

ALBERTA LACROSSE ASSOCIATION - DISCIPLINE & APPEAL POLICY

Version 2.0

Last Modified: November 9, 2025

1. Purpose

The purpose of this Discipline and Appeal Policy is to provide a clear and fair process for addressing issues of misconduct within the Alberta Lacrosse Association (ALA) and to ensure that all members, including players, coaches, officials, spectators, administrators, and volunteers, are treated equitably.

2. Scope

This Policy operates under and subject to ALA Bylaw 10. Where there is any conflict between this Policy and the ALA Bylaws, the ALA Bylaws shall govern.

3. Jurisdiction of the Discipline/Appeals Committee:

As set out in Bylaw 10.01.5, The Discipline/Appeals Committee may address disciplinary or appeal matters through the following mechanisms:

- (a) Receipt of a written complaint;
- (b) Referral by the President or a Director of an alleged violation;
- (c) Infractions occurring during Provincial Championship Tournament games, which are automatically referred to the committee;
- (d) Appeal of a decision or ruling made by a Member; or
- (e) Appeal of a decision made by the President as outlined in Bylaw 6.03.1.1 (e).

4. Definitions

Misconduct: Any behavior that violates ALA Bylaws (including the Code of Conduct set out in Bylaw 10.01.2), Regulations or Policies.

Discipline Chair: Is the chairperson of the ALA Discipline/Appeal Committee as appointed under the Bylaws from time to time.

5. Reporting Misconduct and Reporting Procedures

- 5.1. Any member who observes or is aware of misconduct should report it in writing to the ALA Executive Director.
- 5.2. The report must be in writing and should include a detailed description of the incident, names of individuals involved including specifically the names of

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individuals or organizations that are alleged to have committed misconduct, a description of the Bylaw, Regulation or Policy that the complainant believes has been breached. Complaints may attach evidence in the form of written documents, photos or videos.

- 5.3. ALA members are encouraged to report any matter that they believe is misconduct to the most local and appropriate body for a determination. The ALA is governed and operated by a series of entities that range from Clubs and Teams at the most local level, to Local Governing Bodies that arrange lacrosse competitions and discipline matters within specific regions or age groups and then to the ALA. Clubs, Teams and Local Governing Bodies often have more specific rules or regulations or local knowledge that allow them to make more effective and efficient decisions than the ALA on many matters. The ALA remains available for appeals from these bodies in accordance with this Policy which is frequently a more efficient and satisfactory manner of determining the actual issues and facts at stake and providing a sound system of resolving differences.

6. Confidentiality:

- 6.1. All reports and investigations will be handled confidentially, to the extent possible, with information shared only with those individuals who are required to receive it. Reasons that information from a complaint or appeal may be shared include:
 - 6.1.1. With ALA Directors or staff in order to carry out the procedure prescribed in this Policy and the requirements of the ALA's Bylaws or other policies;
 - 6.1.2. With members of a Discipline/Appeal Committee to carry out their duties under this Policy and the ALA's Bylaws;
 - 6.1.3. With parties to a complaint or appeal in order to comply with this Policy and the requirements of a fair hearing and principles of natural justice, which may include the ALA member organization that has oversight or similar responsibilities with respect to a party to a matter under the Policy.

7. Method of Determination

Initial Review:

- 7.1. Upon receipt of a misconduct report, the Executive Director will review the report to determine if the report complies with this Policy. If it does, the report will be forwarded to the Discipline Chair. If the report does not comply with this policy the Executive Director will advise the person making the report and may request additional information in order to have the report comply with this policy. The Executive Director may suggest that any report be made to a Club, Team or LGB for determination prior to it being handled by the ALA under this Policy.
- 7.2. Upon receipt of a report from the Executive Director, the Discipline Chair will conduct an initial review to determine the most appropriate procedure to follow to determine the outcome of the report. The potential procedures the Discipline Chair may prescribe are:

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- 7.2.1. An investigation in accordance with the ALA's Policy On LC Safe Sport Suite Of Policies. This option should be used when, in the opinion of the Discipline Chair, the matter is most appropriately considered a complaint of conduct that is Maltreatment as defined in the LC Safe Sport Policy Suite Definitions and can only be fairly, justly and safely resolved with an independent investigation into the factual underpinnings of the report;
- 7.2.2. Be dealt with by the Discipline Chair either as without merit or moot under Bylaw 10.01.6(d) or on a binding and summary basis without a hearing as contemplated by Bylaw 10.01.6(e). The procedure for that determination is described below;
- 7.2.3. A hearing of a Discipline/Appeal Committee under bylaw 10.01.6 without any other investigation.
- 7.3. As set out in Bylaw 10.09 the Discipline Chair has the power to extend or delay any deadline related to the hearing of a matter as set out in the Bylaws or in this Policy. To the extent that the Discipline Chair is following the timelines set out in this Policy, all such timelines in the Bylaws should be considered automatically extended by the Discipline Chair in accordance with that Bylaw without further notice.
- 7.4. Any timelines or deadlines in this Policy may be extended by the Discipline Chair at their discretion.

8. Investigation Process:

- 8.1. If a formal investigation is deemed warranted, notice will be provided to the respondents that a formal investigation will take place in relation to a complaint. A copy of the complaint will be provided to the respondent.
- 8.2. The ALA will appoint an independent investigator to gather and review records related to the report, interview relevant individuals, and prepare a report of findings.
- 8.3. The investigator's report shall comply with LC's Investigations Policy, but most particularly must include an executive summary, which may be shared separately from the full report with the Parties and a non-binding opinion regarding whether an allegation should be heard by a Discipline/Appeal Committee under this Policy.
- 8.4. Upon receipt of the Investigation Report, the Discipline Chair may:
 - 8.4.1. Refer the matter to a hearing of a Discipline/Appeal Committee, including a decision on whether the hearing will:
 - 8.4.1.1. rely on the factual findings of the investigator as the factual basis of the hearing and the only issue at the hearing will be as to the any sanction or remedy to be granted, if any, arising from the conduct as described in that report; or

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- 8.4.1.2. A full hearing into all the facts related to the report and any sanction or remedy to be granted, if any, arising from the fact findings at the hearing.
- 8.4.2. Decide that the investigation report reveals there is an insufficient factual or evidentiary basis to proceed with any further proceedings in relation to the report
- 8.5. An "independent" investigator in this context means someone who is not connected with the ALA in any way other than to provide their services to the ALA as an investigator.
- 8.6. All ALA coaches, managers, officials, directors and executives who are not minors shall cooperate with any investigation under this Policy in a forthright, honest and conscientious manner.

9. Summary Determination

- 9.1. If the Discipline Chair determines that either:
 - 9.1.1. the matter is without merit or moot; or
 - 9.1.2. the most appropriate procedure to determine a report is to be dealt with by the Chair on a binding and summary basisthe following procedure will apply.
- 9.2. The Discipline Chair will advise the parties they propose to deal with the matter on one of the two bases described in the paragraph above.
- 9.3. The respondents to a complaint will have up to 1 week to provide any records or similar evidence as well as any written narrative or argument on the merits of the complaint.
- 9.4. The complainants will have up to 1 week to provide any further information or written narrative that responds to matters raised by the response that are not already dealt with in the original complaint. The Discipline Chair may advise before this opportunity that nothing new has arisen and no additional submissions or evidence will be accepted.
- 9.5. The respondents will have 3 days to provide any information or materials that responds to anything newly raised by the complainants. The Discipline Chair may advise before this opportunity that nothing new has arisen and no additional submissions or evidence will be accepted.
- 9.6. The Discipline Chair will review the materials and submissions and provide a decision.

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10. Hearing

Notice:

- 10.1. The respondents to a complaint will be notified of the complaint and provided a copy of the complaint and any records or materials provided along with the complaint.

