

**IN THE MATTER OF A DOCUMENTARY HEARING HELD PURSUANT TO THE RINGETTE ALBERTA
CONFLICT OF INTEREST POLICY**

COMPLAINANT

David Whiteley

RESPONDENT

David Myers

DECISION OF THE BOARD OF DIRECTORS OF RINGETTE ALBERTA

BACKGROUND

At the time of receipt of this Complaint, formal complaint proceedings in a separate but related matter, involving Mr. Vince Niro, were underway and therefore no details of that Complaint may be discussed within this hearing or in this written decision. Additionally, no party other than the Complainant and Respondent to that complaint as well as the Case Manager and Panel assigned to that matter are to disclose any details of that Complaint. At the time of the hearing of this Complaint, the appeal of Mr. Niro's temporary suspension had been heard and dismissed by an independent Arbitrator and that decision is a matter of public record.

The Complainant, David C. Whiteley, is a parent of a player registered with the AA Ringette Calgary Foundation and on the roster of the 2022-23 U14AA team and purported to be acting on behalf of the entire parent group of the team.

The Complainant alleges David Myers, Ringette Alberta's Executive Director, the Respondent...

- Retaliated against Mr. Niro for Mr. Niro's objection to a Ringette Alberta Program;
- Did not follow proper lines of communication;
- Did not follow Ringette Alberta policy;
- Exceeding his authority as Executive Director;
- Used excessive authority in issuing an interim suspension of Mr. Niro.

DOCUMENTS

The following were considered by the Ringette Alberta Board in reaching its decision:

- Written Complaint from David Whiteley
- Written Response from David Myers
- Written Decision from Michelle M. Simpson, Arbitrator of Niro Appeal, Dec. 19, 2022
- Ringette Alberta's Conflict of Interest Policy
- Ringette Alberta's Code of Conduct Policy

REMEDY REQUESTED

Mr. Whiteley requests the following remedy to his Complaint:

1. *“Mr. Niro’s interim suspension should be immediately rescinded. Further, Mr. Myers should be suspended from all matters regarding this investigation involving Mr. Niro;*
2. *Mr. Myers should be removed from any matters regarding Appeals of this Suspension which has been currently filed. Consideration should be given to suspending his duties regarding any further allegations for any coach or stakeholder of Ringette Alberta until a proper education program on Complaints and Discipline, as well as the Duty and Standard of Care owed by Sports Associations, has been duly completed;*
3. *Oversight of Mr. Myers prior activities regarding this matter needs to be investigated. Specifically as to why Mr. Myers circumvented RAB policies including two other association policies and RAB’s recommended chain of command communication policy; and*
4. *If it is found that Mr. Myers acted in a conflict of interest was in fact true, then removal and/or temporary suspension of Executive Director duties needs to be considered given the severity of his actions and conflict which has led to improperly suspending a coach with no basis or without proper due process.”*

DECISION

In considering its decision, the Board relied heavily on the Arbitrator’s decision in the Appeal of Mr. Niro’s interim suspension. In her written decision, the Arbitrator vindicated Mr. Myers and determined his issuance of the interim suspension to be justified. The Arbitrator dismissed Mr. Niro’s Appeal. There is no point in rehashing the written decision of the Arbitrator in Mr. Niro’s Appeal. The matter of the interim suspension of Mr. Niro has already been addressed and the suspension upheld.

Two of the remedies requested by Mr. Whiteley would require the Board to exceed its authority and intervene in a matter that is being managed in accordance with Ringette Alberta’s Complaints and Discipline Policy. Mr. Whiteley cannot, on one hand, argue Mr. Myers did not follow policy in reaching a decision Mr. Whiteley disagrees with, and then on the other hand, expect the Board to circumvent policy in favour of Mr. Whiteley’s position.

Further, had Mr. Whiteley read the related policies, he would be aware that Mr. Myers has no role in either the Appeal, which has already been decided, nor the Complaint proceedings, which are underway at the time of this hearing. Specifically, Mr. Whiteley would understand that the Appeals Officer and Case Manager are assigned once an appeal or complaint are received and that the Mr. Myers (or anyone receiving a complaint or appeal) has no further influence on the proceedings and certainly not on the outcome.

It is therefore pointless for Mr. Whiteley to demand for Mr. Myers to be *“suspended from all matters regarding this investigation involving Mr. Niro”* and that *“Mr. Myers should be removed*

form any matters regarding Appeals of this Suspension which has currently been filed” since Mr. Myers is not involved in any in the proceedings in the first place.

With respect to Mr. Whiteley’s requested remedy that Mr. Myers’ *“prior activities be investigated”* and that he be subject to *“removal and/or temporary suspension,”* as stated previously, the Arbitrator of Mr. Niro’s Appeal has already vindicated Mr. Myers and accepted his justification for the interim suspension which leaves no justification for the remedies Mr. Whiteley seeks.

As such, the Board has determined there was no conflict of interest in this matter and the Complaint is dismissed. In summary the Board found Mr. Myers:

- **did not exceed his authority;**
- **did not ignore proper lines of communication;**
- **did follow all guidelines and procedures;**
- **did conduct his duties ethically and without prejudice.**

Furthermore, the Board is very disappointed in Mr. Whiteley’s presentation of baseless accusations, and irrelevant, and random information that did not relate to a conflict on interest allegation. Upon submitting the Complaint to our counsel, we became aware that this Complaint disclosed private and confidential information regarding a Complaint currently in proceedings. This is a very serious violation of the confidentiality requirement found within the Complaints and Discipline Policy.

The Board also determined this Complaint to be frivolous and vexatious. The Board strongly believes this Complaint to be an attempt to interfere and gain favour in an on-going, separate matter. Mr. Whiteley’s repeated attempts to contact Mr. Myers and Ringette Alberta Directors, after repeated instructions to him to stop all correspondence, is considered by this Board to be harassment. This behavior is unacceptable and will not be tolerated in our sport. Ringette Alberta is considering seeking disciplinary action against Mr. Whiteley.

The Board of Directors are very disappointed that Mr. Whiteley and other parents of players on the team continue to harass the President of Ringette Alberta and Mr. Myers by repeatedly sending emails, letters, and placing phone calls for which they were expressly directed not to do and are prohibited from doing so in the Complaints and Discipline Policy.

We reiterate that frivolous and vexatious complaints will not be tolerated. The Board of Directors of Ringette Alberta consider this matter closed.

On behalf of the Board of Directors of Ringette Alberta,

**Ryan Devlin, President
January 18, 2023**