



**SPEED  
SKATING  
CANADA**

# **COMPLAINTS, INVESTIGATIONS & DISCIPLINE POLICY**

**Updated**

May 2021

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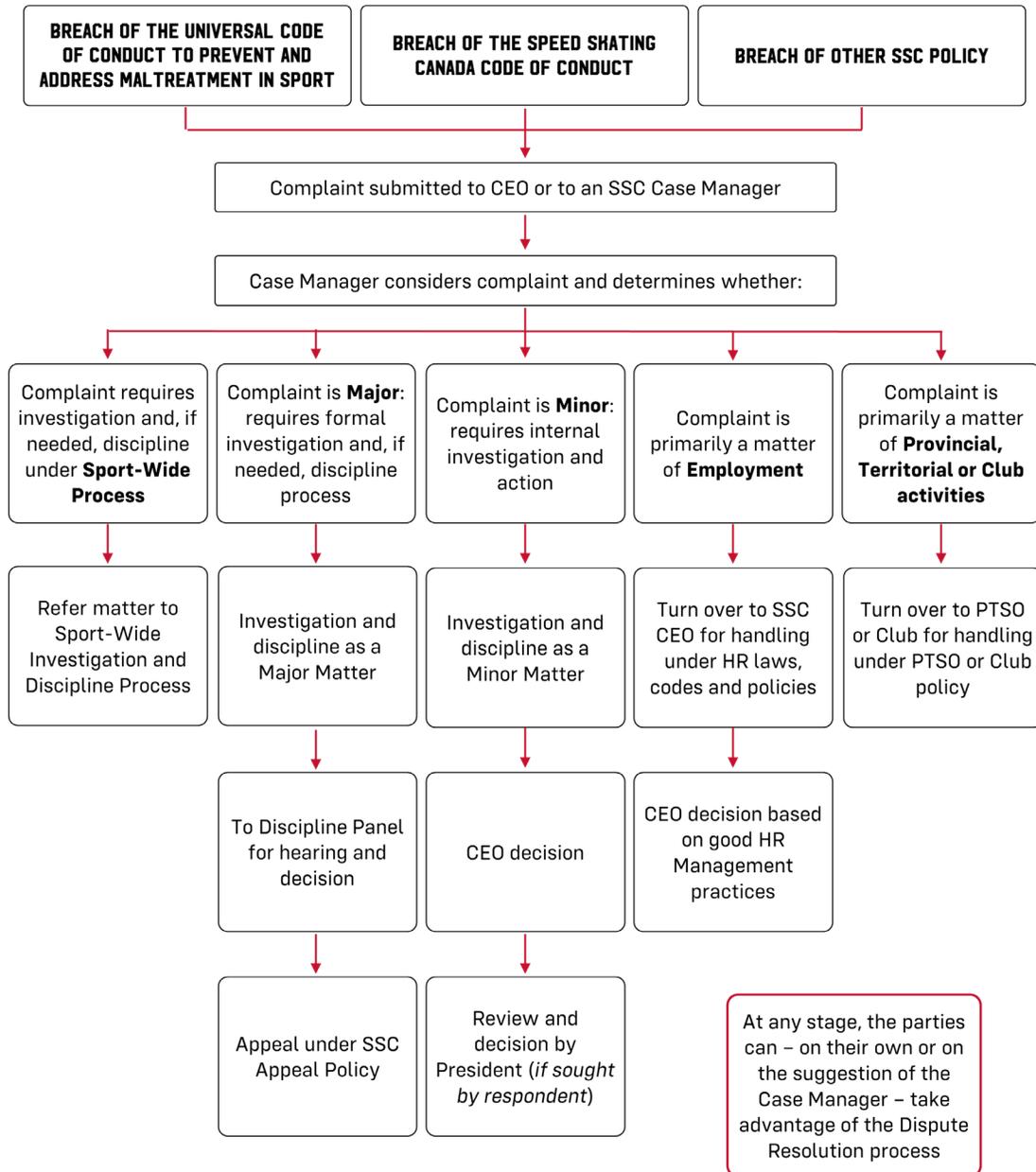
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# 1. Overview

1.1. In general terms, complaints, investigations, and disciplines with speed skating in Canada shall proceed on this basis<sup>1</sup>.



