

NANAIMO PICKLEBALL CLUB COMPLAINT RESOLUTION POLICY

1. PURPOSE

This Policy shall outline the manner in which Nanaimo Pickleball Club handles the investigative process and delivers appropriate disciplinary action upon receipt of a complaint.

2. CONTEXT / BACKGROUND

Conduct in contravention of the basic tenets that Nanaimo Pickleball Club has or may have espoused, may be subject to sanctions and discipline pursuant to this policy. If a complaint or 'situation' is brought to the attention of Nanaimo Pickleball Club an investigation must be conducted.

3. APPLICATION

This policy applies to all individuals, sponsors and others participating in Nanaimo Pickleball Club programs, activities and events.

4. ROLES and RESPONSIBILITIES

4.1. Reporting and receiving a complaint

The complaint initiation process is detailed in the Nanaimo Pickleball Club Complaint Initiation Policy with the Vice President designated as the recipient.

4.2. Confidentiality

All communications and records of an investigation shall be kept in confidence by the Nanaimo Pickleball Club Board, unless the circumstances are of such egregious nature that making them public would be in the best interest of general safety.

4.3. Appointment of a Case Manager

Nanaimo Pickleball Club will appoint a Case Manager to oversee the management and administration of all complaints and subsequent resolution processes. The Case Manager does not need to be a member of Nanaimo Pickleball Club.

If a Case Manager could be seen as biased or too close to the incident, Nanaimo Pickleball Club's Vice President may appoint an alternate Case Manager.

4.4. Jurisdiction

The appointed Case Manager shall have and exercise jurisdiction over all complaints received by Nanaimo Pickleball Club, with the following 'tournament' exception. The Case Manager shall have the overall responsibility to ensure procedural fairness and to implement their resolution in a timely manner.

Any infractions or complaints occurring within a Nanaimo Pickleball Club sanctioned or sponsored tournament will, if applicable, be dealt with procedures specific to the tournament. In such circumstances, disciplinary sanctions or resolution may only for the duration of the tournament. Any individual or entity may elevate a tournament based complaint to the purview of Nanaimo Pickleball Club. As tournaments are short duration events every effort must be made for a timely resolution.

Incidents or complaints spanning a greater time period or other circumstances will be considered by Nanaimo Pickleball Club.

4.5. Initial Review of Complaint

Upon receipt of a complaint, the Vice President (or designate) in consultation with the Case Manager:

- Determines if the complaint is frivolous or vexatious or outside the jurisdiction of this policy, in which case the complaint will be dismissed immediately.
- If the complaint is deemed valid, then decide if the alleged infraction is a minor or major infraction.

4.5.1. Minor Infractions

Minor infractions are single incidents of failing to achieve expected standards of conduct that generally do not result in harm to others, Nanaimo Pickleball Club or the sport of pickleball.

Examples of minor infractions can include, but are not limited to, a single incident of:

- Disrespectful, offensive, abusive, racist, sexist comments or behaviour.
- Disrespectful conduct such as outbursts of anger.
- Conduct contrary to the values of Nanaimo Pickleball Club.
- Being late for or absent from Nanaimo Pickleball Club events and activities at which attendance is expected or required with due notice being given.
- Non-compliance with Nanaimo Pickleball Club's policies, procedures, rules, or regulations.
- Minor violations of Nanaimo Pickleball Club's Code of Conduct and Ethics Policy.

4.5.2. Major Infractions

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 Nanaimo Pickleball Club or to the sport of pickleball while participating in Nanaimo Pickleball Club programs, activities, or events.

Examples of major infractions include, but are not limited to:

- Repeated minor infractions.
- Incidents of physical abuse.
- Incidents of harassment, sexual harassment, or sexual misconduct.
- Activities that endanger the safety of others.
- Use of intoxicants - alcohol or other forms of drugs.
- Wagering or attempting to wager anything of value in connection with an event which one is or will be competing in.
- Offering, soliciting, or accepting anything of value intended to influence the outcome of a match or game.

- Using or providing insider (non-public) information to any person where it might reasonably be expected the information could be used for wagering purposes.
- Knowingly helping with, covering up or otherwise being complicit in activities related to wagering or match fixing as described above.
- Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition.
- Conduct that intentionally damages Nanaimo Pickleball Club's image, credibility or reputation.
- Intentional violation of Nanaimo Pickleball Club's bylaws, policies, rules or regulations.
- Intentionally damaging Nanaimo Pickleball Club property or improperly handling Nanaimo Pickleball Club monies.
- Major or repeated violations of Nanaimo Pickleball Club's Code of Conduct and Ethics Policy.

4.6. Responding to a Minor Infraction

In so far as possible, complaints should be managed at the local level, involving individuals familiar with the individuals and the circumstances. The Case Manager must ensure that the person who is subject of the complaint has been:

- Informed of the nature of the alleged infraction.
- Given opportunity to provide information about the circumstances regarding the infraction.

