

# Alberta Roller Derby Association: Grievance and Appeal Policy

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This policy has been created to aid as guidance in the process of a grievance or appeal. The policies are made for the protection of all participants in roller derby.

Any person (a complainant) may file a grievance about a person, people or organisation bound by this policy (respondent) if they feel they have been discriminated against, harassed, bullied or there has been any other breach of ARDA policy.

All filed grievances and appeals will be reviewed by the ARDA Grievance Officer, who will determine if it is necessary to assemble a tribunal of individuals who were not involved in the situation. The reporting official should also consider if it is a minor matter and if they believe it is they should indicate it on the front of the report form. This will then be considered by the tribunal chair, which may make an offer to the reported person of a lower penalty than may normally be given and if accepted will mean there is no need for a hearing.

It should be noted that once any game based incident is acted on by game officials and the officials consider the matter dealt with, the association would only take further action under this policy in exceptional circumstances.

Individuals and organisations may also seek to have their grievance handled by an external agency under antidiscrimination, child protection, criminal or other relevant legislation.

This policy uses the following definitions:

- A league is a regional roller derby association or team.
- The Association is the Alberta Roller Derby Association.
- A complaint is a general expression of dissatisfaction with a situation or the behaviours of other person(s) within a league –a complaint will be managed within the league.
- A grievance is a more specific and serious feeling of wrong doing that relates to harassment, discrimination or vilification by person(s) within the Association –a grievance will be managed at Association level.
- An Appeal is a submission to review a grievance decision, in belief that the decision was made incorrectly.
- Mediation is the attempt to effect a peaceful settlement between disputing parties via the facilitation of another independent third party, with all parties and the mediator present at the same time. The parties involved in the dispute determine the resolution themselves rather than have it imposed on them.
- Tribunal will be a panel of at least three persons who were uninvolved in the situation. It is recommended that at least one person on the tribunal hearing be from a third party.



# Alberta Roller Derby Association: Grievance and Appeal Policy

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## PROCEDURE GUIDELINES – COMPLAINTS

The following are suggested guidelines for leagues to use with regard to intra-league complaints.

1. Any person who feels unhappy with the behaviour of another participant should attempt to resolve the matter directly with the other party in a calm and orderly way.
2. Should the person be unable to resolve the matter and wish to take further action, they should raise a complaint either verbally or in writing with league grievance committee or president.
3. The league must attempt to mediate the matter within two weeks of receiving the complaint – this may include discussions/meetings /statements between affected parties and involve other relevant people, if appropriate.
4. Should a mediation meeting between parties resolve a complaint, then no further action is required.
5. If a mediation meeting between parties does not resolve a complaint, the league should assemble a tribunal hearing of persons not involved in the incident. It is suggested that the tribunal hearing included persons who are not associated with the league to provide an unbiased view.
6. The resolution of the tribunal will be considered final. If necessary the league may pass on the complaint and resolution to the Association.

## PROCEDURES – GRIEVANCES

1. The Grievance Officer will only receive grievances in writing and will log all grievances in an appropriate register to record the date of receipt, name of the complainant and general nature of the grievance
2. The Grievance Officer will initially assess a grievance on the basis of the written information – should the Grievance Officer determine that the grievance is vexatious or trivial then the complainant should be notified in writing and the grievance reviewed for possible disciplinary action against the complainant. If at any point in the grievance handling process the Grievance Officer considers that a complainant has knowingly filed an untrue grievance, or the grievance is malicious or inappropriately intended to cause distress to the respondent, the matter may be referred in writing to the Tribunal for review and appropriate action, including possible disciplinary action against the complainant.
3. The Grievance Officer may determine that a grievance is more appropriately handled as a complaint and refer the matter to the complainant's league.
4. Once the Grievance Officer has determined a grievance to be legitimate and in need of action they will convene a Grievance Panel – the Panel should consist of three people who are impartial to the event and may include but is not limited to; the Association President, members of the Executive, or external persons. The recommended size of this panel is 3 but not restricted to. The following will apply to Grievance Panel hearings:
  - a. The Panel must meet within one month of being formed;
  - b. The Panel will invite all parties in the matter to be heard;



