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# Complaints & Discipline Policy

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Rationnel for Proposed Changes:

- Change of terminology for participants who are governed by the OSIC Discipline process to Abuse Free Participant from UCCMS Participant
- Removal of Appendix B - Investigation Procedure as a new policy is proposed

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Instructions to Reader:

Additions are marked in **Red Text**

Deletions are marked by ~~Strikeout text~~

## Table of Contents

1. Overview.....	5
2. Principles and Application.....	6
Purpose.....	6
Application of this Policy.....	6
Alignment.....	7
3. Definitions.....	8
4. Filing a Complaint.....	9
Abuse-Free Sport Participants.....	9
All Other Complaints.....	9
Adult Representative.....	10
Reprisal and Retaliation.....	11
Failure to Disclose.....	11
5. Evaluating the Complaint.....	11
Process.....	12
Confidentiality of the Complaint.....	13
Provisional Suspension.....	14
6. Managing the Complaint.....	15
Process 1: Internal Discipline Chair.....	15
Process 2: External Discipline Panel.....	16
Hearing.....	17
Decision.....	18
Appeals.....	20
Timelines.....	20
Records and Distribution of Decisions.....	20
Statistical Reporting.....	20
7. Sanctioning.....	22
OSIC Sanctions.....	24
8. Dispute Resolution Procedure.....	25
Purpose.....	25
Application of this Procedure.....	25
Facilitation and Mediation.....	25
9. Event Discipline Procedure.....	26
Purpose.....	26

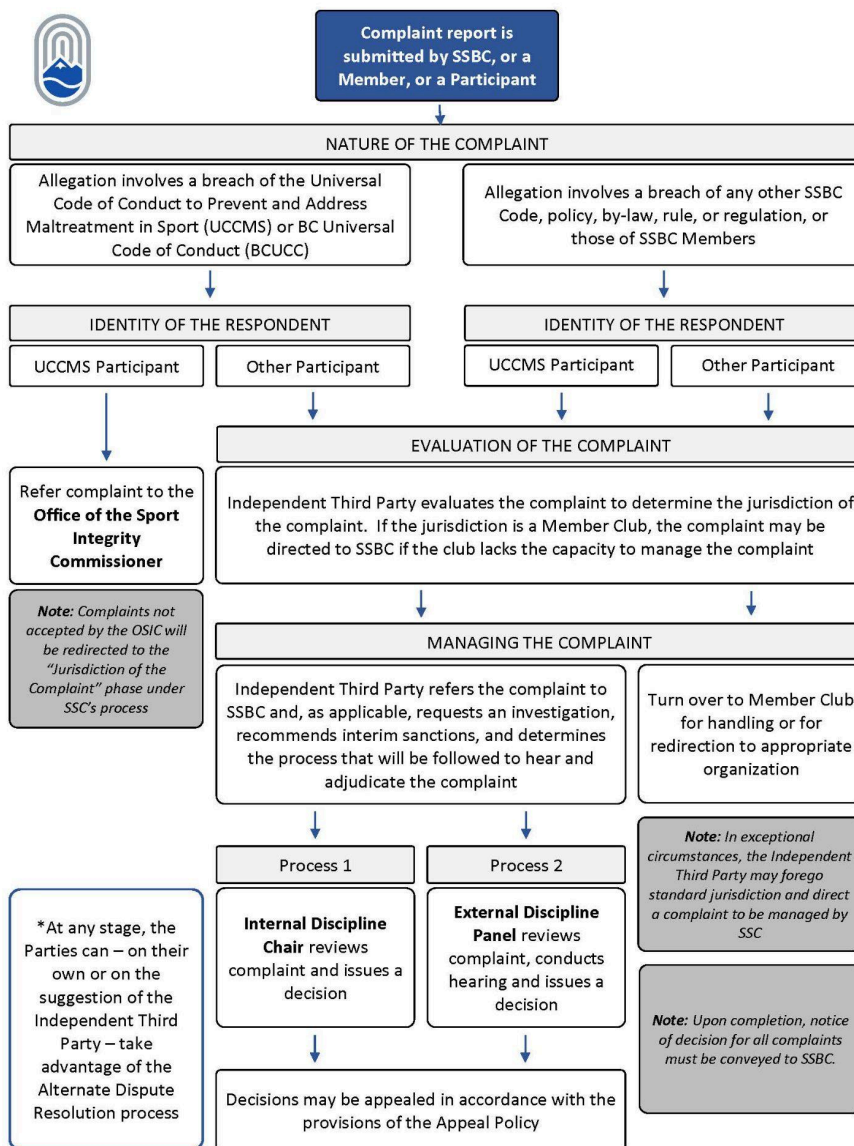


Application of this Procedure.....	26
Misconduct During Events.....	26
10. Privacy.....	27
Appendix A: Definitions.....	29
Remove - Replaced by Investigation Policy.....	31
Appendix B: Investigation Procedure.....	31
Determination.....	31
Investigation.....	31
Investigator’s Report.....	31
False Allegations.....	32
Confidentiality.....	32

# Complaints & Discipline Policy

## 1. Overview

- a. In general terms, complaints involving Participants of Speed Skating BC shall proceed on the following basis



## 2. Principles and Application

### Purpose

- a. Participants of SSBC are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with all codes, policies, by-laws, rules and regulations of SSBC, as updated and amended from time to time.
- b. Non-compliance with any of SSBC's codes, policies, by-laws, rules, or regulations, or those of its Member Clubs, as applicable, may result in the imposition of sanctions pursuant to this Policy or the by-laws of SSBC or, as applicable, those of its Member Clubs.
- c. This Policy describes how Participants can report instances of inappropriate conduct and how such complaints will be investigated and acted upon.