**Conduct is considered by SSC, or a Member, or an individual to be a:**



<sup>1</sup> Note: At the time of adoption of this Policy, no Canadian sport-wide complaints, investigation or discipline procedure has been adopted by Sport Canada, by Speed Skating Canada or by some independent third-party body. If and when such a procedure is so adopted, it is the intention of Speed Skating Canada that that procedure apply to complaints arising from alleged breaches of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS). Until that time, complaints arising from alleged breaches of that Code shall be treated as Major or Minor as described in this Policy.

## 2. Principles and Application

### Purpose

- 2.1. SSC and its Members are committed to:
- a) Dealing appropriately with all instances of alleged misconduct, to hold individuals involved in speed skating in Canada to the highest standards of conduct and ethics;
  - b) In particular, eliminating all instances of Maltreatment, Neglect, Harassment, Discrimination, Workplace Harassment, Sexual Harassment, and Workplace Violence within speed skating operations and activities;
  - c) Respecting the authority of the SSC Chief Executive Officer (the “CEO”), when appropriate, to address, oversee and manage the conduct and performance of the SSC staff; and,
  - d) Recognizing that complaints about some conduct are most appropriately handled at the local, provincial, territorial or club level.
- 2.2. This Policy describes how Individuals can report instances of inappropriate conduct and how such complaints will be investigated and acted upon.

### Definitions

- 2.3. The following terms have these meanings in this Policy:
- a) “Case Manager” – An independent third party, appointed by the CEO and publicly announced on the SSC website and elsewhere, who acts as the first point of contact for all discipline and complaint matters reported to SSC. This person also serves as the liaison between the Complainant and SSC in the case of a complaint involving alleged Maltreatment, Neglect, Harassment, Discrimination, Workplace Harassment, Sexual Harassment, or Workplace Violence.
  - b) “Complainant” – The Individual or organization making a complaint to SSC pursuant to this Policy.
  - c) “Days” – Days including weekends and holidays.
  - d) “Discipline Panel” – A person or persons appointed by the Case Manager pursuant to this Policy.
  - e) “Individuals” – Refers to all registrants as defined in the Bylaws of SSC and in the Bylaws of a Member, as well as all people employed by, contracted by, or engaged in activities with SSC or a Member including, but not limited to, employees, contractors, athletes, coaches, directors, officers, mission staff, chefs de mission, officials, convenors, volunteers, managers, administrators, committee members, spectators in attendance at events hosted, organized or sanctioned by SSC or a Member, and parents and guardians of those Individuals under the age of majority.

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- f) “Respondent” - The Individual or organization against whom a complaint is made pursuant to this Policy.
- 2.4. The following terms have the meanings given to them in the SSC Code of Conduct or the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS).
- a) Maltreatment
  - b) Neglect
  - c) Harassment
  - d) Discrimination
  - e) Workplace Harassment
  - f) Sexual Harassment
  - g) Workplace Violence

### **Application of this Policy**

- 2.5. Unless otherwise excluded pursuant to the terms hereof, this Policy applies to Individuals’ conduct during the business, activities, and events of SSC and its Members including, but not limited to, competitions, practices, tryouts, training camps, travel associated with organizational business, activities, and events, including any meetings.
- 2.6. This Policy also applies to Individuals’ conduct outside of the business, activities, and events of SSC and its Members when such conduct adversely affects the organization’s relationships (and the work and sport environment) or is detrimental to the image and reputation of SSC or a Member. Applicability will be determined by SSC pursuant to the terms of this Policy and other applicable policies of SSC.
- 2.7. This Policy supplements and does not prevent immediate discipline or sanction from being applied during the course of an event or competition, as reasonably required, by those empowered to do so for that event or competition, under the rules of the sport in place in Canada, all pursuant to Section 7 (Event Discipline Procedure) of this Policy. Further discipline may be applied according to other provisions of this Policy. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only.
- 2.8. An employee of SSC or of a Member who is a Respondent will be subject to investigation and appropriate disciplinary action per the applicable Human Resources Policy, as well as the employee’s Employment Agreement, if applicable. Complaints involving the conduct of employees of SSC or of a Member, insofar as the conduct relates to their capacity as an employee, shall not be subject to the terms of this Policy.

