



# BOWLS CANADA BOULINGRIN

## Discipline and Complaints Policy

### Definitions

1. The following terms have these meanings in this Policy:
  - a) *“Independent Safe Sport Officer”* – An individual appointed by BCB to administer certain complaints under this *Discipline and Complaints Policy*. The Independent Safe Sport Officer (ISSO) will not be a member of, or affiliated with, BCB. The ISSO will be the first point-of-contact for all discipline and complaint matters reported to BCB.
  - b) *“Complainant”* – The Party making a complaint
  - c) *“Days”* – Days including weekends and holidays
  - d) *“Discipline Chair”* – An individual or individuals appointed by the ISSO to hear the complaint.
  - e) *“Individuals”* – All categories of membership defined in BCB’s Bylaws, as well as all individuals employed by, or engaged in activities with, BCB including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, Directors and Officers of BCB, spectators, and parents/guardians of athletes
  - f) *“Respondent”* – The Party responding to the complaint

### Purpose

2. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with BCB’s policies, Bylaws, rules and regulations, and *Code of Conduct and Ethics*. Non-compliance may result in sanctions pursuant to this Policy.

### Discipline Chair

3. A Discipline Chair will be appointed by the ISSO to handle the duties of the Discipline Chair. The ISSO may choose to appoint three (3) individuals to serve as Discipline Panel and, in this case, decisions of the Discipline Panel will be by majority vote.
4. The Discipline Chair or Discipline Panel, as applicable, appointed to handle a complaint or incident must be unbiased and not in a conflict of interest situation.

### Application of this Policy

5. This Policy applies to all Individuals.
6. This Policy applies to matters that may arise during the course of BCB’s business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with BCB activities, and any meetings.
7. This Policy also applies to Individuals’ conduct outside of BCB’s business, activities, and events when such conduct adversely affects relationships within BCB (and its work and sport environment), is detrimental to the image and reputation of BCB, or upon the acceptance of BCB. Applicability will be determined by BCB at its sole discretion.
8. This Policy does not prevent immediate discipline or sanction from being applied as reasonably required. Further discipline may be applied according to 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.

9. An employee of BCB who is a Respondent will be subject to appropriate disciplinary action per BCB's *Human Resource Policy Manual*, as well as the employee's Employment Agreement, if applicable. Violations may result in a warning, reprimand, restrictions, suspension, or other disciplinary actions up to and including termination of employment.

### **Alignment**

10. BCB recognizes that Individuals may also be registered with Provincial/Territorial Organizations and/or Member Clubs. BCB **requires**, pursuant to BCB's *Reciprocation Policy*, that Provincial/Territorial Organizations and/or Member Clubs submit discipline decisions involving Individuals to BCB and BCB may take further action at its discretion.
11. If BCB decides to take further action upon becoming aware of an Individual who has been disciplined by Provincial/Territorial Organization and/or Member Club, the Individual will be the Respondent to a complaint initiated under the terms of this Policy. BCB may act as the Complainant if the original Complainant is unwilling or unavailable to participate in this process.
12. The Discipline Chair or Discipline Panel, as applicable, will review and consider the decision by the Provincial/Territorial Organization and/or Member Club when deciding on the complaint per the terms of this Policy.

### **Adult Representative**

13. 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.
14. Communication from the Discipline Chair or ISSO, as applicable, must be directed to the minor's representative.
15. A minor is not required to attend an oral hearing, if held.

### **Reporting a Complaint**

16. Any Individual may report an incident or complaint in writing to the Executive Director, or BCB's Independent Safe Sport Officer.
17. At BCB's discretion, BCB may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, BCB will identify an individual to represent BCB.

### **Third-Party Management and Investigation – Abuse and Harassment Complaints**

18. Matters that allege an element of discrimination, harassment, workplace harassment, workplace violence, sexual harassment, or abuse will be managed by the ISSO. In this case, the ISSO may manage the complaint pursuant to BCB's *Investigations Policy - Discrimination, Harassment, and Abuse*. Additionally, the ISSO may manage the complaint pursuant to Process #1 or #2 per their discretion. The Organization must also adhere to any reporting requirements mandated by the federal government.
19. The following examples serve as a general guideline:
  - a) Process #1 - the Complaint alleges the following incidents:
    - i. Disrespectful, abusive, racist, or sexist comments or behaviour
    - ii. Disrespectful conduct

- iii. Minor incidents of violence (e.g., tripping, pushing, elbowing)
  - iv. Conduct contrary to the values of BCB
  - v. Non-compliance with BCB's policies, procedures, rules, or regulations
  - vi. Minor violations of BCB's *Code of Conduct and Ethics*
- b) Process #2 - the Complaint alleges the following incidents:
- i. Repeated minor incidents
  - ii. Any incident of hazing
  - 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 intentionally interferes with a competition or with any athlete's preparation for a competition
  - vii. Conduct that intentionally damages BCB's image, credibility, or reputation
  - viii. Consistent disregard for BCB's bylaws, policies, rules, and regulations
  - ix. Major or repeated violations of BCB's *Code of Conduct and Ethics*
  - x. Intentionally damaging BCB property or improperly handling BCB monies
  - xi. Abusive use of alcohol or cannabis, any use or possession of alcohol by minors, any illegal use or possession of cannabis, or use or possession of illicit drugs and narcotics
  - xii. A conviction for any *Criminal Code* offense
  - xiii. Any possession or use of banned performance enhancing drugs or methods

