

DISCIPLINE & COMPLAINTS POLICY

1.0 DEFINITIONS

- 1.1 Complainant – The party alleging an infraction
- 1.2 Days – all days including weekends and holidays
- 1.3 Individuals – all individuals employed by, or engaged in activities with viaSport including, but not limited to board members, advisory group members, contractors, Coach Developers and volunteers.
- 1.4 Respondent – The alleged infracting party

2.0 PURPOSE

- 2.1. Individuals are expected to comply with viaSport’s policies, Bylaws, rules and regulations and Code of Ethics Policy. Non-compliance may result in sanctions pursuant to this Policy.

3.0 APPLICATION

- 3.1. This policy applies to all Individuals employed by, or engaged in activities with viaSport.
- 3.2. This Policy applies to matters that may arise during the course of viaSport’s business, activities, and events including, but not limited to, any meetings, courses and travel associated viaSport activities.
- 3.3. This Policy also applies to Individuals’ conduct outside of viaSport’s business, activities, and events when such conduct adversely affects relationships within the organization (and its work and sport environment), is detrimental to the image and reputation of the organization, or upon the acceptance of the organization. Applicability will be determined by viaSport at its sole discretion.
- 3.4. This Policy does not prevent immediate or interim discipline or sanction from being applied as reasonably required. Further discipline may be applied according to this Policy.
- 3.5. An employee of viaSport who is a Respondent will be subject to appropriate disciplinary action per viaSport’s Code of Ethics Policy as well as the employee’s Employment Agreement, if applicable. Violations may result in a warning, reprimand, restrictions, suspension, or other disciplinary actions up to and including termination of employment.

4.0 DISCIPLINE PANEL

- 4.1. The Discipline Panel may be comprised of one (1) or three (3) persons. If the Panel is comprised of three (3) persons all decisions will be by majority vote.
- 4.2. The Discipline Panel will be chaired by a Director of the Board, or an individual appointed by the Board to serve as the Discipline Panel Chair. The Board may choose to appoint two (2) other individuals to serve as Discipline Panel Members.

- 4.3. The Discipline Chair(s) appointed to handle a complaint or incident must be unbiased and not in a conflict of interest.

5.0 REPORTING

- 5.1. Any Individual may report an incident or complaint to the Chief Executive Officer, Board Chair, or appointed independent third party in writing, within fourteen (14) days of the alleged incident, although this timeline can be waived or extended at the Chief Executive Officer's, Board Chair, or appointed independent third party's discretion.
- 5.2. At viaSport's discretion, viaSport may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, viaSport will identify an individual to represent the organization.
- 5.3. Upon receipt of a complaint, the Discipline Panel Chair has sole discretion to choose which process should be followed (Process for Minor Infractions or Process for Major Infractions), and may use the following examples as a general guideline. The decision by the Discipline Panel Chair to use a particular process is not subject to Appeal.
- 5.4. If the Discipline Panel Chair determines the complaint is:
 - 5.4.1. Frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately
 - 5.4.2. Not frivolous and within the jurisdiction of this Policy, the Discipline Panel Chair will notify the Parties that the complaint is accepted, which process will be followed (Process for Minor Infractions or Process for Major Infractions), and of the applicable next steps.

6.0 PROCESS FOR MINOR INFRACTIONS

- 6.1. Minor Infractions are where the Complaint alleges the following:
 - 6.1.1. Disrespectful, abusive, racist, or sexist comments or behaviour
 - 6.1.2. Disrespectful conduct
 - 6.1.3. Minor incidents of violence (e.g., tripping, pushing, elbowing)
 - 6.1.4. Conduct contrary to viaSport's values
 - 6.1.5. Non-compliance with the viaSport's policies, procedures, rules, or regulations
 - 6.1.6. Minor violations of the viaSport Code of Ethics
- 6.2. The Discipline Panel Chair will review the submissions related to the complaint or incident and determine one or more of the following sanctions:
 - 6.2.1. Verbal or written reprimand
 - 6.2.2. Verbal or written apology
 - 6.2.3. Service or other contribution to viaSport
 - 6.2.4. Removal of certain privileges
 - 6.2.5. Suspension from certain teams, events, and/or activities

- 6.2.6. Suspension from all viaSport activities for a designated period of time
- 6.2.7. Any other sanction considered appropriate for the offense
- 6.3. The Discipline Panel Chair will inform the Respondent of the sanction, which will take effect immediately.
- 6.4. The Respondent may contest the sanction by submitting in writing a Request for Reconsideration within five (5) days of the issuance of the sanction. In the Request for Reconsideration, the Respondent must indicate:
 - 6.4.1. Why the sanction is inappropriate;
 - 6.4.2. All evidence to support the Respondent's position; and
 - 6.4.3. What penalty or sanction (if any) would be appropriate
- 6.5. Upon receiving a Request for Reconsideration, the Discipline Panel Chair may decide to accept or reject the Respondent's suggestion for an appropriate sanction. This decision must be communicated to the Respondent and Complainant within five (5) days of receipt of the Request for Reconsideration
- 6.6. Should the Discipline Panel Chair accept the Respondent's suggestion for an appropriate sanction, that sanction will take effect immediately.