### Application of this Policy

- d. This Policy applies to all Participants and to any alleged breaches of SSBC codes, policies, by-laws, rules or regulations. The provisions of this Policy are also automatically in effect for any Member Club who have not formally approved an alternative documented procedure to address Participants conduct that meets, at a minimum, the standards of this Policy as determined by SSBC. In such instances, the Member Club retains jurisdiction over the complaint and will handle it in accordance with this Policy.
- e. Unless otherwise excluded pursuant to the terms hereof, this Policy applies to Participants conduct during the business, activities, and events of SSBC and its Member Clubs including, but not limited to, competitions, practices, tryouts, training camps, travel associated with organizational business, activities, and events, including any meetings and communications.
- f. This Policy also applies to Participants conduct outside of the business, activities, and events of SSBC and its Member Clubs when such conduct adversely affects the organization's relationships (and the work and sport environment) or is detrimental to the image and reputation of SSBC or a Member Club. Applicability will be determined by SSBC in its sole discretion, pursuant to the terms of this Policy and other applicable policies of SSBC.
- g. This Policy does not prevent immediate discipline from being applied during the course of an Event, as reasonably required, pursuant to Section 9 of this Policy. In

such situations, disciplinary action will be for the duration of the Event only. Further sanctions may be applied according to other provisions of this Policy.

- h. In addition to being subject to disciplinary action pursuant to this Policy, an employee of SSBC or a Member Club who is a Respondent to a complaint may also be subject to consequences in accordance with the applicable Human Resources Policy as well as the employee's employment agreement and any applicable legislation.
- i. This Policy does not apply to objections or other allegations relating to or arising out of:
  - i. SSBC team or program selection or coaching assignment decisions;
  - ii. The adoption or application of high performance bulletins and like documents

## Alignment

- j. SSBC recognizes that Participants are also registered with Speed Skating Canada (SSC) (which SSBC is a Member under SSC's by-laws) and/or Member Clubs or affiliated organizations associated with SSBC.
- k. Given the above, the jurisdiction of a complaint handled under this Policy or a similar policy of a Member Club will be assigned to the appropriate organization based on the affiliation or identity of the Respondent and the Respondent's role at the time of the conduct. Other factors (e.g., location of an incident, identity of Complainant, involvement of other Parties or complaint processes) may be taken into consideration as necessary by the Independent Third Party in deciding jurisdiction.
- l. In exceptional circumstances, such as where a conflict of interest exists with a Member Club the Independent Third Party may forego the standard application of jurisdiction and direct a complaint to be managed by SSBC. SSBC, with written notice or by agreement with the Member Club, may also take over jurisdiction where a Member Club is unable to or fails to conduct the appropriate processes in a reasonable time frame, as determined by the Independent Third Party. In all such circumstances, SSBC shall have the right to collect reimbursement for costs to conduct the proceedings from the Member Club.

- m. In circumstances where the complaint involves allegations of complex jurisdiction, the Independent Third Party may forego the standard application of jurisdiction and direct a complaint to be managed by SSC. All parties must agree in writing to the jurisdiction. In all such circumstances, the party taking jurisdiction shall have the right to collect reimbursement for costs to conduct the proceedings from the other jurisdiction.
- n. Pursuant to SSC Reciprocity Policy, SSBC requires that Member Clubs and affiliated organizations submit Major Disciplinary Decisions involving any Participants to SSBC for disclosure to SSC and for viaSport reporting. SSBC must therefore be notified when any of the following sanctions involving any Participants are levied:
  - i. Temporary or permanent removal of certain privileges
  - ii. Suspension
  - iii. Eligibility restrictions
  - iv. Permanent ineligibility or expulsion from the organization
  - v. Any other sanction impacting the Respondent's ability to be an active Participant in the speed skating community
- o. SSBC in alignment with SSC will maintain records of all Major Disciplinary Decisions and may communicate any imposed sanction(s) in accordance with provisions outlined in Sections 6.(w) and 6(dd) of this Policy.
- p. All decisions will be reviewed by SSBC's Internal Discipline Chair to determine if:
  - i. The decision found evidence of conduct posing such significant risk to the safety of Participants or the integrity of the sport as to warrant that the sanction(s) imposed by the Member Club or affiliated organization be extended to a provincial level. In such instances, the Internal Discipline Chair will take the steps necessary to give effect to the sanction provincially.
  - ii. Any steps must be taken by SSBC to give effect to the sanction(s) imposed by the Member Club or affiliated organization.

### **3. Definitions**

The terms used in this Policy are defined in Appendix A.



## 4. Filing a Complaint

- a. Participants and Member Clubs may file complaints using one of two mechanisms, as defined below.

### Abuse-Free Sport Participants


- b. SSC has designated specific Individuals as Abuse-Free Sport Participants. This includes National and NextGen team athletes and training partners; National Program coaches; and Speed Skating Canada staff and board members, as defined in SSC's Complaints and Discipline Policy, and as amended from time to time.

~~SSC has designated specific Participants within the NSO as Abuse-Free Sport UCCMS Participants. This includes National and NextGen team athletes and training partners; National Program coaches; and Speed Skating Canada staff and board members.~~

- c. Incidents involving alleged Maltreatment or Prohibited Behaviour (as defined in the UCCMS) by an Abuse-Free Sport ~~UCCMS~~ Participant must be reported to Abuse-Free Sport and will be addressed pursuant to the OSIC's policies and procedures. The OSIC shall determine the admissibility of all such complaints.
- d. Where the Respondent has not been designated by SSC as an Abuse-Free Sport ~~UCCMS~~ Participant, the matter may only proceed pursuant to the OSIC's policies and procedures with the express consent of SSC and the Parties involved. Otherwise, the complaint will be redirected to the Canadian speed skating community's Independent Third Party.
- e. If the Independent Third Party receives a complaint that they consider to fall within the jurisdiction of the OSIC, the Independent Third Party shall refer the matter to the OSIC and notify the Complainant(s) of such action.