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- 2.9. This Policy does not apply to challenges, objections or other allegations relating to or arising out of:
- a) SSC carding decisions;
  - b) SSC team selection decisions;
  - c) SSC training group and coaching assignment decisions; or,
  - d) The adoption or application of high performance bulletins and like documents.

## **Alignment**

- 2.10. SSC recognizes that Individuals are also registered with Provincial/Territorial Organizations (which are Members under SSC's Bylaws) and/or Clubs associated with those Members. SSC requires, pursuant to SSC's Reciprocity Policy, that Provincial/Territorial Organizations and/or Clubs submit discipline decisions involving Individuals to SSC and SSC may take further action at its discretion. SSC and Members shall adhere to the Reciprocity Policy.
- 2.11. If SSC decides to take further action upon becoming aware of an Individual who has been disciplined by a Provincial/Territorial Organization and/or a Club, the Individual will be the Respondent to a complaint initiated under the terms of this Policy. SSC may act as the Complainant if the original Complainant is unwilling or unavailable.

## **3. Complaints**

### **Making a Complaint**

- 3.1. Any Individual may report a breach of:
- a) The Universal Code of Conduct to Prevent and Address Maltreatment in Sport,
  - b) The SSC Code of Conduct, or
  - c) Any SSC Policy,
- to the CEO or Case Manager in writing. The CEO shall refer any Complaint to the Case Manager.
- 3.2. At SSC's discretion, SSC may act as the Complainant and initiate the complaint process under this Policy. In such cases, SSC will identify an Individual to represent SSC.

### **Acting Upon the Complaint**

- 3.3. The Case Manager shall consider the Complaint and, at their discretion, may take further information from the Complainant or any other person.

3.4. Upon considering the Complaint, the Case Manager shall:

- a) Identify the Complaint as one raising a matter of discrimination, harassment, workplace harassment, workplace violence, sexual harassment, or abuse, in which case the Case Manager shall:
  - i. Notify the Respondent of the Complaint, with a summary of the substance of the Complaint.
  - ii. Instruct SSC to investigate the Complaint as a Major Matter.

*Note: In this section, "workplace harassment" and "workplace violence" refer to a Respondent's conduct in the context of an SSC or Member workplace but excludes conduct of an employee of SSC or a Member that is referred to in paragraph d) below.*

*Note: the following apply only to those Complaints not within the scope of a).*

- b) Identify the Complaint as one most appropriate for Dispute Resolution and ask for the permission of the Complainant to invite the Respondent to participate in Dispute Resolution;
- c) Identify the Complaint as one primarily dealing with matters of a Respondent's conduct within the activities of a province, territory or club, and one that does not rise to the level of concern for SSC's involvement, as determined in consultation with the CEO, in which case the Case Manager shall refer the Complaint to that province, territory or club for handling (any referral to a club shall involve the province or territory with which that club is affiliated);
- d) Identify the Complaint as one primarily dealing with matters of a Respondent's employment with SSC or a Member and conduct as an employee, and refer the Complaint to SSC or the appropriate Member for handling as a matter of its human resource functions and policies, in which case this Policy has no further application;
- e) Identify the Complaint as being groundless, vexatious, frivolous or otherwise not meriting Investigation or Dispute Resolution, and advise the Complainant and SSC of this fact; or,
- f) Identify the Complaint as raising matters other than those described in a) through e), in which case the Case Manager shall:
  - i. Notify the Respondent of the Complaint, with a summary of the substance of the Complaint; and,
  - ii. Instruct SSC to investigate the Complaint, either as a Major Matter or as a Minor Matter, as the Case Manager sees fit.

