

Rationale

Pickleball Ontario is committed to promoting and fostering an environment in which everyone involved with Pickleball Ontario sponsored events is treated with respect and according to our **core set of values of respect, fairness, integrity, honesty, transparency and safety.**

This process is in place to respond to complaints if an individual demonstrates a lack of respect for others at a Pickleball Ontario sponsored event as described in our by-laws, Code of Conduct or other policies. Individuals may be subject to sanctions and discipline pursuant to this policy.

Conduct in contravention of the values of Pickleball Ontario as described in its by-laws, Code of Conduct Policy or other policies may be subject to sanctions and discipline pursuant to this policy.

This policy applies to all individuals participating in Pickleball Ontario programs, activities and events.

Policy Guidelines

Pickleball Ontario is responsible for communicating this policy to its members and others involved in its programs, activities and events.

Pickleball Ontario is committed to treating complaints seriously and will endeavor to provide a mediator, adjudicator, panel or investigator to resolve a dispute, but it should be clearly understood by the parties involved in a dispute that whenever there are financial costs to mediate, adjudicate or investigate a dispute the expenditure of funds for this purpose will be at the sole discretion of the Association.

Individuals involved in Pickleball Ontario programs, activities and events are treated with respect and know how to lodge a complaint where they have felt Pickleball Ontario Code of Conduct, Bylaws or the values of Pickleball Ontario are not being upheld.

1. Reporting a complaint

Anyone may make a complaint to the President of Pickleball Ontario or his/her designate. A complaint must be in writing and signed. A complaint must be filed within fourteen (14) days of the alleged incident.

Anonymous complaints may be accepted at the sole discretion of Pickleball Ontario.

A complainant wishing to file a complaint outside the fourteen (14) day period must provide a written statement providing reasons for an exemption to the time limitation. The decision to accept the complaint outside of the fourteen-day period is at the sole discretion of Pickleball Ontario and may not be appealed.

2. Case Management

Pickleball Ontario will appoint a Case Manager to oversee the management and administration of complaints and the discipline process. The Case Manager has an overall responsibility to ensure procedural fairness is respected at all times under this policy and to implement the complaint process in a timely manner. The Case Manager does not need to be a member of Pickleball Ontario.

Before a complaint proceeds to a formal process the complaint will first be referred to a Case Manager whose objective will be to determine whether the complaint is within the jurisdiction of Pickleball Ontario or not.

If it is determined that the complaint will be handled by Pickleball Ontario, mediation or other alternative dispute resolution processes may be used at any point in the complaint process.

Where mediation is pursued it will be done so in accordance with standard mediation practices using trained mediators who are available within a reasonable time period after the complaint has been received.

If the complaint is not resolved by use of facilitation or mediation the formal complaint process as described in this policy will be followed.

- 3. Minor infractions** are incidents of failing to achieve expected standards of conduct that generally do not result in harm to others while participating in Pickleball Ontario Association programs, activities or events.

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

- a) Disrespectful, offensive, abusive, racist, or sexist comments or behaviour;
- b) Disrespectful conduct such as outbursts of anger
- c) Conduct contrary to the values of Pickleball Ontario
- d) Non-compliance with Pickleball Ontario policies, procedures, rules, or regulations
- e) Minor violations of Pickleball Ontario Code of Conduct

- 4. 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, or to PICKLEBALL ONTARIO, or to the sport of pickleball generally while participating in PICKLEBALL ONTARIO programs, activities or events.

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

- a) Repeated minor infractions
- b) Incidents of physical abuse
- c) Incidents of harassment, sexual harassment, or sexual misconduct
- d) Activities that endanger the safety of others
- e) Abusive use /possession of alcohol or use or possession of illicit drugs
- f) Conduct that intentionally interferes with a competition or with any player's preparation for a competition
- g) Conduct that intentionally damages the image of Pickleball Ontario credibility or reputation
- h) Intentional violation of Pickleball Ontario by-laws, policies, rules or regulations
- i) Intentionally damaging property or improperly handling Pickleball Ontario monies
- j) Major or repeated violations of Pickleball Ontario Code of Conduct and Policy

5. Upon receipt of a complaint, the Case Manager:

Will determine if the complaint is frivolous or vexatious in nature or outside the jurisdiction of this policy, in which case the complaint may be dismissed immediately, and if it is not, determine whether the complaint is within the jurisdiction of Pickleball Ontario and if the alleged infraction if a minor or major infraction.

6. Responding to a minor infraction

Procedures for responding to a minor infraction are much less formal than responding to a major infraction. As much as possible complaints should be managed at a local level involving persons familiar with the individuals and the circumstances.

