



BC Athletics Discipline Committee Complaint, Hearing and Appeals Process

(Updated January 2003 / Appeals Process January 2007)

Complaints and Complaints Process:

1. BC Athletics can receive complaints from members and non-members of the Association.
2. Complaints may be provided in writing and/or verbally.
3. Complaints may be received from an individual who has been directly affected or by a 3rd party on behalf of an affected individual. In all cases the complaint must show evidence of actions/behaviour that contravenes the BC Athletics Codes of Conduct, Policy on Harassment or that of Athletics Canada or the laws of Canada or British Columbia.
4. Upon receipt of a complaint, the BC Athletics President/CEO shall, within 3 business days, provide notification to the Chair of the BC Athletics Board of Directors of receipt of the complaint.
5. The details of the complaint shall be forward to the Chair, BCA BoD.
6. Upon review and discussion with the affected party (ies) the Chair and Pres/CEO shall determine an Informal or Formal process to hear the complaint.
7. An informal process shall include:
 - a. Discussion with both parties, the nature/issues of the complaint;
 - b. Providing an opportunity for both parties, through discussion, to agree to resolution to the complaint.
 - c. Should this informal process not resolve the complaint to the satisfaction of all parties, it shall move to a formal process.

Formal Complaint Process:

Rights: The accused has the right to be accompanied by an advisor, or other representative.

Note: It is strongly recommended that athletes under the age of 19 be accompanied by a parent or legal guardian.

Process: The Chair, BC Athletics Brd of Directors and Chair of the Discipline Committee (one in the same), shall bring together 3 individuals who shall form the Discipline Committee Panel. **The three (3) shall have no interest in the matter being heard.** The Committee shall:

1. Hear and review evidence from all parties with regard to the above allegations. (Discipline reports [written] and verbal testimony given at the hearing.)
 - i. Note: it is recommended that in the case of a Minor (under the age of 19) that the respondent (he/she) has the right to be represented by a responsible adult. The responsible adult will have the right to act on behalf of the respondent though the hearing process, including:
 - Responding to a written complaint
 - Receiving all notices on behalf of the respondent; and
 - Being present at all dealings with the respondent
2. Determine the truth with respect to the allegations.
3. Make recommendations to the BC Athletics Board of Directors/Executive on any discipline, sanctions, suspension or otherwise to be applied as a result of a finding that: rules, codes of conduct, regulations or BC Athletics By-laws have been contravened.
4. The findings and any resulting discipline, sanctions, suspensions or other shall be conveyed to all parties within 3 days of the date of the hearing.
5. The findings of the Discipline Panel and resultant action by the BC Athletics Board of Directors may be appealed as outlined in the BC Athletics Appeals Process.

BC Athletics Appeals Process (Updated January 2007)

Any appeals to the Appeals Panel shall be sent in writing to the Chair of the Appeals Panel, in care of the BC Athletics President and Chief Executive Officer, at the BC Athletics Head Office. The appeal must be received by BC Athletics within thirty (30) days of the hearing or meeting at which the decision being appealed was made.

This notice shall be referred to as the *Notice of Appeal*.

1. The Notice of Appeal must:
 - i) Be signed by the appellant;
 - ii) State whether all or only part of the decision or findings are being appealed;
 - iii) State the grounds upon which the appeal is based; and
 - iv) Be accompanied by a two hundred and fifty dollar (\$250.00) fee, payable to BC Athletics (which said fee shall be refunded only if the appeal is successful).

2. Upon receipt of a Notice of Appeal, the BC Athletics President and Chief Executive Officer shall forward the Notice of Appeal to the Chair of the Appeals Panel (Chair of the BC Athletics Board of Directors or in their absence the Vice Chair or Designate) within three (3) business days of its receipt together with certification that the first step of the appeals process has been followed:
 - A review of the appeal by the BC Athletics Committee; Club; or Agent of BC Athletics;
 - That the written findings and decision has been conveyed to the Appellant; and
 - That the terms as outlined in Section 1 of the BC Athletics Appeals Process have been met.

3. Upon receipt of a Notice of Appeal, the Chair of the Appeals Panel shall:
 - i) Select three (3) members of the Appeals Panel (in addition to the Chair) within three (3) business days of its receipt to hear the Appeal. The three members selected shall have no interest in the matter being appealed and shall be referred to as the *Appeals Committee*.
 - ii) Rule on the status of the appellant (except for banned substances violations) to continue or not to take part in the activities of the Association until the decision of the Appeals Committee is rendered.

4. The Chair shall:
 - i) Select a hearing date, time and location; such hearing to take place as soon as possible, whether in person or by telephone conference call.
 - ii) Notify within two (2) business days of the selection of a hearing date, time, and location, by the quickest means possible (whether by telephone, fax, email, or otherwise), the appellant, BC Athletics and all interested parties to the appeal, of the date, time, and location of the hearing. The Appellant may then appear at the hearing, in person and/or by representative and all other interested parties may appear at the hearing in person and/or by representative.

BC Athletics Appeals Process (cont'd)

Page 2

5. The procedure under which the hearing is conducted shall be the following:
 - i) To the extent possible, the hearing shall be in person and open to all parties granted status by the Chair of the Appeals Committee following rules of evidence determined by the Chair of the Appeals Committee.
 - ii) The appellant and BC Athletics shall have status at the hearing and all other parties wishing status at the hearing of the appeal shall request same from the Chair of the Appeals Panel, who shall determine such status.
 - iii) Prior to the date of the hearing, BC Athletics shall send to the appellant, to each other party with status, and to each member of the Appeals Committee a statement of the facts surrounding the appeal and any written submission that they wish to present to the Appeals Committee.
 - iv) Prior to the date of the hearing, the Appellant shall send to BC Athletics, to each other party with status, and to each member of the appeals Committee, a statement the facts surrounding the appeal and any written submission that they wish to present to the Appeals Committee.
 - v) All other parties with status shall deliver to each party with status at the hearing and to each member of the Appeals Committee, prior to the date of the hearing any written submission setting out their position in the dispute.
6. The Appeals Committee shall have the opportunity to query such evidence as they require and they may call upon any other person or representative of any body to address them on any aspect of a matter before them.
7. No formal procedure shall be followed at the hearing, but all of the relevant parties shall be given, in the opinion of the Appeals Committee, a fair and reasonable opportunity to be heard. Notwithstanding the above, the appellant shall present his evidence first at the hearing before any other parties will be invited to do so.
8. The Appeals Committee shall render a written decision within fourteen (14) days of the conclusion of a hearing and shall deliver a copy of same to the appellant, to the President and Chief Executive Officer of BC Athletics and to any other parties granted status in the matter. The decision of the Appeals Committee shall be final, subject to the right of the appellant, BC Athletics and any party granted status in the matter to seek a review of such decision pursuant to the alternate dispute resolution services as provided for in British Columbia.
9. In matters that are time sensitive (e.g. Provincial Team Selection) the appeal may be deemed an Urgent Appeal and the appeal shall be dealt with in a time frame to facilitate competition entry, travel and other matters relating to competition.