### All Other Complaints

- f. Any complaints involving alleged breaches of SSBC policies where the Respondent is not an identified Abuse-Free Sport ~~UCCMS~~ Participant may be reported by a participant to the Canadian speed skating community's Safe Sport Speak Up Line.

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- g. SSBC shall engage an Independent Third Party to review and triage all complaints submitted via the Safe Sport Speak Up Line.
  - h. Complaints submitted via this mechanism must be reported within one year of the occurrence of the incident.
  - i. For the avoidance of doubt, this includes complaints referred back to the Independent Third Party by the OSIC following a determination made by the OSIC that a complaint initially reported to it does not fall within its jurisdiction.
  - j. Matters involving complaints related to the BC UCC may be accepted beyond this time frame as evaluated and decided upon by the Independent Third Party.
  - k. Notwithstanding any provision in this Policy, SSBC may, at its discretion or upon request of the Independent Third Party, act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, SSBC will identify an individual to represent the organization.
  - l. A Complainant who fears retribution or reprisal, or who otherwise considers that their identity must remain confidential, may file a complaint with the Independent Third Party and request that their identity be kept confidential. In such instances, the Independent Third Party may ask that SSBC take carriage of the complaint and act as the Complainant<sup>1</sup>

## Adult Representative

- m. Complaints may be brought by, for or against a Participant who is a minor. Minors must have a parent/guardian or other adult serve as their representative during this process, until such time as they reach the relevant age of majority.
- n. Communication from the Independent Third Party, Internal Discipline Chair and/or External Discipline Panel, as applicable, must be directed to the minor's representative.
- o. At any interview of a minor during an investigation, the minor is entitled to have an adult representative present.

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<sup>1</sup> In such circumstances, the Complainant(s) may be required to provide evidence during the disciplinary process, as determined by the Internal Discipline Chair or External Discipline Panel (as applicable) in their sole discretion.

## Reprisal and Retaliation

- p. A Participant who submits a Complaint or who gives evidence in an investigation may not be subject to reprisal or retaliation from any individual or group. Any such conduct may constitute Prohibited Behaviour and be subject to disciplinary proceedings pursuant to this Policy or, as applicable, the policies and procedures of the OSIC.

## Failure to Disclose

- q. Unless the Individual is a Minor, any Individual must Report actual or suspected Maltreatment, abuse, exploitation or neglect of any kind involving a Minor Individual to the Independent Third Party through the Canadian speed skating community's Safe Sport Speak Up Line. Any failure to do so may result in disciplinary action being taken under this Policy or the BC UCC, as applicable.

## 5. Evaluating the Complaint

- a. The Independent Third Party shall consider the complaint and, at their discretion and to the extent they believe is necessary, may take further information from the Complainant or any other person, including the Respondent.
- b. Upon considering the complaint, the Independent Third Party has a responsibility to:
  - i. Determine whether the complaint falls within the jurisdiction of this Policy and whether it has been submitted in accordance with the deadlines indicated herein.
  - ii. Determine whether the complaint falls within the jurisdiction of OSIC or SSC and, if so, redirect the complaint accordingly.
  - iii. Determine the appropriate jurisdiction to manage the complaint by considering the following:
    - 1. Whether the incident occurred within the business, activities, or events of SSBC or one of its Member Clubs or involves outside conduct adversely affecting the organization's relationships, image and/or reputation.
    - 2. The primary affiliation or identity of the Respondent and their role at the time of the conduct
    - 3. If the Member Club is able to manage the complaint process<sup>2</sup>

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<sup>2</sup> In making this assessment, the Independent Third Party may determine that the Member Club lacks the capacity to manage the complaint (which may include financial and human resource capacity), that the Club is not the appropriate organization to manage the complaint due to its complex jurisdiction, or that a real or perceived conflict of interest exists within the club.

- iv. Determine whether the complaint is frivolous, vexatious or if it has been made in bad faith, in consideration of the Sport Dispute Resolution Centre of Canada's Investigation Guidelines.
  - v. Identify the complaint as one primarily dealing with matters of a Respondent's employment with SSBC or a Member Club and conduct as an employee and refer the complaint to SSBC or the appropriate Member Club for handling as a matter of its human resource functions and policies.
  - vi. Determine if the alleged incident should be investigated pursuant to **SSBC's Investigation Policy** ~~Appendix B—Investigation Procedure~~.
  - vii. Identify which process (Process 1 or Process 2, as outlined below) should be followed to hear and adjudicate the matter.
  - viii. Determine whether the complaint is connected to or associated with any other complaint and whether two or more complaints ought to be addressed together, with or without the consent of the Parties.
  - ix. Notify the Respondent of the complaint with a summary of the substance of the complaint.
- c. All such decisions and determinations made by the Independent Third Party may not be appealed.

## Process

- d. There are two different processes that may be used to hear and adjudicate complaints. The Independent Third Party decides which process will be followed at their discretion.

### **Process 1**

- e. Process 1 will be used in instances where the complaint contains allegations involving the following behaviours, which serve as examples only and are not a definitive list of behaviours that may be addressed through Process 1:
- i. Disrespectful conduct or comments
  - ii. Minor acts of physical violence (e.g., tripping, pushing, elbowing), unless the physical violence is between a Person in Authority and a Vulnerable Participant, in which case the matter will be addressed under Process 2
  - iii. Conduct contrary to the values of SSBC or those of one of its Member Clubs (isolated instance)

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If the Independent Third Party determines that the complaint should be handled by a club, that organization may use its own policies to address the complaint or may adopt this Policy and appoint its own Independent Third Party to fulfil the responsibilities listed herein. Where this Policy is adopted by a club, any reference to the Independent Third Party shall be understood as a reference to the Independent Third Party of the club.

