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| CANADIAN BLIND SPORTS ASSOCIATIONDISCIPLINE AND COMPLAINTS POLICY |
| ***This Policy has been prepared by the Organization and is a Pan-Canadian Policy applicable to the Organization and its Participating Members. This document cannot be modified by a Participating Member without consultation and approval from the Organization.*** |

1. **Purpose**
2. Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, By-laws, rules, Code of Conduct, and regulations of the Canadian Blind Sports Association (the ‘Organization’) and its Participating Members, as applicable. Non-compliance may result in the imposition of sanctions pursuant to this Policy.
3. **Principles**
4. The following principles guide the findings and determinations under this Policy:
5. Any form of Maltreatment violates the integrity of Participants and undermines the values of Canadian sport.
6. Sanctions imposed will reflect the seriousness of the Maltreatment and the harm to those affected and the values of Canadian sport.
7. This Policy and its procedures will be:
8. Harmonized (applied to all Participants across Canada)
9. Fair (procedural and substantive due process for all Participants)
10. Comprehensive (all forms of Maltreatment addressed, and potential sanctions described)
11. Expert-informed (the determination of Maltreatment and impositions of sanctions will be informed by those with expertise in such areas as sport, child abuse, and the law)
12. Trauma-informed (acknowledgement of the physical, psychological and emotional effects of trauma, and avoidance of re-traumatization)
13. Evidence-driven (evidence of Maltreatment required, where Evidence or “proof” of maltreatment may include the words/report of a complainant if found credible by the relevant authorities. Depending upon the nature of the Maltreatment, physical evidence, corroboration or third-party verification may not be needed)
14. Independent administration (free from all conflicts of interest)
15. **Application of this Policy**
16. This Policy applies to all Participants.
17. This Policy applies to matters that may arise during the business, activities, and events of the Organization and its Participating Members (as applicable) including, but not limited to, competitions, practices and training, treatment or consultations (i.e., massage therapy), camps and clinics, travel associated with the activities of the Organization or a Participating Member, and any meetings.
18. This Policy also applies to Participants’ conduct outside of the business, activities, and events of the Organization and its Participating Members (as applicable) when such conduct adversely affects the Organization’s and/or a Participating Member’s relationships (and the work and sport environment) or is detrimental to the image and reputation of the Organization or a Participating Member, or upon the acceptance of the Organization or a Participating Member.
19. This Policy applies to alleged breaches of the *Code of Conduct and Ethics* by Participants who have retired from the sport where any claim regarding a potential breach of the *Code of Conduct and Ethics* occurred when the Individual was active in the sport. In addition, this Policy will apply to breaches of the *Code of Conduct and Ethics* that occurred when the Participants involved interacted due to their mutual involvement in the sport or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Individual(s).
20. Applicability of this Policy will be determined by the Organization or a Participating Member at its sole discretion and shall not be subject to appeal.
21. In the event it is considered appropriate or necessary on the basis of the circumstances, immediate discipline or the imposition of a sanction may be applied, after which further discipline or sanctions 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 may be for the duration of the competition, training, activity, or event only.
22. In addition to being subject to disciplinary action pursuant to this *Discipline and Complaints Policy*, an employee of the Organization or a Participating Member who is a Respondent to a complaint may also be subject to consequences in accordance with the employee’s Employment Agreement or policies for human resources, if applicable.
23. **Minors**
24. Complaints may be brought for or against a Participant who is a Minor. Minors must have a parent/guardian or other adult (with the permission of the parent/guardian) serve as their representative during this process.
25. Communication from the Case Manager, Discipline Chair or Discipline Panel, as applicable, must be directed to the Minor’s representative.
    * 1. A Minor is not required to attend an oral hearing, if held.
26. **Reporting a Complaint**
27. All complaints must be reported by a Participant (or Participants) to one of the Organization’s identified independent Case Managers.
28. At its discretion, the Organization or a Member (as applicable) may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, the Organization or a Member (as applicable) will identify an individual to represent the organization.
29. Complaints or incident reports should be made in writing and the person making the complaint may contact the Organization’s or Member’s (as applicable) Case Manager for direction. The Case Manager may accept any report, in writing or not, at their sole discretion
30. **Case Manager Responsibilities**
31. Upon receipt of a complaint, the Case Manager has a responsibility to:
32. Determine the appropriate jurisdiction to manage the complaint and consider the following:
33. Whether the complaint should be handled by the appropriate Participating Member, or by the Organization. In making this decision, the Case Manager will consider:
34. whether the incident has occurred within the business, activities or events of the Participating Member or the Organization. If the incident has occurred outside of the business, activities or events of any of these organizations, the Case Manager will determine which organization’s relationships are adversely affected or which organization’s image or reputation will be detrimentally affected by the incident; and
35. if the Participating Member is otherwise unable to manage the complaint for valid and justifiable reasons, such as a conflict of interest or due to a lack of capacity
36. If the Case Manager determines that the complaint or incident should be handled by the appropriate Participating Member, that Participating Member shall appoint its own Case Manager to fulfil the responsibilities listed below. In such instance, any reference to Case Manager below shall be understood as a reference to the Participating Member’s Case Manager
37. Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy and, if so, the complaint will be dismissed immediately and the Case Manager’s decision to dismiss the complaint may not be appealed;
38. Propose the use of alternative dispute resolution techniques;
39. Determine if the alleged incident should be investigated pursuant to **Appendix A – Investigation Procedure**; and/or
40. Choose which process (Process #1 or Process #2) should be followed, and may use the following examples as a general guideline:

**Process #1 - the Complainant alleges the following incidents:**

1. Disrespectful, abusive, racist, or sexist comments or behaviour
2. Disrespectful conduct
3. Minor incidents of violence (e.g., tripping, pushing, elbowing)
4. Conduct contrary to the values of the Organization or a Club or a Participating Member
5. Non-compliance with the organization’s policies, procedures, rules, or regulations
6. Minor violations of the Code of Conduct and Ethics, Social Media Policy, or Athlete Protection Policy

**Process #2 - the Complainant alleges the following incidents:**

1. Repeated minor incidents
2. Any incident of hazing
3. Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
4. Major incidents of violence (e.g., fighting, attacking, sucker punching)
5. Pranks, jokes, or other activities that endanger the safety of others
6. Conduct that intentionally interferes with a competition or with any athlete’s preparation for a competition
7. Conduct that intentionally damages the organization’s image, credibility, or reputation
8. Consistent disregard for the bylaws, policies, rules, and regulations
9. Major or repeated violations of the *Code of Conduct and Ethics*
10. Intentionally damaging the organization’s property or improperly handling the organization’s monies
11. Abusive use of alcohol, any use or possession of alcohol by Minors, or use or possession of illicit drugs and narcotics
12. A conviction for any *Criminal Code* offense
13. Any possession or use of banned performance enhancing drugs or methods
14. **Process #1 Complaint Handled by Discipline Chair**
15. Following the determination that the complaint or incident should be handled under Process #1, the Case Manager will appoint a Discipline Chair who may:
16. Recommend mediation;
17. Make a decision;
18. Ask the Complainant and the Respondent for either written or oral submissions regarding the complaint or incident; or
19. Convene the parties to a meeting, either in person or by way of video or teleconference in order to ask the parties questions.
20. Thereafter, the Discipline Chair shall determine if a breach occurred and, if so, if one or more sanctions should be applied (see: **Sanctions**).
21. The Discipline Chair will inform the Parties of the decision, which will take effect immediately.
22. Records of all sanctions will be maintained by the Organization and the Member. The Member will disclose all decisions to the Organization, which may disclose such decisions at its discretion.
23. **Request for Reconsideration**
24. If the Discipline Chair decides not to impose a sanction on the Respondent, the Complainant may request a reconsideration from the Discipline Chair by informing them, within five (5) days of receiving the decision, that they are not satisfied with the decision and explaining why.
25. If the Discipline Chair imposes a sanction, the Respondent may request a reconsideration from the Discipline Chair by informing them, within five (5) days of receiving the decision, that they are not satisfied with the decision. In their request for reconsideration, the Respondent must indicate:
26. Why the sanction is inappropriate;
27. Summary of evidence that the Respondent will provide to support the Respondent’s position; and
28. What penalty or sanction (if any) would be appropriate?
29. Upon receiving a request for reconsideration, the Discipline Chair may decide to accept or reject the Respondent’s suggestion for an appropriate sanction.
30. Should the Discipline Chair accept the Respondent’s suggestion for an appropriate sanction, that sanction will take effect immediately.
31. 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.
32. **Process #2 Handled by Discipline Panel Case Manager**
33. Following the determination that the complaint or incident should be handled under Process #2, the Case Manager has a responsibility to:
34. Propose the use of the *Dispute Resolution Policy* (if considered appropriate in the circumstances)
35. Appoint the Discipline Panel, if necessary
36. Coordinate all administrative aspects and set timelines
37. Provide administrative assistance and logistical support to the Discipline Panel as required
38. Provide any other service or support that may be necessary to ensure a fair and timely proceeding
39. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
40. After notifying the Parties that the complaint has been accepted, the Case Manager may propose using the *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 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, 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.
41. The Case Manager, in cooperation with the Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Discipline Panel deem appropriate in the circumstances, provided that:
42. 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
43. 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
44. The parties may engage a representative, advisor, translator, or legal counsel at their own expense
45. The Discipline Panel may request that any other individual participate and give evidence at the hearing
46. 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
47. The decision will be by a majority vote of the Discipline Panel
48. 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.
49. The hearing will proceed even if a party chooses not to participate in the hearing.
50. In fulfilling its duties, the Discipline Panel may obtain independent advice.
51. **Decision**
52. After hearing 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, to the Organization and the Participating Member. 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.
53. **Sanctions**
54. Prior to determining sanctions, the Discipline Chair or Discipline Panel, as applicable, will consider factors relevant to determining appropriate sanctions which include:
55. The nature and duration of the Respondent’s relationship with the Complainant, including whether there is a Power Imbalance;
56. The Respondent’s prior history and any pattern of inappropriate behaviour or Maltreatment;
57. The ages of the individuals involved;
58. Whether the Respondent poses an ongoing and/or potential threat to the safety of others;
59. The Respondent’s voluntary admission of the offense(s), acceptance of responsibility for the Maltreatment, and/or cooperation in the process of the Organization and/or the Member;
60. Real or perceived impact of the incident on the Complainant, sport organization or the sporting community;
61. Circumstances specific to the Respondent being sanctioned (e.g., lack of appropriate knowledge or training regarding the requirements in the *Code of Conduct and Ethics*; addiction; disability; illness);
62. Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
63. A Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
64. Other mitigating and aggravating circumstances
65. Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required, and a single incident of Maltreatment or other prohibited behaviour may justify elevated or combined sanctions.
66. The Discipline Chair or Discipline Panel, as applicable, may apply the following disciplinary sanctions, singularly or in combination:
67. **Verbal or Written Warning** - A verbal reprimand or an official, written notice and formal admonition that a Participanthas violated the *Code of Conduct and Ethics* and that more severe sanctions will result should the Participantbe involved in other violations
68. **Education** - The requirement that a Participant undertake specified educational or similar remedial measures to address the violation(s) ofthe *Code of Conduct and Ethics*
69. **Probation** - Should any further violations of the *Code of Conduct and Ethics* occur during the probationary period, will result in additional disciplinary measures, likely including a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period of time
70. **Suspension** - Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, practice, activity, event, or competition sponsored by, organized by, or under the auspices of the Organization or a Member. A suspended Participantis eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Participantsatisfying specific conditions noted at the time of suspension
71. **Eligibility Restrictions** - Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions
72. **Permanent Ineligibility** - Permanent ineligibility to participate, in any sport, in any capacity, in any program, activity, event, or competition sponsored by, organized by, or under the auspices of the Organization, a Member, and/or any sport organization subject to the UCCMS
73. **Other Discretionary Sanctions** - Other sanctions may be imposed, including, but not limited to, other loss of privileges, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate
74. The Discipline Chair or Discipline Panel, as applicable, may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:
75. Sexual Maltreatment involving a Minor Complainant shall carry a presumptive sanction of permanent ineligibility;
76. 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.
77. While a Respondent has pending charges or dispositions in violation of the criminal law, the presumptive sanction shall be a period of suspension
78. A Participant’s conviction for a *Criminal Code* offense, as determined by the Organization or the Participating Member (as applicable), will be deemed an infraction under this Policy and will result in expulsion from the Organization or the Participating Member (as applicable). *Criminal Code* offences may include, but are not limited to:
79. Any child pornography offences
80. Any sexual offences
81. Any offence of physical violence
82. Any offence of assault
83. Any offence involving trafficking of illegal drugs
84. 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.
85. Records of all decisions will be maintained by the Organization and the Participating Member (as applicable). Participating Members will submit all records to the Organization.
86. **Appeals**
87. The decision of the Discipline Panel may be appealed in accordance with the *Appeal Policy*.
88. **Suspension Pending a Hearing**
89. The Organization or the Participating Member (as applicable) may determine that an alleged incident is of such seriousness as to warrant suspension of a Participant pending completion of an investigation, criminal process, the hearing, or a decision of the Discipline Panel.
90. **Confidentiality**
91. The discipline and complaints process is confidential and involves only the Organization, the applicable Participating Member(s), the parties, the Case Manager, the Discipline Chair, 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.
92. Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the Discipline Chair or Discipline Panel (as applicable).
93. **Timelines**
94. 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 Case Manager may direct that these timelines be revised.
95. **Records and Distribution of Decisions**
96. Other individuals or organizations, including but not limited to, national sport organizations, Provincial/Territorial sport organizations, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.
97. The Organization, and the Participating Member(s), recognizes that a publicly available searchable database or registry of Respondentswho have been sanctioned, or whose eligibility to participate in sport has in some way been restricted, may be maintained and may be subject to provisions in the UCCMS.

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| **Policy History** | |
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