and regulations, and *Code of Conduct and Ethics*. Non-compliance may result in sanctions pursuant to this Policy.

### Principles

2. \*The following principles guide the findings and determinations under this Policy:
  - a) Any form of Maltreatment violates the integrity of Participants and undermines the values of Canadian sport.
  - b) Sanctions imposed will reflect the seriousness of the Maltreatment and the harm to those affected and the values of Canadian sport.

### Application of this Policy

3. This Policy applies to all Participants.
4. This Policy applies to matters that may arise during FHO's business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with FHO's activities, and any meetings.
5. This Policy also applies to Participants' conduct outside of FHO's business, activities, and events when such conduct adversely affects relationships within FHO (and its work and sport environment), is detrimental to the image and reputation of FHO, or upon the acceptance of FHO. Applicability or acceptance will be determined by FHO at its sole discretion.
6. \*This Policy applies to alleged breaches of the *Code of Conduct and Ethics* by Participants who have retired from the sport where any claim regarding a potential breach of the *Code of Conduct and Ethics* occurred when the Participant was active in the sport. In addition, this Policy will apply to breaches of the *Code of Conduct and Ethics* that occurred when the Participants involved interacted due to their mutual involvement in the sport or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Participant(s).

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7. This Policy does not prevent immediate discipline or sanction from being applied as reasonably required. Further discipline may be applied according to this Policy. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only.
8. An employee of FHO who is a Respondent will be subject to appropriate disciplinary action in accordance with any of FHO's applicable policies, as well as the employee's Employment Agreement, if applicable. Violations may result in a warning, reprimand, restrictions, suspension, or other disciplinary actions up to and including termination of employment.

**Adult Representative**

9. Complaints may be brought for or against a Participant who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
10. Communication from the Internal Discipline Chair or Case Manager, as applicable, must be directed to the minor's representative.
11. A Minor is not required to attend an oral hearing, if held.

**Reporting a Complaint**

12. Any person may report a complaint to FHO or to FHO's Case Manager (when identified). If a Case Manager has not been previously identified, FHO will appoint an independent Case Manager and direct that person to receive the complaint.
13. FHO may, in its sole discretion, act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, FHO will identify an individual representative of the organization.
14. Complaints or incident reports should be made in writing for the discipline and complaints procedure to be initiated. The Case Manager may accept any formal complaint, in writing or not, at their sole discretion.

**Case Manager Responsibilities**

15. Upon receipt of a complaint, the Case Manager has a responsibility to:
  - a) Determine the appropriate jurisdiction to manage the complaint (Field Hockey Canada, FHO, or a Club);
  - b) Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy and, if so, the complaint will be dismissed immediately and the Case Manager's decision to dismiss the complaint may not be appealed;
  - c) Propose the use of alternative dispute resolution techniques;

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- d) Determine if the alleged incident should be investigated pursuant to the *Investigations Policy*; and/or
- e) Choose which process (Process #1 or Process #2) should be followed, and may use the following examples as a general guideline:

Process #1 - the Complaint alleges the following incidents:

- i. Disrespectful conduct
- ii. Minor incidents of violence (e.g., tripping, pushing, elbowing)
- iii. Conduct contrary to the values of FHO
- iv. Non-compliance with FHO's policies, procedures, rules, or regulations
- v. Minor violations of the *Code of Conduct and Ethics*

Process #2 - the Complaint alleges the following incidents:

- i. Repeated minor incidents
- ii. Any incident of hazing
- iii. Abusive, racist, or sexist comments or behaviour
- iv. Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
- v. Major incidents of violence (e.g., fighting, attacking, sucker punching)
- vi. Pranks, jokes, or other activities that endanger the safety of others
- vii. Conduct that intentionally interferes with a competition or with any Athlete's preparation for a competition
- viii. Conduct that intentionally damages FHO's image, credibility, or reputation
- ix. Consistent disregard for FHO's by-laws, policies, rules, and regulations
- x. Major or repeated violations of the *Code of Conduct and Ethics*
- xi. Intentionally damaging FHO's property or improperly handling FHO's monies
- xii. Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
- xiii. A conviction for any *Criminal Code* offense
- xiv. Any possession or use of banned performance enhancing drugs or methods