In that regard the case manager may request another appropriate person who has knowledge of the individuals involved in the complaint and/or authority over the person to respond to the complaint, provided that the person who is subject of the complaint has been:

- a) informed of the nature of the alleged infraction, and
- b) given the opportunity to provide information about the circumstances regarding the infraction.

Examples of another appropriate person with knowledge of and/or authority over the person include:

- a) a president of a local pickleball club;
- b) a tournament organizer;
- c) a Pickleball Board member or Committee member; or
- d) a pickleball coach or official.

After the complaint has been reviewed with the individual(s) involved it may be determined that no further action is required, or it may be decided to apply a penalty, either singularly or in combination, including the following:

- a) a verbal or written reprimand;
- b) a verbal or written apology from one party to another;
- c) a service or other voluntary contribution to the Club or Pickleball Ontario; or
- d) any other penalty considered appropriate to the circumstances

7. Responding to a major infraction

If the Case Manager determines the alleged incident is a major infraction and within the jurisdiction of Pickleball Ontario, he/she will:

- a) 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;
- b) ensure the individual alleged to have committed the infraction is provided with written details of the alleged infraction; and
- c) ensure both parties of the complaint are provided with a copy of this policy.

In addition, the case manager will:

- a) appoint an adjudicator, or if deemed necessary, a Panel in accordance with this policy;
- b) coordinate all administrative aspects of the complaint;
- c) provide administrative assistance and logistical support to the adjudicator or Panel as required; and
- d) provide any other service or support that may be necessary to ensure a fair and timely proceeding.

8. 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 adjudicator or panel 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:

- a) an oral in-person hearing,
- b) an oral hearing by telephone,
- c) a hearing based on a review of documentary evidence submitted in advance of the hearing, or
- d) 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:

- e) are given a minimum of ten (10) days written notice of the day, time, and place of the hearing;
- f) agree to an exchange of any written documents they wish to have the considered at the hearing and provided in advance of the hearing in a timeframe agreed to by the parties
- g) are advised they may be accompanied by a representative, advisor, or legal counsel at their own expense;
- h) are informed the adjudicator or panel may request that other individuals participate and give evidence at the hearing.

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

9. Adjudicator or Panel Decision from the Hearing

Within fourteen (14) days of the conclusion of the hearing, the adjudicator or panel determines whether the alleged infraction occurred and if so the sanctions to be imposed. This decision along with its reasons is distributed in writing to all parties and to the President of Pickleball Ontario within seven days of the decision being made.

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

- a) Written reprimand
- b) Expulsion from membership in Pickleball Ontario and Pickleball Canada Association
- c) Publication of the decision

Unless the adjudicator or panel decides otherwise, disciplinary sanctions start immediately after the decision has been made.

10. Criminal Convictions – Criminal Convictions

At the sole discretion of Pickleball Ontario, an individual's prior or future conviction(s) for any major criminal offenses as described, but not limited to the examples listed below, will be deemed a major infraction under this Policy and may result in expulsion from Pickleball Ontario competitions, programs, activities and events:

- a) child pornography offences
- b) sexual offences
- c) physical assault
- d) trafficking of illegal drugs

11. Record of Decisions

If a decision is made to impose a penalty for either a minor or major infraction, a record is created and maintained by the Secretary of Pickleball Ontario and includes the following:

- e) details of the alleged incident including the date;
- f) the names of the individuals involved in the complaint;
- g) the response of the person whom the complaint was made against;
- h) the name of the case manager and/or other appropriate person who determined the penalty; and
- i) a description of the penalty applied.

Decisions and appeals are matters of public interest and shall be publicly available with the names of the individuals redacted. Names of persons disciplined may be disclosed to the extent necessary to give effect to any sanction imposed.

DEFINITIONS ATTACHED

Definitions

Harassment: Defined as any behaviour or actions, visual material, unwelcome remarks, jokes, comments, innuendoes, written or verbal threats and/or any conduct directed towards an individual or group that undermines self-esteem, diminishes performance, and are offensive, abusive, racist, degrading, vexations, defamatory or malicious.

Sexual Harassment: Defined as any behaviour or actions such as unwelcome sexual advances, requests for sexual favours or verbal or physical conduct of a sexual nature that interferes with an individual's performance, creates an intimidating, hostile or offensive environment or is the basis for making decision that affects the individual.

Bullying: Defined as verbal aggression or yelling, humiliating actions or practices, hazing, spreading malicious rumors, using derogatory names towards someone and includes cyber bullying through the use of electronic communication (email, text messaging, social networking, etc.)

Administration

This policy shall be administered by Pickleball Ontario President at any Pickleball Ontario related meeting.

Policy Revised

2019 02 21
Date

President



President