

Conducting Investigations

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BC Hockey Appeals Chairperson



1. Know your by-laws, regulations and procedures
2. Use the resources available to you
3. Be fair



1. Listen

2. Confirm

3. Explain

4. Advise



Preparing to Investigate:



Preparing to Investigate:

- 1) Setting up the investigative body –
REVIEW BYLAWS!
 - a) The subject matter
 - b) Composition of the investigative body
 - c) What outcome is available?



Preparing to Investigate:

1. Meet with the panel prior to investigating:
 - a) Review purpose of investigation
 - b) How the investigation will be conducted
 - c) Basis for the decision
 - d) Reasons and forms of decision
 - e) Time limits



The Investigation:



Procedural Fairness:

- What is procedural fairness?



Procedural Fairness:

Legal Disclaimer:

The presentation regarding procedural fairness is made only with respect to the speaker's views on the subject and in no way should be considered legal opinion on the matter. Should you require a legal opinion on procedural fairness, you should contact a lawyer directly for such an opinion.



Procedural Fairness

1. Jurisdiction
2. Inform the party of the case against him or her.
3. Right to be heard
4. Notice of hearing
5. No reasonable apprehension of bias on the panel
6. All parties must be advised of the decision with reasons
7. Advise on avenues of appeal
8. Personal privacy and confidence



Procedural Fairness:

- 1) Jurisdiction – authority to hear the complaint or decide:
 - a) Check bylaws, regulations, policies
 - b) Seek assistance if unsure on authority
 - c) Proper composition of panel



Procedural Fairness:

2. Inform the party of the case against him or her:
 - a) Nature of complaint
 - b) Evidence
 - c) Criteria of the decision to be made
 - d) Consequences of the decision being made



Procedural Fairness

3) Right to be heard:

- a) Getting your day in court
- b) Allowing all relevant evidence to be presented
- c) Balance with relevance



Procedural Fairness:

4. Notice of hearing:

- a) Notice must be given to both sides
- b) Should be sufficient time to present and respond
- c) Provide direction on what info to present and how – i.e. witnesses
- d) Format of the hearing – phone or in person.



Procedural Fairness:

5. No Reasonable apprehension on bias of panel:

- a) Conflict of interest
- b) Appearance of bias or conflict
- c) Can't hear appeal of own decision



Procedural Fairness:

6. All parties must be advised of the decision with reasons:
 - a) Brief statements of facts
 - b) Comment on credibility of witnesses where conflict
 - c) Reasons should conform with enabling bylaw
 - d) Decision should be rendered within time frame in bylaws



Procedural Fairness:

7. Advise on avenues of appeal:
 - a) Check bylaws
 - b) Appeal to association or outside
 - c) If unsure, check with regional association or BC Hockey



Procedural Fairness:

8. Personal Privacy and confidence



Decision Format:

1. When was the hearing
2. How was the hearing conducted – phone or in person
3. Composition of panel
4. The nature of the complaint and by whom
5. The respondent to the complaint if applicable
6. What evidence was presented by whom
7. The panel's findings of fact and comments on witness credibility if necessary
8. The panel's decision referring to the enabling bylaw.