After the Case Manager has reviewed the alleged incident with the individual(s) involved, the Case Manager may determine that no further action is required or may apply a sanction, either singularly or in combination, including any of the following:

- A verbal or written reprimand.
- A verbal or written apology from one party to another.
- A service or other voluntary contribution to Nanaimo Pickleball Club.
- Any other sanction considered appropriate to the circumstances.

4.7. Responding to a Major Infraction

When it is determined the alleged incident is a major infraction, the Case Manager will:

- As soon as possible, notify the parties involved in the complaint, advising them the complaint is potentially legitimate and will be responded to as a *major* infraction.
- Ensure the individual(s) alleged to have committed the infraction are provided with written details of the alleged infraction.
- Ensure both parties of the complaint are provided with a copy of this policy.
- Provide any other service or support that may be necessary to ensure a fair and timely proceeding.

At the discretion of the Case Manager, a panel may be established to respond to a complaint. Panel members may not be from the same local area or club of either party to avoid any appearance of conflict of interest.

4.7.1. Hearing for a Major Infraction

If the person alleged to have committed the major infraction acknowledges the facts of the incident, he/she may consent to waive the need for a hearing. In these circumstances, the Case Manager will determine

the appropriate sanction with or without holding a hearing. If a party to the complaint chooses not to participate in the hearing, the hearing will proceed without their participation.

The Case Manager will determine the format of the hearing, which may involve:

- An oral in-person hearing.
- An oral hearing by telephone or other electronic means.
- A hearing based on a review of documentary evidence submitted in advance of the hearing.
- A combination of these methods.

The hearing is governed by the procedures that the Case Manager deems appropriate in the circumstances, provided that the parties:

- Are given a minimum of five (5) days written notice of the day, time and place of the hearing.
- Agree to an exchange of evidence to be considered at the hearing and such evidence be provided in advance of the hearing in a timeframe agreed to by the parties.
- Are informed that other individuals may participate during the hearing.

If the Case Manager determines that a decision made may affect another party to the extent that party would have recourse to a complaint, that party will become a party to the complaint in question and will be bound by that decision.

4.7.2. Decision from the Hearing

Within seven (7) days of the conclusion of the hearing, the Case Manager shall ascertain whether the alleged infraction occurred and if so, the sanctions to be imposed. At that time the Case Manager's decisions with supporting reasons shall be provided to Nanaimo Pickleball Club's Vice President. Within seven (7) days the Vice President or the Case Manager will inform or distribute to all parties the decisions and subsequent action as determined appropriate.

Sanctions for a major infraction include but are not limited to:

- A written reprimand.
- Expulsion from membership in Nanaimo Pickleball Club.

Unless the Case Manager decides otherwise, disciplinary sanctions start immediately after the written decision has been distributed to the parties.

4.8. Mediation as an Alternate Solution Method

Mediation or other alternative dispute resolution processes may be used at any point in the complaint process if the complainant and the person subject of the complaint agree that such course of action would be mutually beneficial.

Where mediation is pursued, it will be done so in accordance with standard mediation practice using trained mediators who are acceptable to both parties and are available in a reasonable time period after the dispute has taken place. Refer to the relevant BC Government website for specifics.

<https://www2.gov.bc.ca/gov/content/justice/about-bcs-justice-system/mediation>

Any costs arising from the use of mediation or other alternative dispute resolution methods are shared equally between the parties involved.

4.9. Informing police of criminal activity

If, at any point during an investigation or hearing, it comes to the attention of the Case Manager that a criminal act may have occurred involving a party to the complaint, the Case Manager will:

- Consult with the Nanaimo Pickleball Club Board regarding the alleged criminal act.
- In conjunction with the Vice President, notify the police of the alleged criminal act.

4.10. Record of Decisions

All disciplinary discussions initiated via a received Complaint shall be documented and maintained with all evidence submitted. The record shall include at least:

- The names of the individuals involved in the complaint.
- Details of the alleged incident including the date.
- The response of the person whom the complaint was made against.
- The name of the Case Manager.
- A summary of discussions etc including resolutions.
- A description of the sanction applied.

5. IMPLEMENTATION

Nanaimo Pickleball Club is responsible for communicating this policy to its members and others involved in its programs, activities and events. Nanaimo Pickleball Club will ensure its Board members are fully aware of the Complaint Initiation Policy and this Complaint Resolution Policy.

Nanaimo Pickleball Club will ensure a Case Manager is appointed and available.

6. RESULTS

All complaints submitted to Nanaimo Pickleball Club are received, investigated and resolved via a consistent, logical and timely process.

7. COMING INTO FORCE

This policy originally came into force May xx 2023.