7.0 PROCESS FOR MAJOR INFRACTIONS

- 7.1. The Complaint alleges the following incidents:
 - 7.1.1. Repeated minor infractions
 - 7.1.2. Any incident of hazing
 - 7.1.3. Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
 - 7.1.4. Major incidents of violence (e.g., fighting, attacking, sucker punching)
 - 7.1.5. Pranks, jokes, or other activities that endanger the safety of others
 - 7.1.6. Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
 - 7.1.7. Conduct that intentionally damages viaSport's image, credibility, or reputation
 - 7.1.8. Consistent disregard for viaSport's bylaws, policies, rules, and regulations
 - 7.1.9. Major or repeated violations of viaSport's *Code of Ethics*
 - 7.1.10. Intentionally damaging viaSport property or improperly handling the organization monies
 - 7.1.11. Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
 - 7.1.12. A conviction for any *Criminal Code* offense
 - 7.1.13. Any possession or use of banned performance enhancing drugs or methods
- 7.2. Following the determination that the complaint or incident should be handled under the Process for Major Infractions, viaSport will appoint a Case Manager to oversee management and administration of the complaint or incident. Such appointment is not appealable.

- 7.3. The Case Manager has a responsibility to:
 - 7.3.1. Appoint the Discipline Panel, if necessary
 - 7.3.2. Coordinate all administrative aspects and set timelines
 - 7.3.3. Provide administrative assistance and logistical support to the Discipline Panel as required
 - 7.3.4. Provide any other service or support that may be necessary to ensure a fair and timely proceeding
- 7.4. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
- 7.5. After notifying the Parties that the complaint has been accepted, the Case Manager will appoint a Discipline Panel, which shall consist of a single Adjudicator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a Discipline Panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Discipline Panel's members to serve as the Chair.
- 7.6. 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:
 - 7.6.1. 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
 - 7.6.2. 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
 - 7.6.3. The Parties may engage a representative, advisor, or legal counsel at their own expense
 - 7.6.4. The Discipline Panel may request that any other individual participate and give evidence at the hearing
 - 7.6.5. 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
 - 7.6.6. The decision will be by a majority vote of the Discipline Panel
- 7.7. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Discipline Panel will determine the appropriate sanction. The Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
- 7.8. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.

- 7.9. If a decision may affect another party to the extent that the other party would have recourse to a complaint or an appeal in their own right, that party will become a Party to the current complaint and will be bound by the decision.
- 7.10. In fulfilling its duties, the Discipline Panel may obtain independent advice.
- 7.11. After hearing and/or reviewing 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 viaSport. 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.
- 7.12. The Discipline Panel may apply the following disciplinary sanctions, singularly or in combination:
- 7.12.1. Verbal or written reprimand
 - 7.12.2. Verbal or written apology
 - 7.12.3. Service or other contribution to viaSport
 - 7.12.4. Removal of certain privileges
 - 7.12.5. Suspension from certain teams, events, and/or activities
 - 7.12.6. Suspension from all viaSport activities for a designated period of time
 - 7.12.7. Payment of the cost of repairs for property damage
 - 7.12.8. Suspension of funding from viaSport or from other sources
 - 7.12.9. Expulsion from viaSport
 - 7.12.10. Any other sanction considered appropriate for the offense
- 7.13. Unless the Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Discipline Panel will result in an automatic suspension until such time as compliance occurs.
- 7.14. The decision of the Discipline Panel may be appealed in accordance with the viaSport's Appeal Policy.

8.0 SUSPENSION PENDING A HEARING

- 8.1. viaSport may determine, at its sole discretion, that an alleged incident is of such seriousness as to warrant the immediate interim suspension of an Individual pending completion of a criminal process, the hearing, or a final decision of the Discipline Panel.

9.0 CRIMINAL CONVICTIONS

- 9.1. An Individual's conviction for a *Criminal Code* offense, as determined by viaSport, will be deemed an infraction under this Policy and will result in expulsion from viaSport. *Criminal Code* offences may include, but are not limited to:
- 9.1.1. Any child pornography offences

- 9.1.2. Any sexual offences
- 9.1.3. Any offence of physical violence
- 9.1.4. Any offence of assault
- 9.1.5. Any offence involving trafficking of illegal drugs

10.0 CONFIDENTIALITY

- 10.1. The discipline and complaints process is confidential and involves only the Parties, the Case Manager, the Discipline Panel, and any independent advisors to the Discipline 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.

11.0 TIMELINES

- 11.1. If the circumstances of the complaint are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the complaint, the Discipline Panel may direct that these timelines be revised.

12.0 RECORDS & DISTRIBUTION OF DECISIONS

- 12.1. Records of all sanctions will be maintained by viaSport.
- 12.2. Other individuals or organizations, including but not limited to, national sport organizations, provincial sport organizations, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.

Policy Change History

Date	Made by	Original Version	Changed to	Comments
13 Oct 2021	Andrea Wooles for Charlene Krepiakevich	<p>Section 5.1</p> <p>Any Individual may report an incident or complaint to the Discipline Panel Chair in writing, within fourteen (14) days of the alleged incident, although this timeline can be waived or extended at the Discipline Panel Chair's discretion.</p>	<p>Section 5.1</p> <p>Any Individual may report an incident or complaint to the Chief Executive Officer, Board Chair, or appointed independent third party in writing, within fourteen (14) days of the alleged incident, although this timeline can be waived or extended at the Chief Executive Officer's, Board Chair, or appointed independent third party's discretion.</p>	<p>Reporting procedure redirected, as the Discipline Panel Chair is not appointed until after a complaint is received. Addition of an independent third party reporting mechanism for complaints about the CEO or Board Chair.</p>