- iv. Minor violations of the policies or bylaws of SSBC or those of its clubs

## **Process 2**

- f. Process 2 will be used in instances where the complaint contains allegations involving the following behaviours, which serve as examples only and are not a definitive list of behaviours that may be addressed through Process 2:
  - i. Repeated incidents described in Process 1
  - ii. Hazing
  - iii. Abusive, racist or sexist comments, conduct or behaviour
  - iv. Incidents that constitute Prohibited Behaviour under SSBC's Code of Conduct or the UCCMS or BC UCC
  - v. Major incidents of violence (e.g., fighting, attacking)
  - vi. Pranks, jokes, or other activities that endanger the safety of others.
  - vii. Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
  - viii. Conduct that intentionally damages the image, credibility or reputation of SSBC or one of its Member Clubs
  - ix. Consistent disregard for the bylaws, policies, rules, or regulations of SSBC or one of its Member Clubs
  - x. Major or repeated violations of SSBC's Code of Conduct or any other policies, bylaws, rules or regulations that designate this Policy as applicable to address such breaches
  - xi. Intentionally damaging the property of SSBC or one of its Member Clubs, or improperly handling any of the aforementioned organizations' 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* offence
  - xiv. Any possession or use of banned performance-enhancing drugs or methods

## Confidentiality of the Complaint

- g. The complaint management process is confidential and involves only SSBC, the applicable Member club(s), the Parties, the Independent Third Party, the Internal Discipline Chair or the External Discipline Panel (as appropriate), and any independent advisors to the External Discipline Panel.
- h. Any information obtained through participation in this process 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, monitoring of a sanction, or is otherwise required by law or by this Policy.

- i. Any failure to respect the confidentiality requirement may be considered in decisions regarding sanctions or discipline by the Internal Discipline Chair or External Discipline Panel (as applicable).

## Provisional Suspension

- j. SSBC and its Member Club will adhere to all disclosure and reporting responsibilities required by any government entity, local police force, or child protection agency.
- k. If it is considered appropriate or necessary on the basis of the alleged behaviour and other relevant circumstances, immediate discipline, a Provisional Suspension or other interim measures may be imposed against the Respondent by the Independent Third Party for the duration of the complaint management process, after which further discipline or sanctions may be applied according to this Policy.
- l. If an infraction occurs at an Event, it will be dealt with by the Event Discipline Procedure as outlined in Section 9. Provisional Suspensions or interim measures may be imposed for the duration of the Event only<sup>3</sup>.
- m. Any Respondent against whom a Provisional Suspension or interim measure is imposed may make a request to the Internal Discipline Chair or External Discipline Panel (if appointed) to have the Provisional Suspension or interim measure lifted or varied. In such circumstances, the Independent Third Party shall be provided with an opportunity to make submissions, orally or in writing, regarding the Respondent's request. Provisional Suspensions or interim measures shall only be lifted in circumstances where the Respondent establishes that it would be manifestly unfair to maintain the Provisional Suspension or interim measures against them.
- n. Any decision by the Internal Discipline Chair or External Discipline Panel (as applicable) not to lift a Provisional Suspension or interim measure shall not be subject to appeal.
- o. Except in cases where a sanction is levied against a Vulnerable Participant, SSBC and/or SSC (as applicable) shall publish on its website the name of the Respondent involved and the sanction(s) imposed.

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<sup>3</sup> Event-related discipline or penalties imposed as per the Event Discipline Procedure does not prevent a Participants from facing additional disciplinary proceedings under this Policy.

## 6. Managing the Complaint

### Process 1: Internal Discipline Chair

- a. Following the determination that the complaint should be handled under Process 1, the Independent Third Party will refer the matter to the Internal Discipline Chair.
- b. Where the Independent Third Party has deemed the alleged incident should be investigated, the Internal Discipline Chair will review the investigation report and provide the Respondent with the investigation report, in whole or in part, including necessary redactions made at the sole discretion of the Independent Third Party, and 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.
- c. The Internal Discipline Chair may:
  - i. At the recommendation of the Independent Third Party, consider Alternate Dispute Resolution techniques, if appropriate, and ask for the permission of the Complainant to invite the Respondent to participate in Alternate Dispute Resolution; and/or
  - ii. Ask the Complainant and the Respondent for either written or oral submissions regarding the complaint. Both Parties shall also have the right to submit to the Internal Discipline Chair any relevant evidence, including but not limited to, witness statements, documentary evidence or evidence from other media (i.e., photos, screenshots, videos or other recordings). Each Party shall have the right to receive the other Party's submissions and evidence, including the complaint; and/or
  - iii. If appropriate, convene the Parties to a meeting, either in person or by way of video or teleconference, to ask the Parties questions and to allow the Parties to ask questions of one another.
- d. Following their review of the submissions and evidence related to the complaint, the Internal Discipline Chair shall determine whether the evidence supports a finding that an infraction has occurred and, if so, the sanctions to be imposed, if any. If the Internal Discipline Chair considers that no infraction has occurred, they shall dismiss the complaint.
- e. When the Internal Discipline Chair imposes a sanction, their written decision shall include, at a minimum, the following details:

- i. Jurisdiction
  - ii. Summary of the Parties' submissions and of other facts and relevant evidence
  - iii. Where applicable, the specific provision(s) of SSBC's or a Member Club's codes, policies, bylaws, rules or regulations that have been breached
  - iv. What sanction(s), if any, will be levied
  - v. Which Party or organization is responsible for the costs of implementing any sanction
  - vi. Which organization is responsible for monitoring that the Respondent respects the terms of the sanction
  - vii. Any reinstatement conditions that the Respondent must satisfy (if any), and which organization is responsible for ensuring that the conditions have been satisfied
  - viii. Any other guidance that will assist the Parties to implement the Internal Discipline Chair's decision
- f. The Internal Discipline Chair will inform the Parties of their decision, which shall take effect immediately, unless specified otherwise. Should the circumstances require a decision to be rendered immediately or within a short timeline, the Internal Discipline Chair may issue a short decision, either orally or in writing, followed by a written decision including all components as outlined in Section 6.5.
- g. Any decision rendered by the Internal Discipline Chair shall be provided to and maintained in the records of SSBC and the relevant Member Club (as applicable). Decisions will be kept confidential by the Parties and the aforementioned organizations and shall be retained and discarded in accordance with the relevant policy and applicable privacy legislation.

