

ARTICLE 6 - DISCIPLINARY ACTION

- 1.1 The basic objective of disciplinary action shall be to further the interests of the game of softball.
- 1.2 An authorized Association/League shall have the right to take disciplinary action when reasonably warranted against a member who participates in Association/League activities. Such action shall only affect a member's eligibility to participate in games against other teams belonging to the Association/League.
- 1.3 Suspensions issued by Association/Leagues shall not exceed one year in duration. A report and details of any suspension issued in excess of 30 days must be submitted in writing to the Softball B.C. office.
- 1.4 Disciplinary Action includes:
 - a) any appropriate action, including issuing of suspensions, taken against any member by:
 - i) an Authorized Association/League where the member participates in Association/League activities;
 - ii) the appropriate Director of Softball B.C. (Senior Fastpitch, Senior Slo-Pitch, Minor, Umpire-in-Chief);
 - iii) any member of the Board of Directors; when necessary in his or her judgment, after reasonable investigation of a written complaint received by the Association/League or Softball B.C. regarding a member's conduct;
 - b) Disciplinary action shall not be taken by an Authorized Association/league or any member of the Board of Directors unless an Investigation has been conducted in accordance with the principles of "Natural Justice" and specifically until the member has been notified of the nature of the complaint against him/her and has been given a fair opportunity to explain/defend him/herself;
 - c) Examples of conduct of a member that might reasonably lead to disciplinary action are as follows (the list is not exhaustive):
 - i) Verbally and/or physically abusing an umpire or other member;
 - ii) Knowingly playing with or against a player or team that is under suspension by an Association and/or League, Softball B.C. or Softball Canada;
 - iii) Knowingly playing an ineligible player;
 - iv) Misconduct in hotels, restaurants, and/or drinking establishments while attending exhibition, league, playoff, tournament, Provincial Championship and extra-Provincial Championship events;
 - v) Not returning uniforms or equipment to teams, Associations or leagues within a reasonable time after being requested to do so;
 - vi) Competing under an assumed name;
 - vii) Committing fraud involving the game of softball;
 - viii) Violating the Constitution, By-Laws and/or Operating Rules of an authorized Association, League or Softball B.C. ;
 - d) Disciplinary action taken by the applicable Director/U.I.C. shall be issued in writing and shall be delivered to the member and copied to the member's team and Association/League.
- 1.5 Protem (interim) suspensions of less than 31 days may be issued, in writing by double registered mail or delivered in person, in exceptional circumstances (i.e. flagrant abuse (verbal or physical) of an umpire, player, fan or official; criminal or civil misbehaviour; gross misconduct relating to, and/or defiance of, established special operating rules):
 - a) Upon agreement between the appropriate District Umpire-in-Chief and District Coordinator;
 - b) In the case of Provincial Championship, by the Board Member, or his/her designate in charge of the Championship.
- 1.6 Disciplinary actions, including Protem suspensions, shall be deemed to have expired 31 days after they have been issued, however further disciplinary action could be imposed in accordance with Article 6.4.
- 1.7 Disciplinary actions, including Protem suspensions, shall terminate at 2400 hours on the final day of the suspension.
- 1.8 Barring exceptional circumstances, a full investigation conducted in adherence with the principles of "Natural Justice" shall be undertaken before any disciplinary action is taken. In exceptional cases, where a Protem suspension is issued, such an investigation shall be commenced as soon as possible and ratified, revoked or revised where the investigation results deem it appropriate.
- 1.9 Disciplinary action, which may include action initiated and carried out by an Association/League, or any member of the Board of Directors of Softball B.C., may be subject to appeal pursuant to Article 7.

ARTICLE 7 - APPEALS

(NOTE: Definition of Appeals Committee, see Article #1.)

- 1.10 Any affiliated Association, League, Team, Player or Official may appeal any disciplinary action issued pursuant to Article 6.
- 1.11 All members of Softball B.C. have the right to appeal any non-disciplinary action where they feel an unjust decision was set down by their ruling executive, District Coordinator, or a member of the Board of Directors of Softball B.C.
- 1.12 Appeal of a Protem suspension shall be reviewed by the President of Softball B.C., who shall direct or conduct an investigation and shall issue a timely and reasonable ruling.

