

SPORT DISPUTE RESOLUTION CENTRE OF CANADA

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SDRCC

# Discipline and Complaint Management Policy

**Final Version**

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# **Discipline and Complaint Management Policy**

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## 1. General Principles

Aligned with its core values of integrity, fairness and excellence, the Sport Dispute Resolution Centre of Canada (the Centre) is committed to be an organization free from Maltreatment or any other form of Prohibited Behaviour, that fosters the self-esteem and dignity of all persons involved with the Centre.

Accordingly, the Centre's Board of Directors has adopted as its own policy the *Universal Code of Conduct to Prevent and Address Maltreatment in Sport* (the "UCCMS"), as amended from time to time.

The Centre's goal is to foster an environment based on understanding, cooperation and mutual respect. In order for this goal to be reached, it is essential that the Centre refuse to accept or tolerate behaviour that might reasonably be construed as any form of Maltreatment or other Prohibited Behaviour.

Therefore, the Centre does not tolerate any form of Maltreatment or other Prohibited Behaviour and assumes responsibility for protecting its stakeholders, irrespective of their race, ancestry, place of origin, colour, ethnic background, religion, citizenship, creed, gender, gender expression or identity, sexual orientation, physical or mental condition, age, pardoned conviction, and civil or family status, against any form of Maltreatment or other Prohibited Behaviour arising from or connected to their interaction with the Centre.

The Centre will conduct a fair, timely and confidential investigation of any complaint or concern, ensuring that no retaliatory action is taken against a Complainant acting in good faith.

## 2. Scope

This Policy is applicable to complaints arising from the application of the UCCMS against any UCCMS Participant, as defined herein.

## 3. Definition and Examples

**"Complainant"** is the person who alleges a violation of the UCCMS against another person subject to this Policy.

**"Complaint Administrator"** is the person who initially receives the complaint and becomes responsible for the implementation of this Policy. The Complaint Administrator may be the Chief Executive Officer, a member of the Executive Committee or the Safety Officer, whoever the Complainant chooses to file the complaint with.

**"Hearing Committee"** is made up of three (3) members who may come from any field or background and must be neutral, independent of the parties involved, impartial and free of any conflict of interest. Committee members shall not be members of the Board, employees, volunteers, arbitrators, mediators or investigators of the Centre, or have any affiliation with them.

**"Investigator"** is a person with experience in cases of Maltreatment or other form of Prohibited Behavior and in investigation techniques, who is legally qualified to investigate complaints in the relevant jurisdiction and who is hired by the Complaint Administrator on behalf of the Centre to conduct a fact-finding investigation.

**“Maltreatment”** carries the same definition as in the UCCMS, including various forms of harassment, neglect, grooming, boundary transgressions and discrimination.

**“Prohibited Behaviour”** carries the same definition as in the UCCMS, including Maltreatment, discrimination and other forms of inappropriate behaviour such as, but not limited to, retaliation and failure to report.

**“Respondent”** is the person against whom Maltreatment or other form of Prohibited Behaviour is alleged by the Complainant.

**“Safety Officer”** is a third party, independent from the Centre, designated by the Centre from time to time to receive a complaint directly from a Complainant, if the latter does not wish to raise the complaint with the Centre’s Chief Executive Officer or a member of the Centre’s Executive Committee. The contact information for the Safety Officer shall be made available at all times on the Centre’s website under the “Contact Us” webpage and the Safety Officer shall be generally available during normal business hours on Eastern time.

**“UCCMS Participant”** is any person involved in the conduct of activities associated with or arising from the Centre including, but not limited to, the Centre’s employees, arbitrators, mediators, investigators, directors (the “Board”) and volunteers, the members of the Maltreatment in Sport Sanctions Council, as well as parties, their representatives, witnesses and other participants while involved in complaint management and/or sport environment assessment processes of the OSIC or proceedings under the Centre’s Dispute Resolution Secretariat.

## **4. Filing of a Complaint**

The Centre encourages any Complainant to inform the Respondent that the behaviour is unwelcome, offensive and contrary to this Policy.

