

Canada Rugby League Association

Discipline Policy By-Law 2019-01

Adopted November 24, 2019

1. DEFINITIONS

The following terms have these meanings in this Policy:

- a) “Complainant” – The Party alleging an infraction.
- b) “Respondent” – The alleged infracting Party.
- c) “Parties” – The Complainant, Respondent, and any other Members or persons affected by the complaint
- d) “Days” – Calendar days irrespective of weekend and holidays.
- e) “Member” - All categories of membership defined in Section 5 of the Constitution of the Canada Rugby League Association.
- f) “Registered Constituent” – Any natural person accepted as a “member” or “constituent” of a CRLA member.
- g) “Unaffiliated Constituent” – Any natural person who is resident of a geographical area that is not governed by a Provincial Association as defined in section 8 of the Constitution of the Canada Rugby League Association and who is a volunteer, contractor, or employee who undertakes activities on behalf of and/or in support of the Canada Rugby League Association.

2. PURPOSE OF DISCIPLINE POLICY

The Canada Rugby League Association (CRLA) is committed to providing a sporting environment which is characterized by open and clear communication, honesty, fairness, and mutual respect. These values and ideals should guide all CRLA communication and actions, and such conduct is in the best interests of all who participate in the sport of community Rugby League. Membership in CRLA, as well as participation in its activities, brings many benefits and privileges. At the same time, Members, Registered Constituents, and Unaffiliated Constituents are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with CRLA’s policies, rules and regulations, and Code of Conduct. Irresponsible behaviour by Members, Registered Constituents, and/or Unaffiliated Constituents can result in severe damage to the integrity of CRLA. Conduct that violates these values may be subject to sanctions pursuant to this Policy. Since discipline may be applied, CRLA provides Members, Registered Constituents, and Unaffiliated Constituents with the mechanism outlined in this Policy so that complaints are handled fairly, expeditiously, and affordably.

3. APPLICATION OF THIS POLICY

This Policy applies to all Members, Registered Constituents, and Unaffiliated Constituents defined in the ‘Definitions’ section of this Policy.

This Policy applies to discipline matters that may arise during the course of CRLA business, activities, and events including, but not limited to, competitions, tournaments, practices, tryouts, training camps, travel associated with CRLA activities, and any meetings.

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Discipline matters and complaints arising within the business, activities, or events organized by entities other than CRLA (such as provincial / international associations) will be dealt with pursuant to the policies of these other entities unless requested and accepted by CRLA at its sole discretion.

4. PLAYING OFFENCES

Disciplinary matters relating to playing offences shall, in the first instance, be dealt with by the Organization under whose jurisdiction the matches are played. A CRLA Disciplinary Committee appointed by the Board of Directors shall deal with disciplinary matters involving matches under the direct jurisdiction of the CRLA.

In the event of a potential disciplinary matter arising at an CRLA sanctioned event, each match official shall ensure that they provide within five (5) days to the CRLA President a full and comprehensive report of such matter which occurs before, during or after any match including, (but not by way of limitation):

- a) Dismissal of a player for breach of Operational Rules
- b) Crowd misbehaviour
- c) Misbehaviour of Member officials

Every organization must ensure that the referee is given the full name of any dismissed player and give every assistance to any match official, to identify any official, spectator or other person about whom they have cause to enquire.

A referee shall have the power to order the temporary suspension, for a period of ten minutes, of a player whose conduct does not warrant a full dismissal.

If a Player/Registered Constituent/Unaffiliated Constituent wishes to be given the opportunity of stating his/her case in a personal hearing then they should send a letter for receipt by the Relevant Competition Administrator within ten days of the date of the match at which the alleged offence occurred. The Player or Member may, in their own defense, request a personal appearance and/or bring witnesses to the hearing, provided that they notify the CRLA Board within ten days of the alleged offence and send with it a deposit of \$100.00.

If, during a CRLA sanctioned event, an assault on a match official, a brawl or abandonment occurs, the referee must report such occurrence to the CRLA Board within 48 hours of the game's conclusion by telephone and confirm in writing within five working days with a copy to the reported party.