**Process #1: Handled by Internal Discipline Chair**

16. Following the determination that the complaint or incident should be handled under Process #1, the Case Manager will ask FHO to appoint an Internal Discipline Chair who may:

- a) Recommend mediation;
- b) Make a decision;
- c) Ask the Complainant and the Respondent for either written or oral submissions regarding the complaint or incident; or
- d) Convene the parties to a meeting, either in person or by way of video or teleconference in order to ask the parties questions

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17. Thereafter, the Internal Discipline Chair shall determine if a breach occurred and, if so, if one or more sanctions should be applied (see: **Sanctions**).
18. The Internal Discipline Chair will inform the Parties of the decision, which will take effect immediately.
19. Records of all sanctions will be maintained by FHO.

**Request for Reconsideration**

20. If there is no sanction, the Complainant may contest the non-sanction by informing the Internal Discipline Chair, within five (5) days of receiving the decision, that the Complainant is not satisfied with the decision. The initial complaint or incident will then be handled under Process #2 of this Policy.
21. The sanction may not be appealed until the completion of a request for reconsideration. However, the Respondent may contest the sanction by submitting a Request for Reconsideration within five (5) days of receiving the sanction. In the Request for Reconsideration, the Respondent must indicate:
  - a) Why the sanction is inappropriate;
  - b) Summary of evidence that the Respondent will provide to support the Respondent's position; and
  - c) What penalty or sanction (if any) would be appropriate.
22. Upon receiving a Request for Reconsideration, the Internal Discipline Chair may decide to accept or reject the Respondent's suggestion for an appropriate sanction.
23. Should the Internal Discipline Chair accept the Respondent's suggestion for an appropriate sanction, that sanction will take effect immediately.
24. Should the Internal Discipline Chair not accept the Respondent's suggestion for an appropriate sanction, the initial complaint or incident will be handled under Process #2 of this Policy.

**Process #2: Handled by Case Manager and External Discipline Panel****Case Manager**

25. Following the determination that the complaint or incident should be handled under Process #2, the Case Manager has a responsibility to:
  - a) Propose the use of FHO's *Dispute Resolution Policy*
  - b) Appoint the External Discipline Panel, if necessary
  - c) Coordinate all administrative aspects and set timelines
  - d) Provide administrative assistance and logistical support to the External Discipline Panel as required
  - e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding



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26. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
27. After notifying the Parties that the complaint has been accepted, the Case Manager may propose using FHO's *Dispute Resolution Policy* with the objective of resolving the dispute.
28. If the dispute is not resolved using alternative methods, the Case Manager will appoint a External Discipline Panel, which shall consist of a single Arbitrator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a External Discipline Panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the External Discipline Panel's members to serve as the Chair.
29. The Case Manager, in cooperation with the External Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, 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 and the External Discipline 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, in the case of an oral in-person hearing or an oral hearing by telephone or other communication medium
  - b) Copies of any written documents which the parties wish to have the External Discipline Panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing
  - c) The Parties may engage a representative, advisor, or legal counsel at their own expense
  - d) The External Discipline Panel may request that any other individual participate and give evidence at the hearing
  - e) The External Discipline 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 the External Discipline Panel
30. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the External Discipline Panel will determine the appropriate sanction. The External Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
31. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
32. 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 current complaint and will be bound by the decision.

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33. In fulfilling its duties, the External Discipline Panel may obtain independent advice.

Decision

34. After hearing and/or reviewing the matter, the External Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the hearing's conclusion, the External Discipline Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and FHO. In extraordinary circumstances, the External Discipline 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 (14) day period. The decision will be considered a matter of public record unless decided otherwise by the External Discipline Panel.

