

## DISCIPLINE AND COMPLAINTS POLICY

\* Indicates a section that has been adapted from the UCCMS

### Definitions

1. The following terms have these meanings in this Policy:
  - a) “*Complainant*” – The Party alleging an infraction
  - b) “*Days*” – Days including weekends and holidays
  - c) “*Maltreatment*” – as defined in the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (“UCCMS”) and also provided in **Appendix A** of the *Code of Conduct and Ethics*
  - d) “*Respondent*” – The alleged infracting Party
  - e) “*Parties*” – The Complainant, Respondent, and any other individuals or persons affected by the complaint
  - f) “*Power Imbalance*” – as defined in the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (“UCCMS”) and also provided in **Appendix A** of the *Code of Conduct and Ethics*
  - g) “*SIRC Representative*” – Individuals employed by, or engaged in activities on behalf of, SIRC including: Directors, staff members, contract personnel, presenters, and volunteers

### Purpose

2. SIRC Representatives are expected to fulfill certain responsibilities and obligations including complying with SIRC’s *Code of Conduct and Ethics*. Conduct that violates the *Code of Conduct and Ethics* or the values of SIRC may be subject to sanctions pursuant to this Policy.

### Application of this Policy

3. This Policy applies to all SIRC Representatives.
4. This Policy applies to discipline matters that may arise during the course of SIRC’s services, business, activities, trainings, and events. Discipline matters and complaints arising within the business, activities, or events organized by entities other than SIRC will be dealt with pursuant to the policies of these other entities unless requested and accepted by SIRC at its sole discretion.
5. This Policy applies to SIRC Representatives who are actively involved with SIRC’s services as well as to SIRC Representatives who are no longer actively involved with SIRC’s services when any claim regarding a potential breach of this Code occurred when the SIRC Representative was actively involved with SIRC’s services.

### Reporting a Complaint

6. Any individual may report any complaint to the SIRC office or an independent Case Manager (when identified). If a Case Manager has not been previously identified, SIRC will appoint an independent Case Manager and direct that person to receive the complaint.
7. Complaints must be in writing and must identify the Complainant, Respondent(s), the nature of the alleged incident(s), and the requested remedy or sanction. Anonymous complaints may be accepted at the sole discretion of SIRC.
8. At its discretion, SIRC may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, SIRC will identify an individual to represent the organization.

### Immediate Action

9. This Policy does not prevent a SIRC Representative having authority from taking immediate, informal or corrective action in response to a complaint. Further sanctions may be applied in accordance with the procedures set out in this Policy.

### **Case Manager Responsibilities**

10. Upon receipt of a complaint, the Case Manager has a responsibility to:
- Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy and, if so, the complaint will be dismissed immediately and the Case Manager's decision to dismiss the complaint may not be appealed;
  - Propose the use of alternative dispute resolution techniques such as a negotiated settlement or mediation (the Case Manager may act as the mediator);
  - Determine if the alleged incident should be investigated; and/or
  - Choose which process (Process #1 or Process #2) should be followed, and may use the following examples as a general guideline:

#### **Process #1** - the Complainant alleges the following incidents:

- Disrespectful, abusive, racist, or sexist comments or behaviour
- Disrespectful conduct
- Minor incidents of violence (e.g., tripping, pushing, elbowing)
- Conduct contrary to the values of SIRC
- Non-compliance with the organization's policies, procedures, rules, or regulations
- Minor violations of the *Code of Conduct and Ethics*

#### **Process #2** - the Complainant alleges the following incidents:

- Repeated minor incidents
- Any incident of hazing
- Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
- Major incidents of violence (e.g., fighting, attacking, sucker punching)
- Pranks, jokes, or other activities that endanger the safety of others
- Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
- Conduct that intentionally damages the organization's image, credibility, or reputation
- Consistent disregard for the bylaws, policies, rules, and regulations
- Major or repeated violations of the *Code of Conduct and Ethics*
- Intentionally damaging SIRC's property or improperly handling SIRC's monies
- Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
- A conviction for any *Criminal Code* offense
- Any possession or use of banned performance enhancing drugs or methods

### **Handled by SIRC Discipline Chair**

11. Following the determination that the complaint or incident should be handled under Process #1, the Case Manager will appoint a SIRC Discipline Chair who may:
- Make a decision;
  - Ask the Complainant and the Respondent for either written or oral submissions regarding the complaint or incident; and/or
  - Convene the parties to a meeting, either in person or by way of video or teleconference in order to ask the parties questions.

12. Thereafter, the SIRC Discipline Chair shall determine if a breach occurred and, if so, if one or more sanctions should be applied (see: **Sanctions**).
13. The SIRC Discipline Chair will inform the Parties of the decision, which will take effect immediately.