## Process 2: External Discipline Panel

- h. Following the determination that the complaint should be handled under Process 2, the Independent Third Party may propose the use of Alternate Dispute Resolution methods, if appropriate. If the dispute is not resolved in this manner, the Independent Third Party will appoint an External Discipline Panel of one (1) arbitrator to hear the complaint.
- i. If warranted based on the nature of the complaint, the Independent Third Party may, at their sole discretion, appoint an External Discipline Panel of three (3) people. When a three-person External Discipline Panel is appointed, the Independent Third Party will appoint one of the members to serve as the Chair.
- j. The External Discipline Panel shall be free of any conflict of interest.



- k. Thereafter, the Independent Third Party shall have the following responsibilities:
  - i. Ensure that the External Discipline Panel establishes and adheres to timelines that ensure procedural fairness and that the matter is heard in a timely fashion
  - ii. Provide administrative assistance and logistical support to the External Discipline Panel as required, including providing any information related to previously imposed and/or existing disciplinary sanctions against the Respondent(s)
  - iii. Provide any other support that may be necessary to ensure a fair and timely proceeding
  - iv. Remove or replace members of the External Discipline Panel who fail to adhere to the procedures outlined in this Policy
  
- l. Where the Independent Third Party has deemed the alleged incident should be investigated, the External Discipline Panel will review the investigation report and provide the Respondent with the investigation report, in whole or in part, including necessary redactions made at the sole discretion of the Independent Third Party, and provide 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.

## Hearing

- m. The External Discipline Panel, in consultation with the Independent Third Party, will then decide the format under which the complaint will be heard. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or video conference, a hearing based on a review of documentary evidence, or a combination of these methods. This decision may not be appealed.
  
- n. The hearing will be governed by the procedures that the External Discipline Panel, in consultation with the Independent Third Party, deems appropriate for the circumstances. The following procedural directions will apply:
  - i. The determination of procedures and timelines, as well as the hearing duration, shall be as expedient and cost-efficient as possible in order to ensure that costs to the Parties, SSBC and/or the Member Club are reasonable.
  - ii. The Parties will be given appropriate notice of the day, time, and place of the hearing.
  - iii. Copies of any written documents which any of the Parties wish to have the External Discipline Panel consider will be provided to all Parties, through the Independent Third Party, in advance of the hearing.

- iv. The Parties may engage a representative, advisor, translator, transcription services or legal counsel at their own expense.
  - v. The External Discipline Panel may request that any other individual or organization representative participate and give evidence at the hearing.
  - vi. The External Discipline Panel shall apply its discretion in relation to the admissibility and weight given to evidence filed by the Parties.
  - vii. Nothing is admissible in evidence at a hearing that:
    - 1. Would be inadmissible in a court by reason of any privilege under the law of evidence; or
    - 2. Is inadmissible by any statute.
  - viii. If the External Discipline Panel is made up of more than one individual, the decision will be by a majority vote.
- o. If the Respondent acknowledges the facts of the complaint and that the conduct is deserving of sanction, the Respondent may waive the hearing, in which case the External Discipline Panel will determine the appropriate sanction. The External Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
- p. The hearing will proceed even if a Party chooses not to participate in the hearing.
- q. If a decision may involve another Participant to the extent that the other Participant would have recourse to a complaint or an appeal in their own right, that Participant will become a Party to the complaint, shall be permitted to participate in the proceedings as determined by the External Discipline Panel, and will be bound by the decision.
- r. In fulfilling its duties, the External Discipline Panel may obtain independent advice.

## Decision

- s. After hearing the matter, the External Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. If the External Discipline Panel considers that an infraction has not occurred, the complaint will be dismissed.
- t. Within fourteen (14) clear calendar days of the hearing's conclusion, the External Discipline Panel's written decision, with reasons, will be distributed to all Parties, including to the Independent Third Party, SSBC and the relevant Member clubs(s), as applicable. If necessary, the External Discipline Panel may first issue a verbal or summary decision soon after the conclusion of the hearing, with the full written decision to be issued before the end of the fourteen (14) day period.



- u. When the External Discipline Panel imposes a sanction, the decision shall include, at a minimum, the following details:
  - i. Jurisdiction
  - ii. Summary of the Parties' submissions and of other facts and relevant evidence
  - iii. Where applicable, the specific provision(s) of SSBC's or a Member Club's codes, policies, bylaws, rules or regulations that have been breached
  - iv. What sanction(s), if any, will be levied
  - v. Which Party or organization is responsible for the costs of implementing any sanction
  - vi. Which organization is responsible for monitoring that the Respondent respects the terms of the sanction.
  - vii. Any reinstatement conditions that the Respondent must satisfy (if any), and which organization is responsible for ensuring that the conditions have been satisfied
  - viii. Any other guidance that will assist the Parties to implement the External Discipline Panel's decision
- v. The decision will come into effect as of the date that it is rendered, unless decided otherwise by the External Discipline Panel. The External Discipline Panel's decision will apply automatically to the activities of SSBC and all of its Member Clubs, in accordance with the terms of the Reciprocity Policy.
- w. Except in cases where a sanction is levied against a Vulnerable Participant, once the appeal deadline in the Appeal Policy has expired, SSC and/or the SSBC (as applicable) shall publish on its website the name(s) of the Respondent(s), the provision(s) of the relevant policies that have been violated, and the sanction(s) imposed. If the matter is appealed, the publication provisions in the Appeal Policy shall apply.
- x. If the External Discipline Panel dismisses the complaint, the information referred to in Section 6.w. above may only be published with the Respondent's consent. If the Respondent does not provide such consent, the decision will be kept confidential by the Parties, the Independent Third Party, SSBC and the Member Club (as applicable) and shall be retained and discarded in accordance with the relevant and applicable privacy legislation. Failure to respect this provision may result in disciplinary action being taken pursuant to this Policy.
- y. If necessary, a Party – or the organization(s) responsible for implementing or monitoring a sanction – may seek clarifications from the External Discipline Panel