If it is impossible or difficult for the Complainant to discuss the behaviour with the Respondent or if the behaviour persists after the Respondent has been informed, the Complainant may notify the Chief Executive Officer, a member of the Executive Committee, or the Safety Officer (the “Complaint Administrator”).

The Complaint Administrator will meet with the Complainant and try to gain an understanding of the complaint on an unofficial, neutral and impartial basis.

One of three possible conclusions may be drawn from the meeting:

- (i) The Complainant does not wish to file a formal complaint, or the alleged behaviour does not appear to constitute Maltreatment or other form of Prohibited Behaviour but warrants an informal intervention: the Complaint Administrator will make the necessary recommendation to the appropriate person or entity to which the Respondent reports;
- (ii) The Complainant wishes to try to resolve the matter informally, through a meeting with the Respondent and either the Complaint Administrator or a neutral third party. In the latter case, the Complaint Administrator will take the necessary step to engage a neutral third party, at the Centre’s expense; or
- (iii) The Complainant wishes to file an official complaint with a Complaint Administrator.

## **5. Complaint Management and Investigation**

If an official complaint is filed, the Complaint Administrator must appoint an Investigator to investigate the alleged Maltreatment or other Prohibited Behaviour.

The Complaint Administrator may determine, on his or her own or upon recommendation by the Investigator, whether the alleged behaviour is serious enough for the Respondent to be subject to provisional measures pending an investigation. If such is the case, the Complaint Administrator will make the necessary recommendation to the appropriate person or entity to which the Respondent reports, and take any other measure deemed appropriate in the circumstances to protect the safety of others.

The Investigator will submit a written report with conclusions to the Complaint Administrator within a reasonable period of time. The report of the Investigator shall include a finding as to whether the alleged behaviour actually occurred and constitutes a violation of the UCCMS and include a recommendation on sanction, if any.

The Complainant or the Respondent shall have seven (7) days from the communication of the Investigator's findings and recommendations to raise a challenge.

If the Complainant or the Respondent wish to challenge the finding or recommendation of the Investigator, the Complaint Administrator shall appoint a Hearing Committee within ten (10) days of receiving the notice of challenge.

## **6. Hearing Procedures**

Within ten (10) days of its appointment, the Hearing Committee will meet and determine the procedure for the case at issue. The proceedings are normally conducted by conference call, unless all parties agree otherwise or the Hearing Panel, at its own discretion, determines that they will be conducted by documentary review, by videoconference, in person, or through any combination of those formats.

The Hearing Committee shall conduct the hearing process in accordance with the principles of procedural fairness. Failure of the Respondent, the Complainant or any witness to appear at the hearing will not prevent the Hearing Committee from rendering a final and binding decision on the matter, subject only to an appeal pursuant to section 7 herein.

In all cases, the Hearing Committee must render a decision on the complaint, with its reasons, within thirty (30) days of the completion of the hearing process. It must be a majority decision and include any sanction to be imposed.

## **7. Appeal**

Any party to the hearing may appeal the decision of the Hearing Committee to the Centre's Appeal Tribunal pursuant to the Canadian Sport Dispute Resolution Code, as amended from time to time by the Centre's Board of Directors. Such appeal must be filed no later than thirty (30) days following the communication of the Hearing Committee decision.

## **8. Recognition of Sanctions under the UCCMS**

In its volunteer recruitment and hiring practices, the Centre endeavors to recognize sanctions imposed on individuals pursuant to the UCCMS, if it is satisfied 1) that the process followed to impose such sanction was conducted in respect of the principles of natural justice and 2) that the sanction is not subject to a further appeal.

## **9. Confidentiality**

The Centre recognizes that Maltreatment and other forms of Prohibited Behaviour constitute a sensitive and serious issue and will endeavour, to the extent permitted at law, to protect confidentiality in all matters pertaining to complaints and procedures. All provisional measures and sanctions imposed pursuant to this Policy shall nonetheless be disclosed to the OSIC for inclusion in its sanctions registry.