



Windsor Lawn Bowling Club

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Conflict Management and Discipline Policy

Definitions

1. The following terms will have these meanings in this Policy:
 - a. “WLBC” – Windsor Lawn Bowling Club.
 - i. WLBC acts and makes decisions through its Board of Directors.
 - b. “Individuals” – All categories of membership within WLBC, as well as all individuals engaged in activities with or on behalf of WLBC, including but not limited to, directors, officers, volunteers, coaches, athletes, officials, administrators and spectators.
 - c. “Complainant” – An individual making a complaint or requesting redress under this policy.

Purpose

2. Membership in WLBC, as well as participation in its activities, brings with it many benefits and privileges. At the same time, Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with WLBC’s Bylaws, policies, procedures, rules and regulations and Code of Conduct and Ethics. Irresponsible behavior by Individuals can result in severe damage to the integrity and interests of WLBC. Conduct that violates these values may be subject to sanctions pursuant to this policy.
3. WLBC supports the principles of Alternate Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes. ADR also avoids the uncertainty, costs, and other negative effects associated with the formal hearing process.
4. WLBC encourages all Individuals to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. WLBC believes that negotiated settlements are usually preferable to outcomes resolved through other dispute

resolution techniques. Negotiated resolutions to disputes with and among individuals are strongly encouraged.

Application of this Policy

5. This Policy applies to all Individuals.
6. This Policy applies to discipline matters that may arise during the course of WLBC's business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with the WLBC activities, and any meetings.
7. This Policy does not prevent discipline from being applied, during a competition or event, according to specific procedures in place for the particular event. Further discipline may be applied according to this Policy.
8. Discipline matters and complaints arising within the business, activities, or events organized by entities other than WLBC will be dealt with pursuant to the policies of these other entities unless requested and accepted by WLBC at its sole discretion.
9. Opportunities for ADR may be pursued at any point in a dispute within WLBC when all parties to the dispute agree that such a course of action would be mutually beneficial.
10. Conflicts and other disciplinary matters may be resolved informally, through formal ADR, or through the formal hearing process.

Reporting a Complaint

11. A Complainant may report to the Board of Directors any complaint of an infraction by an Individual. Such a complaint must identify the Complainant, be in writing, and must be filed within fourteen (14) days of the alleged incident. Anonymous complaints may be accepted upon the sole discretion of WLBC.
12. A Complainant wishing to file a complaint beyond the fourteen (14) days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the notice of complaint outside the fourteen (14) day period will be at the sole discretion of WLBC.
13. A Complainant may request that a withdrawn complaint be reinstated if the complaint was withdrawn in an effort to facilitate informal or formal dispute resolution and subsequent conduct by the Individual

constitutes a breach of any agreed term of resolution or constitutes grounds for a new complaint.

- a. This request must be made within one year, which begins upon the earlier of:
 - i. A breach of any agreed term of resolution;
 - ii. Conduct by the Individual that constitutes grounds for a new complaint; or
 - iii. the end of any agreed to or imposed period of probation or other conditions described in a resolution agreement or decision of WLBC.

Informal Resolution

14. Informal resolution will involve discussing the problem with the Complainant and/or the Individual through a person nominated by WLBC with a view to resolving the issue. Where the Complainant or Individual is unhappy with the outcome of the informal process they will be entitled to request formal ADR or a hearing in accordance with this policy Procedures. Where a matter proceeds to a formal hearing, the person involved in the informal resolution efforts will not be appointed to sit on the hearing panel.

Facilitation and Mediation

15. If all parties to a dispute agree to ADR, a mediator or facilitator, acceptable to all parties, shall be appointed to mediate or facilitate the dispute.
16. The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated, and shall specify a deadline before which the parties must reach a negotiated decision.
17. Should a negotiated decision be reached, the decision shall be reported to, and approved by WLBC. Any actions that are to take place as a result of the decision shall be enacted on the timelines specified by the negotiated decision, pending the approval of WLBC.
18. Should a negotiated decision not be reached by the deadline specified by the mediator or facilitator at the start of the process, or if the parties to the dispute do not agree to ADR, the dispute shall be considered under the formal hearing process.

19. The costs of mediation and facilitation will be shared equally by the parties unless the parties agree to a different apportionment of responsibility.

Final and Binding

20. Any negotiated decision will be binding on the parties. Negotiated decisions may not be reopened except in cases of breach or upon agreement of the parties.