regarding the decision so that the sanction can be implemented or monitored appropriately.

## Appeals

- z. The decision of the Internal Discipline Chair or External Discipline Panel, as applicable, may be appealed in accordance with the [Appeal Policy](#).

## Timelines


- aa. If the circumstances of the complaint are such that adhering to any timelines outlined by this Policy is not feasible, the Independent Third Party may revise these timelines at their discretion.

## Records and Distribution of Decisions

- bb. Records of all decisions will be maintained by SSBC in accordance with the [Privacy Policy](#).
- cc. At the conclusion of the matter, the Independent Third Party shall inform the Complainant that the matter has been completed and whether the Respondent's conduct was found to be a breach. Unless contained in the formal decision, the Complainant shall only be informed of any sanction imposed that directly affects their anticipated future dealings (if any) with the Respondent.
- dd. Other individuals or organizations, including but not limited to Speed Skating Canada, other National Sport Organizations, other Provincial/Territorial Sport Organizations, Member clubs and affiliated organizations may be advised by SSBC of any decisions and/or sanctions rendered in accordance with this Policy, including those levied against a Vulnerable Participant, in such detail and with such information as SSBC is required to provide or may be necessary to give effect to a sanction.

## Statistical Reporting

- ee. SSBC shall, at least annually, create and share with the Board a general statistical report of the activity that has been conducted pursuant to this Policy. This report shall not include any information that is confidential under this Policy but may include the number of complaints reported to the Independent Third Party (for SSC and its Members), and statistics regarding the number of cases that were resolved through Alternate Dispute Resolution, the Internal Discipline Chair



process, the External Discipline Panel process, and the number of appeals filed pursuant to the [Appeal Policy](#) and the result of such appeals.

## 7. Sanctioning

- a. When determining an appropriate sanction, the Internal Discipline Chair or External Discipline Panel, as applicable, will consider the following factors (where applicable):
  - i. The nature and duration of the Respondent's relationship with the Complainant, including whether the relationship involves a power imbalance and/or involves a Vulnerable Participant.
  - ii. The Respondent's prior history and any pattern of misconduct, Prohibited Behaviour or Maltreatment.
  - iii. The respective ages of the individuals involved.
  - iv. Whether the Respondent poses an ongoing and/or potential threat to the safety of others.
  - v. Whether the Respondent has made a voluntary admission of the offense(s), accepted responsibility for the misconduct, Prohibited Behaviour or Maltreatment, and/or cooperated in the investigative and/or disciplinary process of SSBC.
  - vi. Real or perceived impact of the incident on the Complainant, sport organization and/or the sporting community.
  - vii. Circumstances specific to the Respondent being sanctioned (e.g., lack of appropriate knowledge or training regarding the requirements in the *Code of Conduct*, addiction, abuse of alcohol or drugs, disability, illness).
  - viii. Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate, or under what terms it may be appropriate.
  - ix. A Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions.
  - x. Other mitigating or aggravating circumstances.
- b. Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required, and a single incident of Prohibited Behaviour, Maltreatment or other misconduct may justify elevated or combined sanctions.

- c. The Internal Discipline Chair or External Discipline Panel, as applicable, may apply the following disciplinary sanctions, singularly or in combination:
  - i. Verbal or written reprimand – A verbal reprimand or an official, written notice that a Participant has violated SSBC Policy and that more severe sanctions will result should the Participant be involved in other violations.
  - ii. Verbal or written apology
  - iii. Education – The requirement that a Participant undertake specified educational or similar remedial measures to address the violation(s) of SSBC Policy or the BC UCC.
  - iv. Any financial, volunteer or other contribution to SSBC or a Member club
  - v. Probation – Should any further violations of SSBC Policy or the BC UCC occur during the probationary period, this may result in additional disciplinary measures, including, without limitation, a period of suspension or permanent ineligibility.
  - vi. Temporary or permanent removal of certain privileges
  - vii. Suspension – Either for a set time or until further notice, from participation, in any capacity, in any program, activity, Event, or competition sanctioned by, organized by, or under the auspices of SSBC. A suspended Participant may be eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Participant satisfying specific conditions noted at the time of suspension.
  - viii. Eligibility restrictions
  - ix. Payment of cost of repairs for property damage
  - x. Suspension of funding from the organization or from other sources
  - xi. Permanent ineligibility or expulsion from the organization
  - xii. Any other sanction considered appropriate for the offense
  
- d. The Internal Discipline Chair or External Discipline Panel, as applicable, may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:
  - i. Sexual Maltreatment involving a Minor Complainant, or a Complainant who was a Minor at the time of the incidents complained of, shall carry a presumptive sanction of permanent ineligibility.
  - ii. 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.
  - iii. While a Respondent has pending allegations of a crime against a person, if justified by the seriousness of the offence, the presumptive sanction shall be a period of suspension until a final determination is made by the applicable process.

