



# DARTS ALBERTA POLICY DISCIPLINARY PROCEEDINGS

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## DEFINITIONS

In this document, unless the context otherwise stipulates, the definitions as outlined in the Society's Constitution shall apply.

### 1 DISCIPLINARY AND APPEALS PROCESS

- 1.1 All Disciplinary actions and appeals proceedings shall be conducted in accordance with the Disciplinary Proceedings Policy, described herein.
- 1.2 All correspondence and/or notification from the Society to the accused and from the accused to the Society shall be by registered mail.
- 1.3 In all cases where a member being accused is under the age of majority, his parent or guardian shall be copied on all correspondence and shall be entitled to attend all hearings when that member is in attendance.

### 2 DISCIPLINARY SUB-COMMITTEE

- 2.1 The Disciplinary Sub-Committee shall consist of the following:
  - (a) Second Vice President
  - (b) Secretary
  - (c) Treasurer
  - (d) Two (2) members of the Board of Directors
- 2.2 Notwithstanding Article 2.1, no member shall be permitted to serve on a Disciplinary Sub-Committee if found to be "in conflict" with the business of the Disciplinary Sub-Committee for which they have been asked to adjudicate.
- 2.3 A Sub-Committee Member shall be deemed "in conflict" with the business of the Disciplinary Sub-Committee for which they have been asked to adjudicate if
  - (a) Directly involved with the dispute, or
  - (b) The individual states that a conflict exists, or
  - (c) The Executive Committee determines, by majority vote, that a conflict exists.
- 2.4 As a result of Article 2.2, in the event that a five-member Disciplinary Sub-Committee cannot be established as designated in Article 2.1, a member or members of the Society, from a pool of volunteers, shall be appointed for the purposes of adjudicating at that hearing.
- 2.5 The President of the Society shall be ex-officio a member of the Disciplinary Sub-Committee.

### 3 APPEALS SUB-COMMITTEE

- 3.1 The Appeals Sub-Committee shall consist of the following:
  - (a) First Vice President
  - (b) Membership Director
  - (c) Youth Director
  - (d) Two (2) Members of the Board of Directors
- 3.2 Notwithstanding Article 3.1, no member shall be permitted to serve on an Appeals Sub-Committee if found to be "in conflict" with the business of the Appeals Sub-Committee for which they have been asked to adjudicate.



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- 3.3 A Sub-Committee Member shall be deemed "in conflict" with the business of the Appeals Sub-Committee for which they have been asked to adjudicate if
- Directly involved with the dispute, or
  - The individual states that a conflict exists, or
  - The Executive Committee determines, by majority vote, that a conflict exists or
  - The individual was a member of the Disciplinary Sub-Committee for which the decision is being appealed.
- 3.4 As a result of Article 3.2, in the event that a five-member Appeals Sub-Committee cannot be established as designated in Article 3.1, a member or members of the Society, from a pool of volunteers, shall be appointed for the purposes of adjudicating at that hearing.
- 3.5 The President of the Society shall be ex-officio a member of the Appeals Sub-Committee.
- 4 GENERAL COMMITTEE PROCEDURES**
- 4.1 The chairman shall be voted in from the Sub-Committee Members present at a particular hearing.
- 4.2 One Sub-Committee Member shall act as the Recording Secretary.
- 4.3 All Sub-Committee Members including the Chairman shall have the right to vote, with majority rule to determine the outcome.
- 4.4 All voting to determine the disciplinary action to be taken, and the granting or denying of an appeal shall be by ballot.
- 5 CHARGES**
- 5.1 Any member of the Society wishing to propose charges against any other member shall do so in writing.
- 5.2 Such written charges shall
- Include the name of the member accused of the alleged misconduct, and
  - Include a full description of the alleged misconduct, and
  - Include the names of witnesses who will testify, and
  - Be signed by the member wishing to propose charges, and
  - Be in the hands of the Secretary of the Society, or in the case of the Secretary being the accused member be in the hands of the President, within twenty-one (21) days of the alleged misconduct.
- 5.3 Under no circumstances shall any charges be accepted after the twenty-one (21) day expiration date.
- 5.4 Where an incident has occurred at a National Championship, the NDFC or any of its Member Darts Bodies may propose charges against a member of Darts Alberta. Any proposed charges shall be done so in writing, in accordance with Articles 5.2 and 5.3 of the Constitution.
- 6 DISCIPLINARY HEARING**
- 6.1 The Secretary shall notify the accused member, in writing, within thirty (30) days of receipt of the allegations.
- 6.2 Such written notification shall
- Advise that he is required to attend before a Disciplinary Sub-Committee, and
  - Include the alleged misconduct, and
  - Include the names of the persons making the allegations and all witnesses thereof, and
  - Be given a full thirty (30) days notice of the date and location of the hearing.