3.5. The Case Manager shall consider the following guidelines when determining if a matter should be investigated as a Major Matter or as a Minor Matter:

- a) Major Matter – The Complaint alleges:
  - i. Repeated minor incidents
  - ii. Any incident of hazing

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- iii. Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
  - iv. Major incidents of violence (e.g., fighting, attacking, sucker punching)
  - v. Pranks, jokes, or other activities that endanger the safety of others
  - vi. Conduct that materially endangers the safety of another person
  - vii. Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
  - viii. Conduct that intentionally damages the organization's image, credibility, or reputation
  - ix. Consistent disregard for the organization's bylaws, policies, rules, and regulations
  - x. Major or repeated violations of the Code of Conduct
  - xi. Intentionally damaging the organization's property or improperly handling the organization's monies
  - xii. Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
  - xiii. A conviction for any Criminal Code offense
  - xiv. Any possession or use of banned performance-enhancing drugs or methods

b) Minor Matter – The Complaint alleges:

- i. Isolated instance or instances of disrespectful, abusive, racist, or sexist comments, conduct or behaviour
- ii. Isolated and minor instances of violence (e.g., tripping, pushing, elbowing)
- iii. Conduct contrary to the values of the organization that does not constitute a Major Matter
- iv. Non-compliance with the organization's policies, procedures, rules or regulations that does not constitute a Major Matter
- v. Isolated instance or instances of minor violations of the Code of Conduct

3.6. There is no appeal from the Case Manager's decision under Section 3.4.

## **Suspension Pending a Hearing**

3.7. At any time, the Case Manager may recommend to the CEO that the Complaint alleges conduct of such seriousness as to warrant suspension of or the placing of limits upon an Individual's involvement with SSC pending completion of an investigation, criminal process, the hearing, or a decision of the Discipline Panel.

3.8. Upon receiving that recommendation and in exercising their best judgment, the CEO may suspend or place limits upon an Individual's involvement with SSC pending completion of an investigation, criminal process, the hearing, or a decision of the Discipline Panel.

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- 3.9. In any instance where the Respondent is the CEO or a Director or Officer of SSC, this decision and any other decision or function assigned to the CEO under this Policy shall be made by or assigned to the President. In any instance where the Respondent is the President, this decision and any other decision or function assigned to the CEO under this Policy shall be made by or assigned to the Vice-President.

## **Disclosure**

- 3.10. SSC and its Members will adhere to all disclosure and reporting responsibilities required by any government entity, local police force, or child protection agency.

## **Adult Representative**

- 3.11. Complaints may be brought for or against an Individual who is a minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
- 3.12. Communication from the Case Manager, as applicable, must be directed to the minor's representative.
- 3.13. At any interview of a minor during an Investigation, the minor is entitled to have an adult representative present.

## **4. Investigations**

- 4.1. There are two types of investigations:
- a) Sport-wide External Investigation – Where mandated by Sport Canada or SSC, an investigation carried out by a body appointed to respond to and investigate complaints across sport in cases of alleged breaches of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport.
  - b) SSC Investigation – All other investigations of Major Matters and all investigations of Minor Matters.
- 4.2. In the case of a Sport-wide External Investigation, the procedures of that body shall apply to the Investigation.
- 4.3. In the case of an SSC Investigation, the CEO may at their discretion appoint an Investigator. The Investigator must not be in a conflict of interest and should have no connection to either the Complainant or Respondent. In the case of an SSC Investigation of a Major Matter, the Investigator must be an independent third-party skilled in investigating.

