

Complaint, Discipline and Appeals Policy

The Alberta Amateur Wrestling Association (AAWA) is committed to providing an environment in which all individuals involved with the AAWA are treated with respect. Membership in the Alberta Amateur Wrestling Association provides many benefits and privileges however members are also expected to fulfill certain responsibilities and obligations. These obligations include, but are not limited to, complying with AAWA policies, bylaws, rules and regulations and Code of Conduct and Ethics. Irresponsible behaviour by individuals can result in severe damage to the integrity of the AAWA. Conduct that violates these values may be subject to sanctions pursuant to this Policy. Since discipline may be applied, the AAWA provides the following mechanism so that complaints are handled fairly, expeditiously and affordably.

This Policy applies to all AAWA members or parents/guardians of minor aged members. Only written and signed complaints received by the AAWA within the policy timelines will be considered as “received”.

This Policy applies to discipline matters that arise during the course of AAWA activities and events including but not limited to matches, practices, tryouts, tournaments, training camps, travel associated with the AAWA and any meetings. It 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 infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition if applicable. 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 Policy does not apply to decisions relating to:

- **Employment**
- **The rules of wrestling**
- **Budgeting and budget implementation**
- **AAWA operational structure and committee appointments**
- **Substance, content and establishment of team nomination and selection criteria**

Discipline matters and complaints arising within the business activities or events organized by entities other than the Alberta Amateur Wrestling Association will be dealt with pursuant to the policies of these entities.

Reporting a Complaint

A charge of a breach of the provisions of the By-Laws or of the resolutions adopted by a General Meeting made against an Alberta Amateur Wrestling Association member must be made in writing, signed by the complainant to the Association office within ninety days (90) of the alleged offence. The complainant must post a \$100 fee which will be refunded should the complaint be found to hold merit. Otherwise the funds will go to general revenue. The President will inform, within 15 days of receiving the letter of complaint, the individual(s) cited that the AAWA will conduct a review of the alleged offence.

The President may then convene a Review Committee made up of the President, the Officials' Representative, and the Coaches' Representative. If the President is in a conflict of interest situation then the Vice-President-Technical shall sit on the Committee. If either the Official or the Coach finds him/herself in a conflict of interest situation, then a member at large shall sit on the committee. The individual(s) cited will have 15 days from the date of notice of the review, to provide to the AAWA, in writing, any information to be considered.

If in the opinion of the Review Committee the allegations hold merit, the Review Committee will bring their findings to the Executive Committee where a discipline Committee shall be struck. The Discipline Committee shall be comprised of three (3) members of the Association not in a conflict of interest situation with regards to the pending case.

The Discipline Committee shall send a copy of the alleged infraction to all parties involved along with a notice of the place, day and time fixed for a hearing related to said charges. This notice shall be sent by registered mail ten (10) days in advance of hearing. The defendant may be accompanied by one (1) advisor.

Should the accused be unable to attend the hearing because of circumstances beyond his control, that individual should notify the Discipline Committee within the ten (10) days, whereupon a new date for the hearing will be fixed; should the accused then fail to attend, the hearing will proceed in-absentia.

Accused and complainant shall have the right to be heard and to call witnesses.

The Discipline Committee shall within thirty (30) days after the hearing make to the Executive Committee a written report signed by all the members of the Committee containing such recommendations as they deem advisable.

Subsequent action will be determined by the Executive; in the event of a decision to suspend or expel, the individual or group will have thirty (30) days from date of notification to personally appeal to the Executive Committee.

The Executive Committee shall have the power to impose and enforce suspension and/or penalties for any violations of the By-Laws and/or regulations of the Association or of the edicts of the President of this Association by majority vote except as herein provided.

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 AAWA or the sport of wrestling. Examples can include, but are not limited to, a single incident of:

- Disrespectful, offensive, abusive, racist or sexist comments or behaviour
- Disrespectful conduct such as outbursts of anger or argument
- Conduct contrary to the values of the Alberta Amateur Wrestling Association

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

- Verbal or written reprimand from the AAWA
- Verbal or written apology from one party to another
- Service or other voluntary contribution to the AAWA
- Removal of certain privileges of membership for a designated period of time
- Suspension from the current competition, activity or event
- Fines
- Any other sanction considered appropriate for the offense
- Discipline specific to the event or competition if applicable

Minor infractions that result in discipline will be recorded and records will be maintained by the AAWA. Repeat minor infractions may result in further such incidents being considered a major infraction.