#### **Handled by Discipline Panel**

14. Following the determination that the complaint or incident should be handled under Process #2, the Case Manager has a responsibility to:
  - a) Appoint a Discipline Panel (who should be one Arbitrator, or a Panel of three people in certain circumstances at the Case Manager's discretion, who has experience with sport disputes and who is not in a conflict of interest)
  - b) Determine if an investigation should take place. If so, the Case Manager will appoint an independent investigator who will conduct an investigation (which may include interviews with the Parties and witnesses, collection of documents and evidence, and the preparation of a statement of facts) and provide an investigator's report to the Case Manager and Discipline Panel. The investigator's report (or a summary) may be provided to the Parties or to SIRC at the Case Manager's discretion
  - c) Coordinate all administrative aspects and set timelines
  - d) Provide administrative assistance and logistical support to the Discipline Panel as required
  - e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding
15. The Case Manager, in cooperation with the Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Discipline Panel deem appropriate in the circumstances, provided that:
  - a) The Parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing or an oral hearing by telephone or other communication medium
  - b) Copies of any written documents which the parties wish to have the Discipline Panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing
  - c) The Parties may engage a representative, advisor, or legal counsel at their own expense
  - d) The Discipline Panel may request that any other individual participate and give evidence at the hearing
  - e) The Discipline Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious, and shall place such weight on the evidence as it deems appropriate
  - f) The decision will be by a majority vote of the Discipline Panel (if the Panel consists of three people)

#### **Decision**

16. After hearing the matter, the Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the hearing's conclusion, the Discipline Panel's written decision, with reasons, will be distributed to all parties, the Case Manager, and to SIRC. In extraordinary circumstances, the Discipline Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

#### **Sanctions**

17. \*Prior to determining sanctions, the SIRC Discipline Chair or the Discipline Panel, as applicable, will consider factors relevant to determining appropriate sanctions which include:
- a) The nature and duration of the Respondent's relationship with the Complainant, including whether there is a Power Imbalance;
  - b) The Respondent's prior history and any pattern of inappropriate behaviour or Maltreatment;
  - c) The ages of the individuals involved;
  - d) Whether the Respondent poses an ongoing and/or potential threat to the safety of others;
  - e) The Respondent's voluntary admission of the offense(s), acceptance of responsibility for the Maltreatment, and/or cooperation in the process of SIRC;
  - f) Real or perceived impact of the incident on the Complainant, sport organization or the sporting community;
  - g) Circumstances specific to the Respondent being sanctioned (e.g., lack of appropriate knowledge or training regarding the requirements in the *Code of Conduct and Ethics*; addiction; disability; illness);
  - h) Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
  - i) A Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
  - j) Other mitigating and aggravating circumstances.
18. \*Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required and a single incident of Maltreatment or other prohibited behaviour may justify elevated or combined sanctions.
19. \*The SIRC Discipline Chair or the Discipline Panel, as applicable, may apply the following disciplinary sanctions, singularly or in combination:
- a) **Verbal or Written Warning** - A verbal reprimand or an official, written notice and formal admonition that the individual has violated the *Code of Conduct and Ethics* and that more severe sanctions will result should the individual be involved in other violations
  - b) **Education** - The requirement that an individual undertake specified educational or similar remedial measures to address the violation(s) of the *Code of Conduct and Ethics*
  - c) **Probation** - Should any further violations of the *Code of Conduct and Ethics* occur during the probationary period, will result in additional disciplinary measures, likely including a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period of time
  - d) **Suspension** - Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, activity, or event sponsored by, organized by, or under the auspices of SIRC
  - e) **Eligibility Restrictions** - Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions
  - f) **Permanent Ineligibility** - Permanent ineligibility to participate, in any capacity, in any program, activity, or event sponsored by, organized by, or under the auspices of SIRC
  - g) **Other Discretionary Sanctions** - Other sanctions may be imposed, including, but not limited to, other loss of privileges, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate
20. \*The SIRC Discipline Chair or the Discipline Panel, as applicable, may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:
- a) Sexual Maltreatment involving a Complainant who is a minor shall carry a presumptive sanction of permanent ineligibility;

- b) Sexual Maltreatment, Physical Maltreatment with contact, and Maltreatment related to interference or manipulation of process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions.
  - c) While a Respondent has pending charges or dispositions in violation of the criminal law, the presumptive sanction shall be a period of suspension
21. Any conviction for a *Criminal Code* offense shall carry a presumptive sanction of permanent ineligibility from participating with SIRC. *Criminal Code* offences may include, but are not limited to:
- a) Any child pornography offenses
  - b) Any sexual offences
  - c) Any physical violence offense
  - d) Any assault offense
  - e) Any offense related to trafficking of illegal or banned drugs
22. Unless the SIRC Discipline Chair or the Discipline Panel (as applicable) decides otherwise, any disciplinary sanctions will begin immediately. Failure to comply with a sanction will result in automatic suspension until such time as compliance occurs.

#### **Suspension Pending an Outcome**

23. SIRC may determine that an alleged incident is of such seriousness as to warrant suspension of a SIRC Representative pending completion of an investigation, criminal process, the hearing, or a decision of the SIRC Discipline Chair or Discipline Panel (as applicable).

#### **Records and Distribution of Decisions**

24. \*Records of all decisions will be maintained by SIRC. Other organizations may be advised of any decisions. SIRC Representatives recognize that a publicly-available searchable database or registry of Respondents who have been sanctioned, or whose eligibility to participate in sport has in some way been restricted, may be maintained and may be subject to provisions in the UCCMS.

#### **Reprisal and Retaliation**

25. \*A SIRC Representative who submits a complaint or who gives evidence in an investigation may not be subject to reprisal or retaliation from any SIRC Representative. Any such conduct may constitute Maltreatment and will be subject to disciplinary proceedings pursuant to this Policy.