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- 4.4. At the option of the CEO, an SSC Investigation may be conducted on the instructions of legal counsel, so as to preserve solicitor-client privilege over the investigation as may be necessary or appropriate.
  - 4.5. Federal and/or Provincial legislation related to Workplace Harassment may apply to the investigation. The Investigator should review workplace safety legislation, the organization's policies for human resources and/or consult independent experts to determine whether such legislation applies to the Complaint.
  - 4.6. The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial legislation. The investigation may include:
    - a) Interview of the Complainant and collection of such further information and records as the Complainant may provide and/or the Investigator may seek;
    - b) Interview(s) of witnesses;
    - c) Statement of facts (Complainant's perspective) prepared by the Investigator and acknowledged by the Complainant;
    - d) Statement of facts delivered to the Respondent;
    - e) Interview of the Respondent;
    - f) Interview(s) of additional witnesses;
    - g) Statement of facts (Respondent's perspective) prepared by the Investigator and acknowledged by the Respondent; and/or
    - h) Delivery of a report.
  - 4.7. The Investigator's report should include a summary of evidence from the parties (including both statements of facts, if applicable) and recommendations from the Investigator of whether, on a balance of probabilities:
    - a) An incident occurred that could be considered a breach of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport;
    - b) An incident occurred that could be considered a breach of the SSC Code of Conduct; and/or
    - c) An incident occurred that could be considered a breach of some other SSC Policy.
  - 4.8. The Investigator's report will be provided to the Case Manager who will disclose it to SSC and disclose all or parts of it, at the discretion of the Case Manager, to the Complainant and the Respondent.
  - 4.9. The Case Manager shall review the Investigator's report and determine whether such incident should be dealt with by:
    - a) Referral to the sport-wide body charged with investigating and deciding upon alleged breaches of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport;
    - b) Sending the matter to a hearing by the Discipline Panel; or,

- c) Sending the matter to the CEO for consideration of whether and what sanctions, penalties, or reprimand ought to be imposed.

4.10. Should the Investigator or the Case Manager find that there are possible instances of offence under the Criminal Code, particularly related to Criminal Harassment (or Stalking), Uttering Threats, Assault, Sexual Interference, or Sexual Exploitation, the Investigator or the Case Manager shall advise the Complainant to refer the matter to police. The Investigator will further inform SSC that the matter should be directed to the police.

4.11. The Investigator and the Case Manager must also inform SSC of any other findings of probable criminal activity. SSC may decide whether to report findings to police but is required to inform police if there are findings related to the trafficking of doping, drugs or materials, any sexual crime involving minors, fraud against SSC, or other offences where the lack of reporting would bring SSC into disrepute.

### **Reprisal and Retaliation**

4.12. An Individual who submits a Complaint to SSC or a Member (as applicable), or who gives evidence in an investigation, may not be subject to reprisal or retaliation from any individual or group. Should anyone who participates in the process face reprisal or retaliation, that Individual will have cause to submit a Complaint.

### **False Allegations**

4.13. An Individual who submits allegations that the Investigator determines to be maliciously false may be subject to a Complaint under the terms of this Policy, with SSC or a Member (as applicable), or the Individual against whom the false allegations were submitted, acting as the Complainant. Submitting such a Complaint against an Individual who has been determined to have made a maliciously false Complaint is not a form of reprisal or retaliation.

### **Confidentiality**

4.14. The information obtained about an incident or Complaint (including identifying information about any Individuals involved) will remain confidential, unless and only to the extent disclosure is necessary for the purpose of investigation, complaint management, taking corrective action, or is otherwise required by law or by this Policy.

4.15. The Investigator will make every effort to preserve the confidentiality of the Complainant, Respondent, and any other party. However, SSC and its Members recognize that maintaining anonymity of any party may be difficult for the Investigator during the investigation.

## 5. Disposition of Complaints

- 5.1. As per Section 4.9, the Case Manager shall review the Investigator's report and either:
  - a) Refer the matter to the CEO for handling under this Policy; or
  - b) Refer the matter to a Disciplinary Panel for handling under this Policy.
- 5.2. There is no appeal from the decision of the Case Manager under Section 5.1.