Sanctions

35. \*Prior to determining sanctions, the Internal Discipline Chair or External Discipline Panel, as applicable, will consider factors relevant to determining appropriate sanctions which include:

- a) The nature and duration of the Respondent's relationship with the Complainant, including whether there is a Power Imbalance;
- b) The Respondent's prior history and any pattern of inappropriate behaviour or Maltreatment;
- c) The ages of the individuals involved;
- d) Whether the Respondent poses an ongoing and/or potential threat to the safety of others;
- e) The Respondent's voluntary admission of the offense(s), acceptance of responsibility for the Maltreatment, and/or cooperation in the process of FHO;
- f) Real or perceived impact of the incident on the Complainant, sport organization or the sporting community;
- g) Circumstances specific to the Respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in the *Code of Conduct and Ethics*; addiction; disability; illness);
- h) Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
- i) A Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or

Other mitigating and aggravating circumstances

36. \*Any single factor, if severe enough, may be sufficient to justify the sanction(s) imposed. A combination of several factors may justify elevated or combined sanctions.



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37. \*The Internal Discipline Chair or External Discipline Panel, as applicable, may apply the following disciplinary sanctions, singularly or in combination:
- a) **Verbal or Written Warning** - A verbal reprimand or an official, written notice and formal admonition that a Participant has violated the *Code of Conduct and Ethics* and that more severe sanctions will result should the Participant be involved in other violations
  - b) **Education** - The requirement that a Participant undertake specified educational or similar remedial measures to address the violation(s) of the *Code of Conduct and Ethics*
  - c) **Probation** - Should any further violations of the *Code of Conduct and Ethics* occur during the probationary period, will result in additional disciplinary measures, likely including a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period of time
  - d) **Suspension** - Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, practice, activity, event, or competition sponsored by, organized by, or under the auspices of FHO. A suspended Participant is eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Participant satisfying specific conditions noted at the time of suspension
  - e) **Eligibility Restrictions** - Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions
  - f) **Permanent Ineligibility** - Permanent ineligibility to participate in any program, activity, event, or competition sponsored by, organized by, or under the auspices of FHO
  - g) **Other Discretionary Sanctions** - Other sanctions may be imposed, including, but not limited to, other loss of privileges, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate
38. \*The Internal Discipline Chair or External Discipline Panel, as applicable, may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:
- a) Sexual Maltreatment involving a Minor Complainant shall carry a presumptive sanction of permanent ineligibility;
  - b) Sexual Maltreatment, Physical Maltreatment with contact, and Maltreatment related to interference or manipulation of process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions.
  - c) While a Respondent has pending charges or dispositions in violation of the criminal law, the presumptive sanction shall be a period of suspension
39. A Participant's conviction for a *Criminal Code* offense shall carry a presumptive sanction of permanent ineligibility from participating with FHO. *Criminal Code* offences may include, but are not limited to:
- a) Sexual Maltreatment involving a Minor Complainant shall carry a presumptive sanction of permanent ineligibility;

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- b) Sexual Maltreatment, Physical Maltreatment with contact, and Maltreatment related to interference or manipulation of process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions.
- c) While a Respondent has pending charges or dispositions in violation of the criminal law, the presumptive sanction shall be a period of suspension

40. Unless the External Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the External Discipline Panel will result in an automatic suspension until such time as compliance occurs.
41. Records of all decisions will be maintained by FHO.

#### Appeals

42. The decision of the External Discipline Panel may be appealed in accordance with FHO's *Appeal Policy*.

#### **Suspension Pending a Hearing**

43. The Executive Director and President may, after consultation and at their sole discretion, determine that an alleged incident is of such seriousness as to warrant suspension of a Participant pending completion of a criminal process, the hearing, or a decision of the External Discipline Panel. If the complaint is against either the President or Executive Director, such decision shall be made by External Discipline Panel, upon application by the Complainant.

#### **Confidentiality**

44. The discipline and complaints process is confidential and involves only the Parties, the Case Manager, the External Discipline Panel, and any independent advisors to the External Discipline 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**

45. 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 External Discipline Panel may direct that these timelines be revised.

#### **Records and Distribution of Decisions**

46. Other individuals or organizations, including but not limited to, national sport organizations, provincial sport organizations, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.



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47. \*FHO recognizes that a publicly-available searchable database or registry of Respondents who have been sanctioned, or whose eligibility to participate in sport has in some way been restricted, may be maintained and may be subject to provisions in the UCCMS.