Hearing Process

21. Upon receiving notice that a party to a dispute wishes to proceed to a formal hearing, WLBC shall establish a hearing panel of 3 members. The members of the Panel shall:
 - a. Be unbiased and have no personal interest in or involvement with the case;
 - b. Appoint a chair of the Panel;
 - c. Be familiar with all relevant policies and by-laws;
 - d. Act within their powers under this policy and fairly, reasonably and proportionately at all times;
 - e. Take advice where appropriate including, if necessary, legal advice or such other expert advice necessary for the fair determination of the matter;
 - f. Determine the format of the hearing;
 - i. The format of the hearing shall be an oral hearing in person, an oral hearing by telephone or electronic means, a hearing based on written submissions or a combination of these methods.
 - g. Have consideration and respect for all parties; and
 - h. Apply the standard of proof as the balance of probabilities.
22. Parties will be provided notice of the hearing in accordance with the WLBC By-Laws.
23. At its discretion, WLBC may refer any matter for which a hearing has been requested to a competent, independent arbitrator.

- a. Any arbitrator who possesses the designated of Qualified or Chartered Arbitrator shall be deemed competent.
 - b. Any other arbitrator must be agreed to by the parties.
24. In cases where an independent arbitrator is appointed, any provisions regarding the hearing panel shall apply to the independent arbitrator.
 25. Parties may be accompanied by a representative or adviser, including legal counsel, at their own expense.
 26. In matters where WLBC is a party, WLBC may appoint a representative to present evidence, question witnesses, argue, and take any other actions to protect WLBC's interests and advance their case.
 27. The Panel may admit as evidence at a hearing, whether or not given or proven under oath or affirmation or admissible as evidence in a court any oral testimony and any document or other thing, relevant to the subject-matter of the proceeding and may act on such evidence, but the tribunal may exclude anything unduly repetitious.
 28. Where the Panel is satisfied as to its authenticity, a copy of a document or other thing may be admitted as evidence at a hearing.

Decision

29. After hearing the matter, the Panel will determine whether an infraction has occurred and if so what appropriate sanction should be imposed.
30. The Panel shall prepare a report which includes its finding of facts and recommendations as to sanctions to the Board of Directors within (14) days of the conclusion of the hearing.
31. The Chair of the Panel or a Panel Member designated by the Chair shall present the report to the Board of Directors.
 - a. Members of the Panel who are Directors shall be entitled to vote on any resolution or motion made to accept or reject the Panel's report.
32. The Board of Directors will be entitled to request clarification or explanation of any part of the Panel's report.

33. The Board of Directors will vote to either accept the report as presented or return the report to the Panel with written reasons explaining the insufficiencies of the report.
34. Upon acceptance of the Panel's report, the Board of Directors will provide a copy to all interested parties.
35. Any sanctions imposed on an Individual will commence when notice of the decision is provided to the Individual unless provisions of the decision state that sanctions will commence at a different time.
36. Where the individual acknowledges the facts of the incident, he or she may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may hold a hearing for the purpose of determining an appropriate sanction.
37. Failure to comply with a sanction as determined by the Board of Directors will result in automatic suspension of membership in WLBC until such time as compliance occurs.
38. Publication of the results of the application of this policy will be made in accordance with the WLBC By-Laws.
39. WLBC shall keep records of all disciplinary proceedings.

Serious Infractions

40. WLBC may determine that an alleged incident is of such seriousness as to warrant suspension of the individual pending a hearing and a decision of a hearing Panel.

Criminal Convictions

41. An Individual's conviction for any of the following *Criminal Code of Canada* offenses will be deemed an infraction under this Policy and will result in expulsion from WLBC and/or removal from WLBC competitions, programs, activities and events:
 - a. Child pornography offences;
 - b. Any sexual offences involving a minor;
 - c. Any offence of assault involving a minor;
 - d. Any offence of physical or psychological violence involving a minor; or

- e. Any offence involving trafficking of illegal drugs or substances listed on the Canadian Anti-Doping Program's Prohibited List

Timelines

- 42. If the circumstances of the complaint are such that this policy will not allow a timely conclusion, or if the circumstances of the complaint are such the complaint cannot be concluded within the timelines dictated in this policy, the Panel may direct that these timelines be revised.

Confidentiality

- 43. The discipline and complaints process is confidential involving only the parties and the 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.
- 44. Final decisions of the Board of Directors under this policy are final and not subject to appeal pursuant to the WLBC By-Laws.

Approved by board on 25 June 2018.