



DISCIPLINE AND COMPLAINTS POLICY

Definitions

1. The following terms have these meanings in this Policy:
 - a. “*Complainant*” – The party alleging an infraction or who makes a report of an incident of Maltreatment or suspicions of an incident of Maltreatment.
 - b. “*Days*” – Calendar days irrespective of weekend and holidays.
 - c. “*Individual*” – All categories of membership defined in the AthletesCAN Bylaws, as well as all individuals employed by or engaged in activities with AthletesCAN including but not limited to: the Board of Directors, committee members, volunteers, and administrators.
 - d. “*Maltreatment*” shall mean volitional acts that result in harm or the potential for physical or psychological harm. Any of the various prohibited behaviours and conduct that constitute Maltreatment shall have the meanings ascribed to them in the *Code of Conduct and Ethics Policy and the Respect in the Workplace Policy*
 - e. “*Individual Parties*” – The Complainant and Respondent collectively, and any other party to a complaint.
 - f. “*Policy*” – This *Discipline and Complaints Policy* unless otherwise stated.
 - g. “*Respondent*” – The alleged infracting party.

Purpose

2. Membership in AthletesCAN, as well as participation in its activities, brings with it many benefits and privileges. At the same time, Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to: complying with the AthletesCAN Bylaws, policies, and procedures. Irresponsible behavior by Individuals can result in severe damage to the integrity of AthletesCAN. Conduct that violates these values may be subject to sanctions pursuant to this Policy.

Application

3. This Policy applies to all Individuals.
4. This Policy only applies to discipline matters that may arise during the course of AthletesCAN business, activities and events.
5. Discipline matters and complaints arising within the business, activities or events organized by entities other than AthletesCAN will be dealt with pursuant to the policies of these other entities unless accepted by AthletesCAN at its sole discretion, or such discipline matters and complaints that adversely affect relationships within AthletesCAN work and sport environment and is detrimental to the image and reputation of AthletesCAN.

Reporting a Complaint

6. Any Individual may report any complaint of an infraction by an Individual to the Executive Director or President of AthletesCAN.
7. Consistent with the *Red Deer Declaration for the Preventing of Harassment, Abuse, and Discrimination in Sport*, AthletesCAN’s Code of Conduct and Ethics Policy and AthletesCAN’s Respect in the Workplace Policy, in the event of an incident concerning abuse, harassment, discrimination and/or Maltreatment, an Individual may report such an incident to a third party.

AthletesCAN has identified the following independent third party that serves as an independent point of contact to whom Individuals may report allegations:

Gretchen Kerr, Ph.D.
University of Toronto
65 St. George Street
Toronto, ON., M5S 2Z9
gretchen.kerr@utoronto.ca
647-383-9910

(Hereinafter the “Third Party”)

8. All complaints must be signed and in writing, and must be filed within fourteen (14) days of the alleged incident. Anonymous complaints may be accepted upon the sole discretion of AthletesCAN.
9. A Complainant wishing to file a complaint beyond the fourteen (14) day period must provide a written statement giving reasons for an exemption to this limitation together with the complaint. The decision to accept, or not accept, the notice of complaint outside the fourteen (14) day period will be at the sole discretion of AthletesCAN. This decision may not be appealed.

Reports to Third Party

10. In the event that a complaint is made to the Third Party, the Third Party will, in their sole discretion, manage any subsequent process regarding the complaint. The Third Party may involve AthletesCAN and may elect to apply the procedure outlined in this Policy.

Case Manager

11. Upon receipt of a complaint by AthletesCAN, AthletesCAN will appoint a Case Manager to oversee management and administration of the complaint submitted in accordance with this Policy. The Case Manager may be the Third Party. Such appointment is not appealable. The Case Manager is not required to be a member of AthletesCAN. The Case Manager has an overall responsibility to ensure procedural fairness is respected at all times during the complaints process outlined in this Policy, and to implement this Policy in a timely manner. More specifically, the Case Manager has a responsibility to:
 - a. Determine whether the complaint is frivolous or vexatious and within the jurisdiction of this Policy;
 - b. Dismiss the complaint immediately if the complaint is found to be frivolous or vexatious or outside the jurisdiction of this Policy;
 - c. Determine if the complaint is a minor or major infraction;
 - d. Appoint the Panel, if necessary, in accordance with this Policy;
 - e. Determine the format of the hearing;
 - f. Coordinate all administrative aspects of the complaint;
 - g. Provide administrative assistance and logistical support to the Panel as required; and,
 - h. Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
12. The Case Manager will inform the Parties if the incident is to be dealt with as a minor infraction or major infraction and the matter will be dealt with according to the applicable section relating to the minor or major infraction.
13. The Case Manager may, at his or her discretion, recommend that the Parties consider alternative dispute resolution under the Dispute Resolution Policy of AthletesCAN. If no such

recommendation is made, or the Parties do not agree to engage the alternate dispute resolution process, the Case Manager will proceed as outlined in this Policy.

14. This Policy does not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behavior that constitutes either a Minor or Major Infraction. Further sanctions may be applied in accordance with the procedures set out in this Policy.