Hearing Procedure:

- 10.2. After having received notice, the respondents will have 1 week to provide any written response and materials or records that they believe are relevant to the complaint. Any such response or materials will be made available to the complainants.
- 10.3. The complainants will have 5 days to provide any additional materials or written submissions that they want in response to new matters raised by the respondents.
- 10.4. The Discipline Chair will appoint the other two members of the Discipline/Appeal Committee to hear the matter in accordance with Bylaw 10.01.6(a), in consultation with the ALA and the availability of appropriate Committee members.
- 10.5. The default mode of all hearings will be by video conference. In person hearings will only be used if the Discipline Chair deems it absolutely necessary to the fair determination of the complaint.
- 10.6. The complainants and respondents will be consulted on their availability for the hearing and will attempt to accommodate reasonable scheduling requests. Otherwise, the Discipline Chair will set a date for the hearing, the date will be communicated to the parties along with the details necessary to participate in the hearing including any video conferencing links or the location.
- 10.7. The member facing discipline and the complainant have the right to:
 - 10.7.1. Attend the hearing and hear all evidence presented at the hearing;
 - 10.7.2. Present their case and evidence; and
 - 10.7.3. Be accompanied by a representative or advisor.
- 10.8. The Discipline/Appeal Committee has the authority to determine what other evidence it might hear, exclude evidence and exclude any other participants other than the complainants, respondents or their representatives or advisors from the hearing.
- 10.9. The Disciplinary Committee will make a decision based on the evidence presented and if it finds that Misconduct took place, may impose a sanction as

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described below.

11. **Sanctions** for Misconduct may include, but are not limited to:

- 11.1. Verbal or written warnings,
- 11.2. Fines,
- 11.3. Suspension from participation, or
- 11.4. Expulsion from the ALA

12. **Appeals**

Filing an Appeal:

- 12.1. A member who wishes to appeal a decision must submit a written notice of appeal to the ALA, via the Executive Director, within 7 days of receiving the decision in accordance with Bylaw 10.06.
- 12.2. The Notice of Appeal shall contain the following:
 - 12.2.1. a statement of the decision which is being appealed, including a copy of the written decision, if any;
 - 12.2.2. A brief summary of the facts and procedure that lead to the decision in question;
 - 12.2.3. the grounds for appeal, including specifically identifying the alleged errors in the decision and the Bylaws, Policies, Regulations of the ALA or its members that were not followed or applied incorrectly; and
 - 12.2.4. a concise statement of desired outcome.

13. **Appeal Process:**

- 13.1. The appeal will be reviewed by the Executive Director to ensure compliance with this Policy and the Bylaws. The Executive Director may return any purported appeal to the party sending the appeal to request more information or better compliance with this Policy and the Bylaws. If the appeal complies with the Bylaws and this policy it will be forwarded to the Discipline Chair. If the Discipline Chair participated in the decision under appeal, the appeal will be sent to the Director of Administration who will perform the Discipline Chair role until the Appeal Panel is appointed as contemplated below.
- 13.2. The Discipline Chair in consultation with the ALA will appoint a Discipline/Appeal Committee (the Appeal Panel) to consider the appeal. The Appeal Panel, which will consist of individuals who were not involved in the decision under appeal.
- 13.3. The Appeal Panel will review the written record of the disciplinary hearing and may, at its discretion, hear oral evidence or arguments.
- 13.4. The Appeal Panel may uphold, modify, or overturn the original decision.

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Effect of Appeal:

- 13.5. An Appeal to the Discipline/Appeals Committee does not operate as a stay of the decision or ruling appealed from, except so far as the President, as the case may be, may direct upon written application of the Appellant, after providing the Respondent an opportunity to be heard as contemplated by Bylaw 10.04.
- 13.6. The Chair of the Appeals committee may, upon application, grant a stay of the decision appealed from upon such terms as the Chair may determine.

14. Appeal Fees:

- 14.1. As set out in Bylaw 10.08, Appellants shall be required to pay the ALA a fee for an Appeal, which fee shall be payable with the filing of the Notice of Appeal of Three Hundred Dollars (\$300.00). The Appeal Fee is refundable in the event of success of the Appeal.

15. Finality of Decision

The decision of the Appeal Panel is final and binding. There will be no further appeals within the ALA, as per Bylaw 11.01. For greater clarity, this policy is considered a regulation as contemplated by Bylaw 10.05.

16. Review

This policy will be reviewed annually and updated as necessary to ensure its continued relevance and effectiveness.

11. Contact Information

For questions or concerns regarding this policy, please contact the ALA President at president@albertalacrosse.com

References:

[ALA Policy On LC Safe Sport Suite of Policies](#)
[LC Safe Sport Suite of Policies](#)
[ALA Bylaws](#)

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