In all cases of Discipline or disputes, claims of non-receipt of any relevant correspondence shall not preclude any matter from being dealt with.

The CRLA shall assemble a Disciplinary Tribunal consisting of not less than three (3) independent members of the CRLA to adjudicate on the reported offence including a Chair and a Secretary.

The Player/Member charged has no right of access to the deliberations of the Disciplinary Tribunal.

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When the decision is made, any specific reasons for it should be stated;

In light of the evidence presented to it, a Competition Disciplinary Tribunal may find a Player/ Registered Constituent/Unaffiliated Constituent guilty of a less serious offence than which the Player/Member was initially charged.

Alternatively, where the evidence available at the hearing shows that the Player/Registered Constituent/Unaffiliated Constituent is guilty of a more serious offence, the Disciplinary Tribunal may refer the more serious to a subsequent Disciplinary Tribunal hearing.

The decision should be communicated to the Player/Registered Constituent/Unaffiliated Constituent charged within a reasonable time (it is recommended that this is no more than one week after the Disciplinary Tribunal).

4.1 Suspensions and Fines

A Player's suspension will commence on the second Saturday, following the meeting at which the suspension was imposed, except in the case of suspensions of six or more matches or Sine Die suspensions, which will have immediate effect. Two or more suspensions must be served consecutively. A Player is allowed to play pending appeal if the suspension is less than 6 matches.

The following games shall count towards a Player's suspensions:

All registered team games scheduled prior to the offence, including representative games, in which the Player has been selected to play and games awarded by default. Abandoned games shall only count if points are awarded or if the result is allowed to stand.

All pre-arranged friendly matches including limited number tournaments (e.g. 7-a-side; 9-a-side) which must have been organized prior to the sending off.

No person under suspension by the CRLA shall participate in playing, coaching, officiating or administrating within Amateur Rugby League Football, without the CRLA's permission, until all suspensions are served.

A suspended player is not allowed to play in any other game of Rugby League Football until their suspension has been completed and any club, Member or league found guilty of violating this rule shall be fined not less than \$200.00, forfeit the game and the offending player may be liable to a further suspension.

Any suspensions, notified to the CRLA by other Sporting Authorities, shall be honoured unless special circumstances apply.

A player who has been fined shall not play in any game until the fine is paid. Should the fine not be paid within 28 days of imposition it will automatically double. If the fine is still not paid, further action will be taken.

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If an organization is fined, the fine must be paid within 28 days of imposition otherwise it will automatically double and if this is not paid within a further 14 days, all fixtures for that organization shall be suspended.

A Disciplinary Tribunal will, as and when necessary, issue guidelines with regard to minimum recommended suspensions to be imposed in respect of certain offences.

An automatic Sine Die suspension shall be imposed upon any person found guilty of assaulting a match official. No review of that suspension, after any initial appeal, may take place until 2 years have elapsed from the date that the suspension was imposed.

5. REPORTING A NON-PLAYING COMPLAINT

Any Member, Registered Constituent or Unaffiliated Constituent may report any complaint to CRLA's President. Such a complaint must be in writing and signed, and must be filed within fourteen (14) days of the alleged incident. Anonymous complaints may be accepted at the sole discretion of CRLA. Legal counsel may be retained by the Complainant at the Complainant's own expense.

A Complainant wishing to file a complaint outside of the fourteen (14) day period must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the complaint outside of the fourteen (14) day period will be at the sole discretion of CRLA. This decision may not be appealed.

Any member of the CRLA's Board of Directors may submit a complaint on behalf of the CRLA.

6. MEDIATION

The CRLA supports the options of mediation and facilitation as provided by Alternate Dispute Resolution (ADR). At any time in the Discipline and Complaints process, the Parties, by mutual agreement, may decide to pursue alternate dispute resolution.

Before any complaint proceeds to the formal stage, the dispute will first be referred to a Dispute Resolution Officer for review, with the objective of resolving the dispute via mediation.

The Dispute Resolution Officer shall decide the format for the mediation and determine a deadline before which the parties must reach a negotiated decision.