- e. A Participant's conviction for certain *Criminal Code* offences, as determined by SSBC, may be deemed an infraction for the purposes of this Policy and result in expulsion from SSBC. Such *Criminal Code* offences may include, but are not limited to:
  - i. Any child pornography offences
  - ii. Any sexual offences
  - iii. Any offence of physical violence
  - iv. Any offence of assault
  - v. Any offence involving trafficking of illegal drugs
  - vi. Any offence involving gaming related to sport
- f. Failure to comply with a sanction as determined by the Internal Discipline Chair or External Discipline Panel, as applicable, will result in an automatic suspension until such time as compliance occurs.

## OSIC Sanctions

- g. As a Program Signatory to the OSIC, SSC will ensure that any sanctions or measures imposed by the OSIC's Director of Sanctions and Outcomes ("DSO") will be implemented and respected within SSC's jurisdiction (including at the provincial, territorial and club level) once SSC receives appropriate notice of any sanction or measure from the OSIC. SSBC will cooperate with SSC in the implementation of any sanction applied by the OSIC and respect those sanctions for so long as they are in place.



## 8. Dispute Resolution Procedure

### Purpose

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

### Application of this Procedure

- c. Opportunities for ADR 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

- d. If all Parties to a Complaint agree to ADR or mediation, the Independent Third Party may refer the process to a resolution facilitator from viaSport or the Sport Dispute Resolution Centre of Canada (SDRCC) or appoint any other agreed-upon mediator.
- e. 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.
- f. Should a mediated outcome be reached, that outcome shall be reported to, and approved by, SSBC. Any actions that are to take place as a result of the outcome shall constitute a decision and be carried out on the timelines specified by the mediated agreement, as approved by SSBC.
- g. 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 ADR, or if SSBC does not approve of the negotiated decision, the Complaint shall proceed under the appropriate section of this Policy or the [Appeal Policy](#), as applicable.

- h. Any negotiated decision will be binding upon the Parties and may not be appealed.

## 9. Event Discipline Procedure

### Purpose

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

### Application of this Procedure

- b. This procedure will apply during all SSBC sanctioned Events. Any requested changes to this procedure must be outlined in the Event host's sanctioning request and communicated during Event registration, when applicable.
- c. If the Event is sanctioned by a national or regional Games federation, or an international federation, the Event Discipline Procedure of that sanctioning organization will supersede this procedure to the extent of any conflict or inconsistency. Incidents involving any Participants connected with SSBC must still be reported to SSBC to be addressed under this Policy, if necessary.
- d. This Event Discipline Procedure does not replace or supersede other provisions in this Policy. Instead, this procedure works in concert with the Policy by outlining the process for taking immediate, informal, or corrective action following a possible violation of SSBC's *Code of Conduct* during an Event.


### Misconduct During Events

- e. Incidents that violate or potentially violate SSBC's *Code of Conduct* which occur during a competition, away from the area of competition, or between Participants connected to the Event, shall be reported to a designated person (usually the SSBC Representative, Chief Referee or Meet Coordinator) responsible at the Event.
- f. The designated person at the Event shall address the incident as follows:
  - i. Notify the involved Participantsthat there has been an incident that violated or potentially violated SSBC's *Code of Conduct*.
  - ii. Convene a panel of either one person or three people (one of whom shall be designated the Chair), who shall not be in a conflict of interest or involved in the original incident, to determine whether SSBC's *Code of*

- Conduct* has been violated. The designated person at the Event may serve on the panel.
- iii. The panel will interview and secure statements from any witnesses to the incident. If the incident occurred during a competition, interviews will be held with the officials who officiated or observed the competition and with the coaches of each team when necessary and appropriate.
  - iv. The panel will secure a statement from the Participants accused of the violation.
  - v. The panel will render a decision and determine a possible penalty.
  - vi. The Chair of the panel will inform all Parties of the panel's decision.
- g. The penalty determined by the panel may include any of the following, singularly or in combination:
- i. Oral or written warning
  - ii. Oral or written reprimand
  - iii. Suspension from future competitions at the Event
  - iv. Ejection from the Event
  - v. Other appropriate penalty as determined by the panel
- h. 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 SSBC following the conclusion of the Event. Further discipline may then be applied per this Policy if necessary.
- i. Decisions made in the scope of this procedure may not be appealed.
- j. This procedure does not prohibit Participants or the designated person from reporting the same incident to SSBC to be addressed as a formal complaint under this Policy.
- k. SSBC shall record and track all reported incidents of misconduct during Events and the outcome of those reports.

## 10. Privacy

- a. The collection, use and disclosure of any personal information pursuant to this Policy is subject to SSBC [Privacy Policy](#).
- b. SSBC, its Member clubs, and any of their delegates pursuant to this Policy (i.e., Independent Third Party, Internal Discipline Chair, External Discipline Panel), shall



comply with the SSBC Privacy Policy in the performance of their services under this Policy.

## Appendix A: Definitions

The following terms have these meanings in this Policy:

*“Complainant”* - A Participant or organization who makes a report of an incident, or a suspected incident, of alleged Maltreatment, Prohibited Behaviour or other misconduct that may be a violation of the standards described in SSBC's policies, by-laws, rules or regulations, or the BC UCC.

*“Director of Sanctions and Outcomes”* – As defined by the Office of the Sport Integrity Commissioner.

*“External Discipline Panel”* – A panel of one or three people who are appointed by the Independent Third Party, from a pool of potential members approved by SSBC, to decide on complaints that are assessed under Process 2 pursuant to this Policy.

*“Event”* – An event sanctioned by SSC, SSBC or a Member Club, which may include a training camp or social event.

