

GRIEVANCE



PURPOSE

The purpose of this policy is to outline the process used by Carstairs Minor Hockey Association in the case of grievance involving a breach of the code of conduct.

GRIEVANCES INVOLVING A BREACH OF THE CODE OF CONDUCT

1. The bylaws of the association stipulate that issues involving a breach of any conduct matter by any member of the association including executive, directors, coordinators, team officials (coaches, assistant coaches, trainers, managers, etc.), players, parents, or spectators shall be directed to the Grievance Committee.
2. A signed written complaint may be filed via postal mail, courier, fax, or at the CMHA office.
3. The Grievance Committee shall review the complaint or report and determine if a hearing is required and shall set a date for such hearing within fourteen (14) business days. The fourteen (14) business days guideline will not include the days of Dec 24th through to Jan 2nd

INFORMAL PROCESS

4. If three representatives of the Grievance Committee believe that the matter can be dealt with on an informal basis without the necessity of a hearing, such committee may investigate the grievance, accept submission in writing or verbal submissions from the grievance, person being investigated, and such other persons as may be required to ensure a fair and reasonable recommendation is rendered. The Grievance Committee shall provide a written notice of its recommendation to the President. The Board shall provide a written decision to the Complainant and Party being investigated. Should either the Complainant or party being investigated feel that the informal process has not satisfactorily resolved the issue, either may request in writing, that the Grievance Committee undertake a Formal Hearing.

FORMAL HEARING

5. The Grievance Committee shall establish a date and time for the formal hearing:
 - a. At least 5 business days prior to the hearing, both the Complainant and the Respondent (accused party) shall be issued a notice which shall set out the

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date, location and time of the hearing, the nature of the charge of misconduct and any information to be provided to the Grievance Committee prior to the hearing. The Respondent and the Complainant shall provide the requested information at least two (2) business days prior to the hearing.

- b. At least 2 business days prior to the hearing, the Respondent and the Complainant shall provide the Grievance Committee with a list of the witnesses they intend to request appear at the hearing. The Grievance Committee shall also request the attendance by any other party whom the Committee believes should appear by delivering to each such witness a "Notice of Grievance Hearing" which shall set out the date, location and time of the hearing, the nature of the charge of misconduct and any information to be provided by the witness to the Grievance Committee prior to the Hearing.
 - c. If either the Complainant or the Respondent shall fail to appear at the hearing, the hearing shall be conducted with the available witnesses and information available to the Grievance Committee.
6. Conduct of the hearing:
- a. Prior to the Hearing, any member of the Grievance Committee who is in or could be perceived to be in, a conflict of interest shall declare such conflict and leave the Hearing
 - b. The Chairperson of the Grievance Committee shall chair the hearing and be responsible for the orderly conduct of the Hearing. If the Chairperson is not available, the remaining members of the Grievance Committee shall appoint a Chairperson for the hearing who shall be responsible for the orderly conduct of the hearing
 - c. Prior to the commencement of the Hearing, the Chairperson may either provide each witness with an information sheet on the Hearing process or, alternatively, may hold a briefing session immediately prior to the commencement of the Hearing to ensure all parties understand the Hearing process
 - d. The witnesses will not be sworn nor will there be a transcript taken of the proceedings. Neither the Respondent nor the Complainant may make a tape recording of the proceedings
 - e. The Respondent and the Complainant must appear in person and may not be represented at the hearing by another individual. The only exception to this rule

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is that minors must be accompanied by a parent or guardian

- f. The Grievance Committee comprises volunteers who are not versed in the application of law. Accordingly, neither the Respondent nor the Complainant may have legal counsel representing them at the hearing
 - g. The Complainant and the Complainant's witnesses shall appear before the Grievance Committee first. Each witness will appear individually and will not be present in the hearing room during the presentation by other witnesses. The Respondent shall be present during these presentations and shall have the right to ask questions of each witness through the Committee Chairperson.
 - h. The Committee Chairperson may determine if a question asked by the Respondent is irrelevant to the investigation. The Chairperson may then instruct the witness not to reply to the question and inform the Respondent of the reason why the question is not relevant. The question will be documented and remain part of the file for future reference.
 - i. The Respondent will then be asked to present their version of the events, which led to the complaint, and to respond to the information provided by the Complainant and their witnesses.
7. The Grievance Committee shall, render a recommendation, and communicate that decision to the President within two (2) business days; The Board shall provide a written decision to the Complainant and party being investigated with three (3) business days. Such communication may be verbal, at the outset, but shall be confirmed in writing.
 8. The Grievance Committee shall maintain a file on each matter referred to it, comprising the original complaint or report, copies of all "Notices of Grievance Hearing", copies of the witness lists, the notes made by each member of the Grievance Committee during the hearing, and a copy of the written decision of the Board. The Grievance Committee maintains such files in a locked filing cabinet.