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 AAWA or the sport of wrestling. Examples of major infractions include but are not limited to:

- Repeated minor infractions
- Any incident of hazing
- Incidents of physical abuse
- Behaviour that constitutes harassment, sexual harassment or sexual misconduct
- Threats or intimidation made toward other AAWA members
- Pranks, jokes or other activities that endanger the safety of others
- Conduct that intentionally damages the AAWA image, credibility or reputation
- Disregard for the AAWA bylaws, policies, rules and regulations
- Major or repeated violations of the AAWA Code of Conduct and Ethics
- Intentionally damaging AAWA property or improperly handling AAWA monies
- Abusive use of alcohol, any use or possession of alcohol by minors, or use of possession of illicit drugs and narcotics
- Any possession or use of banned performance enhancing drugs or methods

Examples of penalties for Major Infractions which may be applied singularly or in combination, may include the following:

- Verbal or written reprimand from AAWA
- Verbal or written apology from one party to the other party
- Service or other voluntary contribution to the AAWA
- Fines
- Expulsion from the AAWA
- Removal of certain membership privileges
- Suspension from certain AAWA teams, events and/or activities
- Suspension from all AAWA activities for a designated period of time
- Payment of the cost of repairs for property damage
- Suspension of funding from AAWA or other sources
- Any other sanction considered appropriate for the offense

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

Suspension Pending a Hearing

The Alberta Amateur Wrestling Association may determine that the alleged incident is of such seriousness as to warrant suspension of an individual pending a hearing and decision of the Discipline Committee.

Grounds for Appeal

A decision cannot be appealed on its merits alone. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include the AAWA:

- Did not have the authority or jurisdiction as set out in the AAWA documents
- Failed to follow its own procedures as set out in the AAWA documents
- Made a decision that was influenced by bias, where bias is defined as a lack of neutrality to such an extent that the decision maker is unable to consider other views
- Failed to consider relevant information or took into account irrelevant information in making the decision
- Made a decision that was grossly unreasonable

The appellant bears the onus of proof and must demonstrate on a balance of probabilities, that the AAWA (Respondent) has made an error as described in the "Grounds for Appeal" section of this Policy and that this error had, or may reasonably have had, a material effect on the decision or decision maker.

Procedure for Appeal

Individuals who wish to appeal a decision have thirty (30) days from the date they received the notice of the decision reached by the discipline committee. A written Notice of Intention to Appeal must be sent to the attention of the AAWA President at the AAWA office accompanied by:

- Contact information and status of the appellant
- Name of the Respondent and any other affected parties
- Date the appellant was notified of the decision that is being appealed
- A copy of the decision being appealed or description of decision if written document is not available
- Grounds for the appeal
- Detailed reasons for appeal with supporting evidence
- Requested remedy or remedies
- A \$500 fee payable to the AAWA

Upon receipt of the Notice of Appeal, the AAWA President shall appoint a Mediator. The Mediator shall determine if the appeal has sufficient grounds, was received within the Policy timelines and falls within the scope of this Policy. If the appeal is denied under any of those terms, the Appellant will be notified in writing of the reasons for this decision. This decision may not be appealed.

If the Mediator determines there are sufficient grounds for appeal the Mediator will set a format and deadline for the parties to reach a negotiated decision. If such a decision is reached this decision is to be reported to and approved by the Alberta Amateur Wrestling Association Executive. If no negotiated decision can be reached the Mediator will refer the matter to the Appeal Committee.

Appeal Committee and Hearing

The Appeal Committee will be made up of three individuals named by the AAWA President or designate. These three members will select from themselves a Chairperson.

No one shall participate in the hearing of the appeal if:

- They have a conflict of interest or bias
- There is any reasonable basis on which it may appear that they may have a conflict of interest or a bias
- Participation in any step of the investigation or hearing process prior to the hearing of the appeal shall be deemed to create the appearance of a bias.

On hearing an appeal the appointed committee may:

- Dismiss the appeal and confirm the decision being appealed

-Uphold the appeal and refer the matter back to the initial decision maker for a new decision

-Uphold the appeal and vary the decision

The Appeal Committee decision, with reasons, will be distributed to all parties involved. The decision will be considered a matter of public record unless decided otherwise by the AAWA Executive Committee.

The appeal process is confidential and involves only the parties directly involved, and any independent advisors. None of the parties will disclose confidential information to any person not involved in the proceedings.

Criminal Convictions

An individual's conviction for any of the following Criminal Code offenses will be deemed a major infraction and will result in expulsion from the AAWA and or removal from AAWA competitions, programs, activities and events based on the sole discretion of the AAWA Executive Committee.

- Any child pornography offences
- Any sexual offences
- Any offence of physical or psychological violence
- Any offence of assault
- Any offence involving trafficking of illegal drugs
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Confidentiality

The discipline and complaints process is confidential and involves only the Parties, the Discipline/Appeals Committees, Mediator and any independent advisors to the Committee. 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.

Timelines

If the circumstances of the complaint are such that adhering to the timelines outlined in this policy will not allow a timely resolution to the complaint, the Committee may direct that these timelines be revised.

Records and Distribution of Decisions

Infractions that result in discipline, as well as any decisions of any appeals, will be recorded and maintained by the Alberta Amateur Wrestling Association.

Decisions and appeals are matters of public interest and will be publicly available with the names of the individuals redacted. Names of persons disciplined may be disclosed to the extent necessary to effect any sanction imposed. The AAWA may determine that disclosing the person's identity would unduly violate the person's privacy and may decide that the decision or part of the decision will be kept confidential.