### CEO Handling

#### CEO Decision

- 5.3. Where the Case Manager has referred the Investigator's report to the CEO, the CEO will review the report and provide the Respondent a reasonable opportunity to make a brief written submission on whether an incident occurred and, if so, what sanctions, penalties, or reprimand ought to be levied.
- 5.4. After considering the Investigator's report and the Respondent's brief written submissions, the CEO shall decide whether:
  - a) To refer the matter to a Discipline Panel;
  - b) To conclude whether an infraction occurred and, if so, levy some type of sanction, penalty or reprimand arising from the Complaint or incident; or,
  - c) To dismiss the Complaint.
- 5.5. The CEO may apply one or more of the following sanctions:
  - a) Verbal or written reprimand
  - b) Verbal or written apology
  - c) Service or other contribution to SSC or the Member (as applicable)
  - d) Removal of certain privileges
  - e) Suspension from certain teams, events and/or activities
  - f) Suspension from certain activities for a designated period
  - g) Any other sanction considered appropriate for the offense
- 5.6. The CEO will inform the Respondent of the sanction, which will take effect immediately upon receipt by the Respondent or at such later date as set by the CEO.
- 5.7. Records of all sanctions will be maintained by SSC.

#### Appeal to the President

- 5.8. The finding by the CEO of an infraction and/or the imposition by the CEO of any sanction may only be appealed by the Respondent in writing addressed to the President within

four (4) days of receiving the CEO's decision. In the appeal, the Respondent must present their brief submissions on:

- a) Whether an infraction occurred;
- b) Why the sanction imposed is inappropriate; and
- c) What penalty or sanction (if any) would be appropriate.

5.9. Upon receiving an appeal, the President may:

- a) Obtain a copy of the Investigator's report;
- b) Seek such further information as they see fit;
- c) Consult with the CEO as to the reasons behind the finding of an infraction and the sanction levied; and
- d) Consult with one or more members of the Board, or the Board as a whole.

5.10. The President may:

- a) Refer the matter to a Discipline Panel;
- b) Uphold the decision of the CEO; or
- c) Vary the decision of the CEO in whole or in part, including levying such additional, reduced or altered sanction as seen fit in their judgment.

5.11. On the President's decision, sanctions (if any) will take effect immediately or at such later date as set by the President.

5.12. There is no appeal from the decision of the President under Sections 5.10 or 5.11.

## **Discipline Panel Handling**

### **Application**

5.13. Where the Case Manager, the CEO or the President has referred the Investigator's report to the Discipline Panel for handling, the Discipline Panel shall conduct a hearing of the matters set out in the Investigator's report.

### **Role of the Case Manager**

5.14. For the purposes of the Discipline Panel hearing, the Case Manager has the responsibility to:

- a) Consider and, if thought fit, suggest the use of the Discipline Resolution Mechanism below;
- b) Appoint the Discipline Panel;
- c) Coordinate all administrative aspects and set the timelines;
- d) Provide administrative assistance and logistical support to the Discipline Panel as required; and,

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- e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
- 5.15. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
- 5.16. The Case Manager will appoint a Discipline Panel, which shall consist of a single arbitrator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case Manager in consultation with the CEO, 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.
- 5.17. The Discipline Panel shall be free of any conflict of interest. At the discretion of the Case Manager, the selection of the Discipline Panel may or 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.
- 5.18. 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) If the Discipline Panel is made up of more than one Individual, the decision will be by a majority vote.
- 5.19. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Discipline Panel will determine whether an infraction occurred and, if so, the appropriate sanction. The Discipline Panel may still hold a hearing for the purpose of determining whether an infraction occurred and, if so, the appropriate sanction.

- 5.20. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
- 5.21. 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.
- 5.22. In fulfilling its duties, the Discipline Panel may obtain independent advice.