**Process #1: Handled by Discipline Chair**

Sanctions

20. Following the determination by the ISSO that the complaint or incident should be handled under Process #1, the Discipline Chair will review the submissions related to the complaint or incident and determine one or more of the following sanctions:
- a) Verbal or written reprimand
  - b) Verbal or written apology
  - c) Service or other contribution to BCB
  - d) Removal of certain privileges
  - e) Suspension from certain teams, events, and/or activities
  - f) Suspension from all BCB activities for a designated period of time
  - g) Any other sanction considered appropriate for the offense
21. The Discipline Chair will inform the Respondent of the sanction, which will take effect immediately.
22. Records of all sanctions will be maintained by BCB.

Request for Reconsideration

23. The sanction may not be appealed until the completion of a request for reconsideration. However, the Respondent may contest the sanction by submitting a Request for Reconsideration within four (4) days of receiving the sanction. In the Request for Reconsideration, the Respondent must indicate:
- a) Why the sanction is inappropriate;
  - b) All evidence to support the Respondent's position; and
  - c) What penalty or sanction (if any) would be appropriate
24. Upon receiving a Request for Reconsideration, the Discipline Chair may decide to accept or reject the Respondent's suggestion for an appropriate sanction.

25. Should the Discipline Chair accept the Respondent's suggestion for an appropriate sanction, that sanction will take effect immediately.
26. Should the Discipline Chair not accept the Respondent's suggestion for an appropriate sanction, the initial complaint or incident will be handled under Process #2 of this Policy.

**Process #2: Handled by Independent Safe Sport Officer (ISSO)**

Case Manager

27. Following the determination that the complaint or incident should be handled under Process #2, the ISSO has a responsibility to:
  - a) Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy
  - b) Propose the use of BCB's *Dispute Resolution Policy*
  - c) Appoint the Discipline Panel, if necessary
  - d) Coordinate all administrative aspects and set timelines
  - e) Provide administrative assistance and logistical support to the Discipline Panel as required
  - f) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

Procedures

28. If the ISSO determines the complaint is:
  - a) Frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately
  - b) Not frivolous and within the jurisdiction of this Policy, the ISSO will notify the Parties that the complaint is accepted and of the applicable next steps
29. The ISSO's decision to accept or dismiss the complaint may not be appealed.
30. The ISSO will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
31. After notifying the Parties that the complaint has been accepted, the ISSO may propose using BCB's *Dispute Resolution Policy* with the objective of resolving the dispute. If applicable, and if the dispute is not resolved, or if the parties refuse to use the *Dispute Resolution Policy*, the ISSO 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 ISSO, a Discipline Panel of three persons may be appointed to hear the complaint. In this event, the ISSO will appoint one of the Discipline Panel's members to serve as the Chair.
32. The ISSO, in cooperation with the Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the ISSO 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 ISSO, 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) The decision will be by a majority vote of the Discipline Panel
- 33. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Discipline Panel will determine the appropriate sanction. The Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
- 34. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
- 35. 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.
- 36. In fulfilling its duties, the Discipline Panel may obtain independent advice.

#### Decision

- 37. 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 ISSO, and BCB. 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

- 38. The Discipline Panel may apply the following disciplinary sanctions, singularly or in combination:
  - a) Verbal or written reprimand
  - b) Verbal or written apology
  - c) Service or other contribution to BCB
  - d) Removal of certain privileges
  - e) Suspension from certain teams, events, and/or activities
  - f) Suspension from all BCB activities for a designated period of time
  - g) Payment of the cost of repairs for property damage
  - h) Suspension of funding from BCB or from other sources
  - i) Expulsion from BCB
  - j) Any other sanction considered appropriate for the offense
- 39. 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.
- 40. Records of all decisions will be maintained by BCB.

#### Appeals

- 41. The decision of the Discipline Panel may be appealed in accordance with BCB's *Appeal Policy*.

#### **Suspension Pending a Hearing**

- 42. Upon recommendation by the ISSO, BCB may determine that an alleged incident is of such seriousness as to warrant interim-suspension of an Individual.

### **Criminal Convictions**

43. An Individual's conviction for a *Criminal Code* offense, as determined by BCB, will be deemed an infraction under this Policy and will result in expulsion from BCB. *Criminal Code* offences 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

### **Confidentiality**

44. The discipline and complaints process is confidential and involves only the Parties, the ISSO, the Discipline Panel, and any independent advisors to the Discipline Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.

### **Timelines**

45. 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**

46. Other individuals or organizations, including but not limited to, national sport organizations, provincial sport organizations, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.

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**Approved: November 2018**

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