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- 6.3 Every effort shall be made to hold the Disciplinary Hearing within a reasonable distance for the accused and the Disciplinary Sub-Committee to attend.
- 6.4 Any accused member may, by written authorization, designate a representative to speak on his behalf.
- 6.5 If the accused member or authorized representative fails to appear before the hearing, after being duly notified in accordance with Article 6.3, the Disciplinary Sub-Committee shall conduct the hearing in his absence and shall make their ruling after reviewing the evidence received.
- 6.6 For the purposes of adjudicating the Disciplinary Hearing, the Disciplinary Sub-Committee shall:
- (a) Review all written charges, and
  - (b) Review any other material, documentation or information which the Sub-Committee deems necessary, relevant and appropriate, and
  - (c) Interview any witnesses to the charges, and
  - (d) Interview the accused.
- 6.7 The Disciplinary Sub-Committee shall be entitled to obtain legal advice for its purposes, as it deems appropriate.
- 6.8 The Disciplinary Sub-Committee shall not be required to keep a detailed account of testimony or of its proceedings, but shall compile a record of proceedings in which an adjudication has been determined, which shall include:
- (a) All documentary evidence, and
  - (b) A written report on the results of their findings, any disciplinary action to be imposed and the reasons therefore, where reasons have been given.
- 6.9 The appointed Recording Secretary for the hearing shall provide all documentary evidence and the written report to the Secretary and President of the Society, within seven (7) days of the disciplinary hearing.
- 6.10 The Secretary shall notify the accused, in writing, of the findings and any disciplinary action imposed, within fourteen (14) days of the disciplinary hearing.
- 6.11 If a Disciplinary Hearing is considered warranted but contact with the accused is not possible because of relocation or lack of address, the individual shall be placed on the list of suspended players as being 'ineligible for membership'. This status shall remain in effect until the accused contacts the Society at which time disciplinary proceedings shall commence.
- 6.12 All witness statements, discussion, decisions and actions of the Disciplinary Sub-Committee shall be treated as confidential by all Disciplinary Sub-Committee Members.
- 6.13 Information regarding such Disciplinary Sub-Committee decisions may be released to the Executive Committee or Board of Directors after the appeal deadline has expired.
- 7 PUNISHMENT**
- 7.1 In the event the accused offense involves the misappropriation of Society funds or assets, the Disciplinary Sub-Committee shall, if finding the accused member guilty of the allegations made against him, hand down one of the following punishments:
- (a) A membership suspension until such date as the misappropriated funds have been repaid in full or membership suspension for a set period to commence from the date of conviction, whichever date is the latter, or
  - (b) A membership suspension until such date as the misappropriated funds have been repaid in full and membership suspension for a set period to commence from the date of repayment, or
  - (c) A lifetime suspension of membership to commence from the date of conviction.



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- 7.2 In addition to the aforementioned punishments, the Disciplinary Sub-Committee may impose up to and including lifetime ineligibility from serving in any capacity on the Society's Board of Directors.
- 7.3 In the event the accused offense is behavioral in nature, the Disciplinary Sub-Committee shall, if finding the accused member guilty of the allegations made against him, hand down one of the following punishments:
- (a) A set probationary period to commence from the date of conviction and a membership suspension for a period to commence from the date of any further substantiated allegations made against him, or
  - (b) A membership suspension for a set period to commence from the date of conviction, or
  - (c) A membership suspension for a set period to commence from the date of conviction and a set period of probation to commence from the date of membership reinstatement, or
  - (d) A lifetime suspension of membership to commence from the date of conviction.

## **8 APPEALS**

- 8.1 Any member being issued punishment as a result of a disciplinary hearing may appeal his conviction, and all or any part of his punishment.
- 8.2 All appeals of disciplinary action shall be done in writing within fourteen (14) days of the date of delivery of the conviction or within thirty (30) days of the date of the initial disciplinary hearing, whichever is the latter.
- 8.3 Such written appeal shall
- (a) Be submitted on a Darts Alberta Application For Appeal Of Disciplinary Action form, and
  - (b) Include the name, address and phone number of the appellant, and
  - (c) Include what information the appellant believes was not taken into consideration during the disciplinary hearing, and
  - (d) Include the names and contact information of any additional witnesses to the initial allegations, not already provided to the Disciplinary Sub-Committee, and
  - (e) Be signed by the appellant, and
  - (f) Be in the hands of the Secretary or President, whichever applicable, within the established deadline for appeal, as outlined in Article 8.2.
- 8.4 A refusal to sign for the delivery of registered mail containing the conviction shall be regarded as 'actually served' and shall nullify the appeal period defined in Article 8.2.