### **Decision**

- 5.23. At any time, the Discipline Panel may decide that the Complaint and the evidence raises a matter of a breach of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport, in which case it shall refer the matter to the sport-wide body for investigation of such breaches, if such sport-wide body exists at the time.
- 5.24. 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 to SSC. 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**

- 5.25. The Discipline Panel may apply the following disciplinary sanctions, singularly or in combination:
- a) Verbal or written reprimand
  - b) Verbal or written apology
  - c) Other contribution to SSC or a Member
  - d) Temporary or permanent removal of certain privileges
  - e) Suspension from certain teams, events, and/or activities
  - f) Suspension from certain activities for a designated period
  - g) Payment of cost of repairs for property damage
  - h) Suspension of funding from the organization or from other sources
  - i) Expulsion from the organization
  - j) Any other sanction considered appropriate for the offense
- 5.26. 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.

- 5.27. Records of all decisions will be maintained by SSC. Members will submit all records to SSC.

## **Appeals**

- 5.28. The decision of the Discipline Panel may be appealed in accordance with the *Appeal Policy*.

## **Confidentiality**

- 5.29. The discipline and complaints process is confidential and involves only SSC, the applicable Member(s), the Parties, the Case Manager, the Discipline Panel, and any independent advisors to the Discipline Panel. None of the Parties will disclose information relating to the discipline or complaint to any person not involved in the proceedings, except for any decision of the Discipline Panel that is made public.

- 5.30. At the conclusion of the matter, SSC shall inform the Complainant that the matter has been completed and whether the Respondent was found to have committed an infraction. Unless contained in the formal decision, the Complainant shall only be informed of any particular sanction imposed that directly affects their anticipated future dealings (if any) with the Respondent.

## **Timelines**

- 5.31. 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.

## **Records and Distribution of Decisions**

- 5.32. Other individuals or organizations, including but not limited to National Sport Organizations, Provincial/Territorial Sport Organizations, sport clubs, etc., may be advised by SSC of any decisions rendered in accordance with this Policy, in such detail and with such information as SSC may decide.

## Criminal Convictions

- 5.33. An Individual's conviction for certain Criminal Code offenses, as determined by SSC, may be deemed an infraction under this Policy and result in expulsion from SSC. Such Criminal Code offenses may include, but are not limited to:
- a) Any child pornography offences
  - b) Any sexual offences
  - c) Any offence of physical violence
  - d) Any offence of assault
  - e) Any offence involving trafficking of illegal drugs

## 6. Dispute Resolution Procedure

### Purpose

- 6.1. SSC supports the principles of Alternate Dispute Resolution (ADR) and is committed to the techniques of negotiation and mediation as effective ways to resolve Complaints. Alternate Dispute Resolution also avoids the uncertainty, costs and other negative effects associated with lengthy investigations, hearings or appeals.
- 6.2. SSC encourages all Individuals to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. SSC believes that negotiated resolutions are usually preferable to outcomes resolved through other dispute resolution techniques. Negotiated resolutions to Complaints and disputes with and among Individuals are strongly encouraged.

### Application of this Procedure

- 6.3. This Procedure applies to all Individuals, to SSC, and to Members.
- 6.4. Opportunities for Alternate Dispute Resolution may be pursued at any point in a Complaint when all Parties agree that such a course of action would be mutually beneficial.

### Facilitation and Mediation

- 6.5. If all Parties to a dispute agree to Alternate Dispute Resolution or mediation, the CEO may refer the alternate dispute resolution process to a resolution facilitator of the Sport Dispute Resolution Centre of Canada (SDRCC).

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- 6.6. If all Parties to a Complaint agree to Alternate Dispute Resolution, a mediator or facilitator, acceptable to all Parties, shall be appointed to mediate or facilitate resolution of the Complaint.
  - 6.7. The mediator or facilitator shall decide the format under which the Complaint shall be mediated or facilitated and shall specify a deadline before which the Parties must reach a negotiated decision.
  - 6.8. Should a negotiated decision be reached, the decision shall be reported to, and approved by, SSC. Any actions that are to take place as a result of the decision shall be enacted on the timelines specified by the negotiated decision, subject to SSC's approval of the negotiated decision.
  - 6.9. Should a negotiated decision not be reached by the deadline specified by the mediator or facilitator at the start of the process, or if the Parties to the dispute do not agree to Alternate Dispute Resolution, or if SSC does not approve of the negotiated decision, the Complaint shall be considered and shall proceed under the appropriate section of this Policy or the *Appeal Policy*, as applicable.