*“Independent Third Party”* – An individual retained by SSC who acts as the first point of contact for all discipline and complaint matters reported to SSBC. This individual shall fulfil the responsibilities outlined in the Complaints & Discipline Policy and the Appeal Policy, as applicable. This individual must not be in a real or perceived conflict of interest or have a direct relationship with any of the Parties.

*“Internal Discipline Chair”* – An individual appointed by SSBC to decide on complaints that are assessed under Process 1 pursuant to this Policy. The Internal Discipline Chair shall be the President or their designate. The designate may be a Director, coach, staff member, or other individual affiliated with SSBC but must not be in a conflict of interest or have a direct relationship with any of the Parties.

*“Members”* – Includes Clubs or affiliated organizations within British Columbia as defined by the By-Laws of Speed Skating BC.

*“OSIC”* – Office of the Sport Integrity Commissioner, an independent division of the SDRCC which comprises the functions of the Sport Integrity Commissioner.

*“Participant(s)”* – Refers to all categories of clubs and/or members defined in the By-laws of SSBC and in the By-laws of a club, as well as all people employed by, contracted by, or engaged in activities with SSBC and/or a club, including without limitation athletes, coaches, officials, volunteers, administrators, directors, employees, trainers, parents, spectators, etc.

“Parties” – The individuals involved in a dispute.

“Person in Authority” – An individual who holds a position of authority within SSBC or its Member clubs including, but not limited to, coaches, managers, support personnel, chaperones, and Directors.

“Provisional Suspension” – An interim sanction whereby a Participant who is barred temporarily from participating in any capacity in any Event or activity of SSBC and its Member clubs, or as otherwise decided by the Independent Third Party, prior to a decision being rendered in a complaint pursuant to this Policy.

“Respondent” - The Party responding to a complaint.

“UCCMS” – Universal Code of Conduct to Prevent and Address Maltreatment in Sport, as amended from time to time by the SDRCC.

“Abuse-Free Sport Participant” ~~“UCCMS Participant”~~ – A Participant affiliated with SSC who has been a) designated by SSC and b) who has signed the required consent form. Abuse-Free Sport ~~UCCMS~~ Participants may include an athlete, a coach, an official, an Integrated Support Team member, an employee, a contractual worker, an administrator, or a volunteer acting on behalf of, or representing SSC in any capacity.

“BC UCC” - British Columbia Universal Code of Conduct, as amended from time to time by viaSport and the Province of British Columbia.

The following terms have the meanings given to them in the SSBC Code of Conduct or the BC Universal Code of Conduct (BC UCC).

- a) Harassment
- b) Maltreatment
- c) Minor
- d) Power Imbalance
- e) Prohibited Behaviour
- f) Vulnerable Participant
- g) Workplace Harassment

## Remove - Replaced by Investigation Policy

### Appendix B: Investigation Procedure

#### Determination

1. When a complaint is submitted pursuant to the Policy and is accepted by the Independent Third Party, the Independent Third Party will determine if the incident(s) should be investigated, at their sole discretion.

#### Investigation

2. If the Independent Third Party considers that an investigation is necessary, they will appoint an Investigator. The Investigator must be an independent third party with experience in investigating. The Investigator must not be in a conflict of interest and should have no connection to either the Complainant or Respondent.
3. Federal and/or Provincial/Territorial legislation related to Workplace Harassment may apply to the investigation. The Investigator should review workplace safety legislation and the organization's policies for human resources and/or consult independent experts to determine whether such legislation applies to the complaint.
4. The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial/Territorial legislation. The investigation may include any or all of the following steps prior to delivery of a final report:
  - 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

#### Investigator's Report

5. Upon completion of their investigation, the Investigator shall prepare a written report that includes a summary of evidence from the Parties and any witnesses interviewed. The report shall also include a non-binding recommendation from the Investigator regarding whether an allegation or, where there are several allegations, which allegations, should be heard by the Internal Discipline Chair or an External Discipline Panel pursuant to this Policy because they constitute a likely breach of the SSBC Code of Conduct, the BC UCC or any other relevant and applicable SSBC or Member Club policy on a balance of probabilities. The investigator may also make non-binding

recommendations regarding the appropriate next steps (i.e., mediation, disciplinary procedures, further review or investigation).

6. The Investigator's report will be provided to the Independent Third Party who will disclose it to the Internal Discipline Chair or External Discipline Panel, as applicable. The Independent Third Party may also disclose all or parts of, or a summary of, the Investigator's report to the Complainant(s) and the Respondent(s), at their discretion. Only if deemed necessary, other relevant Parties may be provided with an executive summary of the investigator's findings by the Independent Third Party.
7. Should the Investigator find that there are possible *Criminal Code* offences, the Investigator shall direct the Independent Third Party to refer the matter to the police and advise the Parties, SSBC and, where applicable, the Member Club of such referral. In accordance with the applicable provincial child protection legislation, the Investigator shall also immediately and directly report any information about a suspected child at risk to the appropriate authorities.

## ~~False Allegations~~

8. Any Participant who submits allegations that the Investigator determines to be malicious, false, or for the purpose of retribution, retaliation or vengeance may be subject to a complaint under the terms of this Policy and may be required to pay for the costs of any investigation that comes to this conclusion. Any Participants who is liable to pay such costs shall be prohibited from participating in any Events, activities or business of SSBC or any of its Member Clubs until the costs are paid in full.
9. SSBC or any Member Club (as applicable), or the Participants against whom the allegations were submitted, may act as the Complainant with respect to making a complaint pursuant to this Section. 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~~

10. The Investigator will make reasonable efforts to preserve the anonymity of all individuals involved in the investigation including, but not limited to, SSBC, the Complainant, Respondent, and any other participant. However, SSBC and its Member clubs recognize that maintaining full anonymity during an investigation may not be feasible.
11. The Investigator will reinforce the confidentiality provisions of this Policy with all individuals involved in the investigation.