Should a negotiated decision be reached through alternate dispute resolution, it shall be reported to and approved by the CRLA and 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 CRLA's approval.

Failing the resolution of the complaint through that process, or if either Party chooses to forego alternate dispute resolution, the complaint shall continue to be addressed under this Policy.

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7. CASE MANAGER

Upon accepting a complaint and failing the resolution of the complaint through mediation, the CRLA's President will appoint an independent third-party Case Manager (on a case by case basis) who has sole discretion to determine whether the complaint is frivolous or vexatious, or if the complaint is potentially legitimate and involves either an incident classified as a minor infraction or an incident classified as a major infraction. The Case Manager is not required to be a member of CRLA. The Case Manager has an overall responsibility to ensure procedural fairness is respected at all times in this Policy, and to implement this Policy in a timely manner. The appointment of the Case Manager, the Case Manager's determination of the legitimacy of the complaint, and the Case Manager's classification of the incident are all not appealable.

The Case Manager shall decide one of the following:

- a) The complaint is frivolous or vexatious and shall be immediately dismissed
- b) The complaint is outside of CRLA's jurisdiction; it shall be dismissed and the Complainant shall be directed to the proper jurisdiction
- c) The complaint is potentially legitimate and the incident shall be dealt with as a minor infraction
- d) The complaint is potentially legitimate and the incident shall be dealt with as a major infraction

The Case Manager will inform the Parties if the incident is to be dealt with as a minor or major infraction and the matter will be dealt with according to the applicable sections of this Policy relating to minor or major infractions.

This Policy does not prevent an appropriate person having authority from taking immediate, informal, or corrective action in response to behaviour that constitutes either a minor or major infraction. Any infraction and resulting corrective action must be reported to the CRLA. Further sanctions may be applied in accordance with the procedures set out in this Policy.

A complaint may be withdrawn at any time; however such a complaint may be continued by the President on behalf of CRLA if the CRLA does not consent to the withdrawal of the complaint.

8. MINOR INFRACTIONS

Minor infractions are single incidents of failing to achieve expected standards of conduct that generally do not result in harm to others, the CRLA, or the sport of community Rugby League. Examples of minor infractions can include, but are not limited to, a single incident of:

- a) Disrespectful conduct such as outbursts of anger or argument
- b) Conduct contrary to the values of the CRLA

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- c) Being late for, or absent from, CRLA events and activities at which attendance is expected or required
- d) Non-compliance with CRLA's policies, procedures, rules, or regulations

All disciplinary situations involving minor infractions will be dealt with by the appropriate person who has authority over both the situation and the individual involved. The person in authority can be, but is not restricted to being, staff, officials, coaches, organizers, or CRLA decision-makers.

Provided that the Respondent being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident, procedures for dealing with minor infractions will be informal (compared to the procedures for major infractions) and will be determined at the discretion of the person responsible for discipline of such infractions (as noted above).

Penalties for minor infractions, which may be applied singularly or in combination, include the following:

- a) Verbal or written reprimand from the CRLA to one of the Parties
- b) Verbal or written apology from one Party to the other Party
- c) Service or other voluntary contribution to the CRLA
- d) Removal of certain privileges of membership for a designated period of time
- e) Suspension from the current competition, activity, or event
- f) Any other sanction considered appropriate for the offense

Minor infractions that result in discipline will be recorded using the Incident Report provided as Appendix A. Incident Reports will be maintained by the CRLA. Repeat minor infractions may result in further such incidents being considered a major infraction.

9. 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 the CRLA, or to the sport of community Rugby League. Examples of major infractions include, but are not limited to:

- a) Repeated minor infractions
- b) Any incident of hazing
- c) Offensive, abusive, racist, or sexist comments
- d) Incidents of physical abuse
- e) Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
- f) Pranks, jokes, or other activities that endanger the safety of others
- g) Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
- h) Conduct that intentionally damages the CRLA's image, credibility, or reputation

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- i) Disregard for the CRLA's policies, rules, and regulations
- j) Intentionally damaging CRLA property or improperly handling CRLA monies
- k) Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
- l) Any possession or use of banned performance enhancing drugs or methods

Major infractions occurring within competition may be dealt with immediately, if necessary, by an appropriate person having authority. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this Policy. This review does not replace the appeal provisions of this Policy.