## **Final and Binding**

- 6.10. Any negotiated decision will be binding upon the Parties. Negotiated decisions may not be appealed.

## **7. Event Discipline Procedure<sup>2</sup>**

### **Definitions**

- 7.1. The following terms have these meanings in this Policy:
  - a) "Event" – An event sanctioned by SSC or a Member.

### **Purpose**

- 7.2. SSC is committed to providing a competition environment in which all Individuals are treated with respect. This procedure outlines how alleged misconduct during an Event will be handled.

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<sup>2</sup> This Event Discipline Procedure supplements and does not supersede or replace SSC's Complaints process described above.

## Scope and Application of the Policy

- 7.3. This procedure will be applied to all SSC sanctioned Events unless any modifications are approved by SSC in advance of the Event and the Event host states any modifications to this procedure (and the reasons for those modifications) in the Event's registration or invitation package. Changes to this procedure must also be outlined in the event host's sanctioning request, when applicable.
- 7.4. If the Event is being sanctioned by a national or regional Games federation, or an international federation, the Event Discipline Procedure of the sanctioning organization will supersede this procedure to the extent of any conflict or inconsistency. Incidents involving Individuals connected with SSC (such as athletes, coaches, Members, registrants and Directors and Officers) must still be reported to SSC to be addressed under this Policy, if necessary.
- 7.5. This procedure does not replace or supersede other provisions in this Policy. Instead, this procedure works in concert with the Policy by outlining, for a designated person with authority at an Event sanctioned by SSC, the process for taking immediate, informal, or corrective action following a possible violation of SSC's *Code of Conduct*.

## Misconduct During Events

- 7.6. Incidents that violate or potentially violate SSC's *Code of Conduct* which occur during a competition, away from the area of competition, or between parties connected to the Event, shall be reported to a designated person (usually the head official or on-site convenor) responsible at the Event.
- 7.7. The designated person at the Event shall use the following procedure to address the incident that violated or potentially violated SSC's *Code of Conduct*:
  - a) Notify the involved parties that there has been an incident that violated or potentially violated SSC's *Code of Conduct*.
  - b) Convene a panel of either one person or three people (one of whom shall be designated the Chairperson), who shall not be in a conflict of interest or involved in the original incident, to determine whether SSC's *Code of Conduct* has been violated. The designated person at the Event may serve on the panel.
  - c) The panel will interview and secure statements from any witnesses to the alleged violation.
  - d) If the violation occurred during a competition, interviews will be held with the officials who officiated or observed the competition and with the coaches and captains of each team when necessary and appropriate.
  - e) The panel will secure a statement from the person(s) accused of the violation.
  - f) The panel will render a decision and determine a possible penalty.



g) The Chairperson of the panel will inform all parties of the panel's decision.

7.8. The penalty determined by the panel may include any of the following, singularly or in combination:

- a) Oral or written warning
- b) Oral or written reprimand
- c) Suspension from future competitions at the Event
- d) Ejection from the Event
- e) Other appropriate penalty as determined by the panel

7.9. The panel does not have the authority to determine a penalty that exceeds the duration of the Event. A full written report of the incident and the panel's decision shall be submitted to SSC following the conclusion of the Event. Further discipline may then be applied per this Policy if necessary.

7.10. Decisions made in the scope of this procedure may not be appealed.

7.11. This procedure does not prohibit other Individuals from reporting the same incident to SSC to be addressed as a formal Complaint under this Policy.

7.12. SSC shall record and track all reported incidents of misconduct during Events and the outcome of those reports.