- 1.13 Non-disciplinary appeals that are to be considered at the District Coordinator/U.I.C. or Softball B.C. Director level pursuant to Article 8.2 must be initiated by written notice, postmarked or delivered to the appropriate appeal level within 30 days of notification of the applicable action.
- 1.14 All appeals to be considered at the Softball B.C. Appeal Committee level, including disciplinary, protem and non-disciplinary actions, must be initiated by written notice, postmarked or delivered to Softball B.C. within 30 days of notification of the applicable action. In such case, a \$100.00 cash deposit or money order payable to Softball B.C. must accompany the written notice. (Note: Game protest procedures are dealt with in the C.A.S.A Rulebook and for Provincial Championships, under Article 16.10.)
- 1.15 Where an appeal is successful in whole or in part, the \$100.00 deposit shall be returned to the appellant.
- 1.16 A Notice to Appeal must contain:
 - a) Name, address and phone number of appellant;
 - b) Names of parent Association and/or League and team to which appellant is affiliated;
 - c) Grounds for Appeal;
 - d) A detailed outline of the circumstances in question which shall contain detailed supporting documentation and witness statements if available, and may contain character references from supporting persons.
- 1.17 Filing of an appeal shall not result in a stay of the particular action.
- 1.18 The onus shall rest with the appellant to convince the Appeal Committee that a wrong or unjust decision was set down by their ruling executive, District Coordinator or members of the Board of Directors. After completion of an investigation and deliberation, an appeal shall only be considered successful, in whole or in part, where a majority of the Appeal Committee find in favour of the appellant.
- 1.19 A written decision shall be rendered by the Appeal Committee, or in the case of a Protem Suspension appeal, by the President, and shall be mailed to the appellant and aggrieved parties postmarked within 5 days of the conclusion of the hearing.
- 1.20 Decisions of the Appeal Committee, or the President in the case of a Protem Suspension appeal, shall be conclusive and not subject to further appeal.
- 1.21 Any member who fails to exhaust the appeal procedures provided herein prior to resorting to external legal remedies shall be subject to further disciplinary action at the discretion of the majority of the appeal committee.
- 1.22 Softball Canada may be requested to enforce any disciplinary action taken by the Association throughout Softball Canada's jurisdiction.
- 1.23 Appeal Hearings, including those of a non-disciplinary action reviewed at the various levels of the process, shall be conducted pursuant to Articles 9 and/or 10.
- 1.24 Any member who does not follow the procedures as outlined in Article 7, and contacts all members of the Board directly, shall forfeit their right to an appeal.

ARTICLE 8 - APPEAL – NON-DISCIPLINARY

- 1.25 Pursuant to the conditions enumerated in Article 7, an appeal of a non-disciplinary action shall be made in writing to the initial Appeal level in accordance with Article 8.2. The appropriate Appeal level shall conduct an investigation in adherence with the principles of "Natural Justice" and issue an appropriate and reasonable ruling.
- 1.26 Before a Non-disciplinary Appeal will be considered by the Softball B.C. Appeal Committee pursuant to Article 7, an initial Appeal must first be submitted to the appropriate level as outlined below and dealt with at that level, and where necessary each subsequent level:
 - a) where the Association or League has rendered the decision, the Notice of Appeal must be made directly to the appropriate District Coordinator or District U.I.C.;
 - b) where the District Coordinator or District U.I.C. has rendered the decision, the Notice of Appeal must be made directly to the appropriate Director or Provincial U.I.C.;
 - c) where the Softball B.C. Director or Provincial U.I.C. has rendered the decision, a Notice of Appeal must be made to the Softball B.C. Appeals Committee pursuant to Article 7;
 - d) where in the opinion of the President of Softball B.C. there appears to be a conflict at one or more levels of this process, the President may direct the Appeal to the next appropriate level or may instruct the appellant to Appeal directly to Softball B.C. pursuant to Article 7.

ARTICLE 9 - APPEALS – INVESTIGATION PROCEDURE

- 1.27 The procedure to be followed during or following an appeal investigation shall be determined by the President.
- 1.28 When an appeal has been received by Softball B.C., the President or the chair of the Appeal Committee shall, within 5 days, advise the appellant that:
 - a) further elaboration is necessary before consideration can be given to the Notice of Appeal where it is found the material provided is insufficient or lacking;
 - b) the basis of the appeal is vexatious or without foundation, and will not be considered by Softball B.C.
 - c) where a Notice of Appeal is approved for investigation and deliberation by the President, an investigation shall commence. The appeal process may involve:

- i) An inquiry through a collaboration of witness statements, reports and other evidence, which may or may not include a personal or telephonic interview of the appellant by one or more of the appointed Appeal Committee members;
- ii) an oral hearing pursuant to Article 10 where witnesses and/or the appellant shall appear in person before the Appeal Committee, or:
- iii) by both an inquiry process and an oral hearing process.

d) Following completion of the inquiry or oral hearing process, the Appeal Committee shall deliberate the issue and render a decision in accordance with Article 7. After deliberation the Appeal Committee may:
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| <ul style="list-style-type: none"> i) Vacate the decision of the Director, or ii) Uphold the decision of the Director, or iii) Vary the decision of the Director. |
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1.29 No person shall sit on an Appeal Committee respecting a particular decision that has participated in the issuance of the initial decision or is a potential witness to the decision. When necessary, the President of Softball B.C. may designate a replacement of an Appeal Committee member to ensure that a fair and impartial appellate decision will be made. (i.e. cases of apparent bias, conflict of interest, etc.)

ARTICLE 10 - APPEALS – ORAL HEARING PROCEDURE

- 1.30 Procedure to be followed at an Oral Hearing shall to be determined by the Chair of the Appeal Committee, or in the case of a Protem Suspension appeal, by the President.
- 1.31 The procedure may involve an open session where all parties may be present during the hearing, or may involve a closed session where each witness, appellant or respondent may come before the committee independently.
- 1.32 The Appeal Committee shall ensure that the appellant, respondent and witnesses are notified in writing of the date, time and place of the hearing. Normally two (2) clear days prior to the hearing will constitute sufficient notice.
- 1.33 In addition to witnesses summoned by the Appeal Committee, the appellant and the respondent shall be entitled to include one supporting person per party who shall have the right to speak at the hearing.
- 1.34 Any other interested person wishing to attend may be permitted to do so, bearing in mind that the hearing process may include a closed session pursuant to Article 10.2. Any person so attending may, at the discretion of the Chair, address the Appeal Committee.
- 1.35 Failure of an appellant, respondent or witness to appear for a hearing when it is confirmed they have been properly notified, shall not prevent the Appeal Committee from proceeding to adjudicate the issue in the absence of that party.