# Alberta Roller Derby Association: Grievance and Appeal Policy

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- c. All parties will be advised in writing of the outcome of the Panel hearing, once recommendations are ratified by the Grievance Officer.
5. The Panel Chair has the discretion to determine if the Panel hearing should be conducted in the form of a mediation (refer definition), or as a tribunal (where parties present their views separately without the other present).
6. The Association notes that whether or not behaviours are Harassment or Bullying is determined from the point of view of the person receiving the harassment.
7. All internal processes for hearing a grievance should be completed within three months of the initial grievance being lodged.
8. The Association will release the information of a completed grievance to be used as reference and example for leagues or future similar cases. All names, teams, and leagues will be kept anonymous in the public report.

## PROCEDURES – APPEALS

1. The Grievance Officer will only receive appeals in writing no more than fourteen days after all parties have been informed of the original grievance decision in writing. Any appeals received after the fourteen days must include a reason why the appeal is late and will be reviewed for consideration by the Grievance Officer.
2. The written appeal must also include:
  - a. All evidence that supports these grounds.
  - b. The remedy or remedies requested.
  - c. A copy of the decision being appealed.
3. An appeal will only be accepted for the following situations:
  - a. The decision was made by a person who did not have the authority or jurisdiction to do so.
  - b. New facts that were not available during the original decision are now available.
  - c. The decision was made based on bias.
  - d. The decision was made based on improper interpretation of the procedures of policies.
  - e. The sanction imposed was unjust and/or unreasonable.
4. The Grievance Officer will inform all parties involved when an appeal has been filed and will be acted upon.
5. The Grievance Officer will form a new tribunal hearing with persons uninvolved in the original decision to review both the original decision and the appeal. The tribunal will follow the same steps and rules as a Grievance.
6. The decision of the Appeal Tribunal will be final and binding.

# Alberta Roller Derby Association: Grievance and Appeal Policy

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## PROCEDURES – DISCIPLINE

1. Discipline action may only be taken against a Registrant or Registered Organization of Alberta Roller Derby Association for misconduct occurring at the time of the incident, and cannot be retroactively charged for incidents prior to registration of such person or organization.
2. On misconduct being proved to its satisfaction, a Discipline Hearing/Review Panel shall have the power to cause a Registrant to be suspended from all or any specific ARDA related activity for a stated period of time or games.
3. An immediate suspension must be imposed on receipt of a report for the following misconduct:
  - a. Offences of moral turpitude
  - b. Physical assault or attempted physical assault of registered member
4. In cases where a person has been charged in criminal court with offences of moral turpitude, the accused shall be suspended from all ARDA related activity until the case(s) has been concluded in criminal court.
5. If a registrant is suspended for a specific number of scheduled games in a tournament and if the suspension has not been fully served then any outstanding games shall be transferred to the game(s) of the registrant's league.
6. A registrant unable to fully serve their suspension in a designated competition(s) due to the completion of scheduled games, or the individual leaving the team or league, shall serve their the remaining games in the new team or competition(s) they enter. The suspension shall follow the individual registrant until fully served.
7. A player who has been suspended for one or more games in league play shall not be permitted to play in any ARDA events for another league or team.

## Disciplinary Measures

The following forms of discipline may be imposed.

### Individual

- a direction that the individual make a verbal and/or written apology;
- a written warning;
- a suspension of the individual's membership or participation or engagement in a role or activity;
- termination of the individual's membership, appointment or engagement;
- in the case of a coach or official, a direction that ARDA de-register the accreditation of the coach or official for a period of time or permanently;
- any other form of discipline that ARDA considers appropriate.

### Organisation

- a written warning;
- a direction that any rights, privileges and benefits provided to that team/league by ARDA be suspended for a specified period;
- a direction that the ARDA cease to sanction events/activities held by the team/league



# Alberta Roller Derby Association: Grievance and Appeal Policy

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- any other form of discipline that the ARDA considers reasonable and appropriate.