## **9 APPEALS HEARING**

- 9.1 The Appeals Sub-Committee shall meet within thirty (30) days of receipt of the appeal.
- 9.2 For the purposes of considering the Appeal, the Appeals Sub-Committee shall be provided with:
- (a) The Appellant's statement of appeal, and
  - (b) The Report from the Disciplinary Sub-Committee for which the conviction and punishment was rendered, and
  - (c) Any other material, documentation or information which the Appeals Sub-Committee deems necessary, relevant and appropriate.
- 9.3 Attendance before the Appeals Sub-Committee by the appellant or any other person shall be at the sole discretion of the Sub-Committee provided that the appellant shall be entitled to attend before the Sub-Committee to hear any oral submissions made to the Sub-Committee by any person.
- 9.4 The Appeals Sub-Committee, on considering the appeal, may confirm, revoke or vary decisions with regard to the conviction and any part of the punishment.



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- 9.5 The Appeals Sub-Committee shall render a decision on the appeal, within forty-five (45) days of receipt of the appeal.
- 9.6 The Appeals Sub-Committee shall not be required to keep a detailed account of testimony or of its proceedings, but shall compile a record of proceedings in which an adjudication has been determined, which shall include:
- (a) All documentary evidence, and
  - (b) A written report on the results of their findings, and any decisions to confirm, revoke or vary decisions with regard to the conviction and any part of the punishment, and the reasons therefore, where reasons have been given.
- 9.7 The appointed Recording Secretary of the Appeals Sub-Committee shall provide all documentary evidence and the written report to the Secretary and President of the Society, within seven (7) days of the decision being rendered.
- 9.8 The Secretary shall notify the appellant, in writing, of the findings and any decisions to confirm, revoke or vary decisions with regard to the conviction and any part of the punishment, within fourteen (14) days of the decision being rendered.
- 9.9 No action or proceeding whatsoever, shall be commenced against any member of the Society's Disciplinary or Appeals Sub-Committees for their having participated in the process governed hereby, and it shall be an express undertaking by a candidate that the instituting of an appeal shall be based upon the appellant's acknowledgement of this undertaking and agreement to be bound by same, which shall be a complete defence to any action by the appellant in contravention thereof.
- 9.10 The decision of the Appeals Sub-Committee shall be final and binding.
- 9.11 No decision of an Appeals Sub-Committee shall be set aside as a result of any irregularities that occur pursuant to and under this process.
- 10 SUSPENSION FROM THE NATIONAL DARTS FEDERATION OF CANADA**
- 10.1 The Secretary shall notify the NDFC of any NDFC member suspension and the term of suspension, within fourteen (14) days of a disciplinary decision being rendered. The suspension shall be upheld in accordance with the NDFC Constitution.
- 10.2 The Secretary shall notify the NDFC of any modification of an NDFC member suspension within fourteen (14) days of an appeal decision being rendered, as a result of a Darts Alberta Application For Appeal Of Disciplinary Action being received in accordance with Articles 8.2 and 8.3 and an appeal hearing granted. The modified suspension shall be upheld in accordance with the NDFC Constitution.
- 10.3 The Secretary shall notify the NDFC of any individual deemed to be ineligible for NDFC membership, in accordance with Articles 6.11 and 7.3, within fourteen (14) days after the decision of ineligibility has been rendered. The ineligibility shall be upheld in accordance with the NDFC Constitution.
- 11 MEMBER LEAGUE SUSPENSIONS**
- 11.1 When a Member League suspends or terminates the membership of an individual or deems an individual ineligible for membership with that Member League, that suspension shall not be automatically upheld by Darts Alberta.
- 11.2 The Member League will be encouraged to settle any disciplinary matters internally and the Society will make ever endeavor to ensure the Member League has a clear understanding of the result of any request for the Society to uphold their suspension.
- 11.3 When a Member League suspends or terminates the membership of an individual or deems an individual ineligible for membership with that Member League, the Member League may request Darts Alberta to uphold such suspension, termination or ineligibility, if deemed warranted, subject to the right of appeal.
- 11.4 Any request to uphold a Member League suspension, termination or ineligibility shall only be considered, if said



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request is made in writing and provided that the member league's disciplinary process has been held in a manner equal to or greater than that which is set forth in the Society's Disciplinary Proceedings Policy, herein described.

- 11.5 Such written request shall
- (a) Include the name and mailing address of the member of which the disciplinary action has been imposed by the Member League, and
  - (b) Include the disciplinary action or term of the suspension imposed by the Member League, and
  - (c) Include a full description of the disciplinary process used to render the decision, and
  - (d) Be signed by a minimum of two (2) members of the Member League's Executive or Board of Directors, and
  - (e) Be in the hands of the Secretary of the Society, or in the case of the Secretary being the accused member be in the hands of the President, within thirty (30) days of the Member League's Disciplinary Hearing in which the decision was rendered.
- 11.6 In the event a Member League submits such written request and found by the Executive Committee to be in accordance with Articles 11.4 and 11.5, the Society shall uphold such suspension or termination, subject to the right of appeal.
- 11.7 In the event that the Member League suspension is upheld by the Society, the Secretary shall notify the individual of the upheld suspension and right of appeal, within seven (7) days of the upheld suspension.