Major infractions will be handled using the Procedure for Major Infraction Hearing set out in this Policy.

10. PROCEDURE FOR MAJOR INFRACTION HEARING

The Case Manager shall notify the Parties that the complaint is potentially legitimate and the incident shall be dealt with as a major infraction. The Case Manager shall then decide the format under which the complaint will be heard. This decision is at the sole discretion of the Case Manager and may not be appealed.

The Case Manager will appoint a Discipline Panel, which shall consist of a single Adjudicator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.

If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may still hold a hearing for the purpose of determining an appropriate sanction. If a Party chooses not to participate in the hearing, the hearing will proceed in any event. The Case Manager will determine the format of the hearing, which may involve an oral in-person hearing, an oral hearing by telephone, a hearing based on a review of documentary evidence, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Panel deem appropriate in the circumstances, provided that:

- a) The Parties will be given not less than five (5) days' notice of the day, time, and place of the hearing
- b) Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing
- c) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
- d) The Panel may request that any other individual participate and give evidence at the hearing

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e) The decision will be by a majority vote of Panel members

If a decision may affect another party to the extent that the other party would have recourse to a complaint or an appeal in their own right, that party will become a Party to the complaint in question and will be bound by the decision.

In fulfilling its duties, the Panel may obtain independent advice.

11. DECISION

After hearing the matter, the Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the hearing's conclusion, the Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and the CRLA. In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period. The decision will be considered a matter of public record unless decided otherwise by the Panel.

The Panel may apply the following disciplinary sanctions, singularly or in combination, for major infractions:

- a) Verbal or written reprimand from the CRLA to one of the Parties
- b) Verbal or written apology from one Party to the other Party
- c) Service or other voluntary contribution to the CRLA
- d) Expulsion from the CRLA
- e) Removal of certain membership privileges
- f) Suspension from certain CRLA teams, events, and/or activities
- g) Suspension from all CRLA activities for a designated period of time
- h) Withholding of prize money or awards
- i) Payment of the cost of repairs for property damage
- j) Expulsion from membership of the CRLA
- k) Any other sanction considered appropriate for the offense

Unless the Panel decides otherwise, any disciplinary sanctions will begin immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension until such time as compliance occurs.

Major infractions that result in discipline will be recorded using the Incident Report provided as Appendix A. Incident Reports will be maintained by the CRLA.

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12. INTERIM MEASURES PENDING A HEARING

The CRLA may determine that an alleged incident is of such seriousness as to implement interim measures pending a hearing and a decision of the Panel. Interim measures are not sanctions and they may take many forms including, but not limited to:

- a) Imposition of conditions upon continued participation in CRLA work or activities
- b) Suspension from participation in CRLA work or activities
- c) Suspension of membership privileges

13. CRIMINAL CONVICTIONS

A conviction for any of the following Criminal Code offenses, but not limited to, will be deemed a major infraction under this Policy and will result in expulsion from the CRLA and/or removal from the CRLA competitions, programs, activities and events upon the sole discretion of the CRLA:

- a) Any child pornography offences
- b) Any sexual offences
- c) Any offence of physical or psychological violence
- d) Any offence of assault
- e) Any offence involving trafficking of illegal drugs

14. CONFIDENTIALITY

The discipline and complaints process is confidential and involves only the Parties, the Case Manager, the Panel, and any independent advisors to 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.

15. APPEALS PROCEDURE

The decision of the Panel may be appealed in accordance with the CRLA's Appeals Policy.

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16. RECORD KEEPING

The President shall keep a secure record of every complaint filed under this Policy. The record shall contain all relevant documentation including:

- a) Copies of the complaint, response, and rebuttal (if applicable)
- b) Copies of any witness statements (if applicable)
- c) Contact information for the Case Manager and the Panel (if applicable)
- d) A description of the informal resolution of the complaint (if applicable)
- e) A copy of the written decision (if applicable)
- f) A description of the sanctions (if applicable)
- g) A copy of the Incident Report