Minor Infractions

15. Minor infractions are single incidents of failing to achieve the expected standards of conduct that generally do not result in harm to others, or to AthletesCAN (“Minor Infractions”). Examples of Minor Infractions include, but are not limited to, a single incident of:
 - a. Disrespectful comments or behavior directed towards others; and
 - b. Minimal non-compliance with the bylaws, policies, procedures, rules, regulations and directives of AthletesCAN.
16. All disciplinary situations involving Minor Infractions will be dealt with by the appropriate person having authority over the situation and the individual involved (the person in authority may include, but is not restricted to: staff, organizers, or AthletesCAN decision makers).
17. Procedures for dealing with Minor Infractions will be informal as compared to those for Major Infractions and will be determined at the discretion of the person responsible for discipline of such infractions. The Respondent being disciplined shall be informed of the nature of the alleged infraction and has an opportunity to provide information concerning the incident.
18. Penalties for Minor Infractions, which may be applied singly or in combination, include the following:
 - a. Verbal or written warning;
 - b. Verbal or written apology;
 - c. Service or other voluntary contribution to AthletesCAN;
 - d. Removal of certain privileges for a designated period of time;
 - e. Suspension from the activity or event; or
 - f. Any other sanction considered appropriate for the offense.
19. Minor Infractions that result in discipline will be recorded and maintained by AthletesCAN. Repeated Minor Infractions may result in further such incidents being considered a Major Infraction.

Major Infractions

20. Major infractions are instances of failing to achieve the expected standards of conduct that result, or have the potential to result in harm to other persons, or to AthletesCAN (“Major Infractions”).
21. Examples of Major Infractions include, but are not limited to:
 - a. Repeated Minor Infractions;
 - b. Intentionally damaging AthletesCAN property or improperly handling AthletesCAN monies;
 - c. Incidents of physical abuse;
 - d. Pranks, jokes or other activities that endanger the safety of others, including hazing;
 - e. Blatant disregard for the bylaws, policies, rules, regulations and directives of AthletesCAN;
 - f. Conduct that intentionally damages the image, credibility or reputation of AthletesCAN;
 - g. Behavior that constitutes harassment, sexual harassment or sexual misconduct; or

- h. Abusive use of alcohol, any use or possession of alcohol by minors, and use or possession of illicit drugs and narcotics;
 - i. A conviction of any indictable Criminal Code of Canada offence.
22. Major Infractions will be dealt with using the disciplinary procedures set out in this Policy relating to Major Infractions, except:
- a. Where a dispute resolution procedure contained within a contract or other formal written agreement takes precedence; or
 - b. Where the behaviour involves abuse, harassment, or discrimination and is handled by the Third Party.
23. Major Infractions may be dealt with immediately, if necessary, by an appropriate person having authority. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this Policy. This review does not replace the appeal provisions of this Policy.

Procedure for Major Infraction Hearing

24. If the Case Manager is satisfied that the complaint is a Major Infraction, the Case Manager will establish a Panel consisting of at least one (1) and no more than three (3) Adjudicators to hear the complaint.
25. The Case Manager will determine the format of the hearing, which may involve an oral hearing in person, an oral hearing by telephone, a hearing based on written submissions or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Panel deem appropriate in the circumstances, provided that:
- a. The hearing will be held within the appropriate timeline determined by the Case Manager;
 - b. The Parties will be given appropriate notice of the day, time and place of the hearing;
 - c. Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing in accordance with the appropriate timeline;
 - d. Both Parties may be accompanied by a representative or adviser, including legal counsel;
 - e. The Panel may request that any other individual participate and give evidence at the hearing;
 - f. If a decision in the case may affect another party to the extent that the other party would have recourse to an appeal in their own right under this Policy, that party will become a party to the case in question and will be bound by its outcome;
 - g. The hearing will be conducted in the official language of choice of the Complainant;
 - h. Decisions will be by majority vote, or in the case of there being only one Adjudicator, in the sole discretion of the Adjudicator.
26. Where the Respondent acknowledges the facts of the incident, he or she may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may hold a hearing for the purpose of determining an appropriate sanction.
27. If the Respondent chooses not to participate in the hearing, the hearing will proceed in any event.
28. In fulfilling its duties, the Panel may obtain independent advice.

Decision

After hearing the matter, the Panel will determine whether an infraction has occurred and if so what appropriate sanction will be imposed. The Panel's written decision, with reasons, will be distributed to all parties, the Case Manager and AthletesCAN within fourteen (14) days of the

conclusion of the hearing. The decision will be considered a matter of public record unless decided otherwise by the Panel.

Sanctions

29. The Panel may apply the following disciplinary sanctions singly or in combination, for Major Infractions:

- a. Verbal or written warning;
- b. Verbal or written apology;
- c. Service or other voluntary contribution to AthletesCAN;
- d. Removal of certain privileges;
- e. Suspension from certain AthletesCAN events and/or activities;
- f. Suspension from all AthletesCAN activities for a designated period of time;
- g. Expulsion from AthletesCAN; or
- h. Other sanctions as may be considered appropriate for the offense.

30. Unless the Panel decides otherwise, any disciplinary sanctions will commence immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension of membership in AthletesCAN until such time as compliance occurs.

31. A written record will be maintained by AthletesCAN at their head office for Major Infractions that result in a sanction.

Infractions Pending a Hearing and Decision

32. AthletesCAN may determine that an alleged incident is of such seriousness as to warrant suspension of the Respondent's membership pending a hearing and a decision of the Panel.

Timelines

33. If the circumstances of the complaint are such that this Policy will not allow a timely conclusion, or if the circumstances of the complaint are such the complaint cannot be concluded within the timelines dictated in this Policy, the Panel may direct that these timelines be revised.

Confidentiality

34. The discipline and complaints process is confidential involving only the Parties, the Case Manager and the Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.

Appeals Procedure

35. The decision of a Case Manager or the Panel may be appealed in accordance with the *AthletesCAN Appeal Policy*.