



BOWLS CANADA BOULINGRIN

Discipline and Complaints Policy

* Indicates a definition or section that has been adapted from the UCCMS

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”* – A Participant or observer who makes a report of an incident, or a suspected incident, of Maltreatment or other behaviour that is a violation of the standards described in the *Code of Conduct and Ethics*
- c) *“Days”* – Days including weekends and holidays
- d) *“Discipline Chair”* – An individual or individuals appointed by the ISSO to hear the complaint.
- e) **“Maltreatment”* – As defined in the *Code of Conduct and Ethics*
- f) **“Participants”* – Refers to all categories of individual members and/or registrants defined in the By-laws of BCB who are subject to the UCCMS and the policies of BCB, as well as all people employed by, contracted by, or engaged in activities with, BCB including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, committee members, and Directors and Officers
- g) **“Reporting (or Report)”* – The provision of information in writing by any person or a Participant to a relevant independent authority (the independent person or position, such as the ISSO, charged with receiving a report and determining next steps) regarding Maltreatment. Reporting may occur through either: (i) the Complainant (of any age) or the one who experienced the Maltreatment, or (ii) a witness – someone who witnessed the Maltreatment or otherwise knows or suspects Maltreatment. In either case, the intention of Reporting is to initiate an independent investigative process, which could result in disciplinary action being taken against the Respondent
- h) **“Respondent”* – The Party responding to the complaint

Purpose

2. Participants 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.

Principles

3. *The following principles guide the findings and determinations under this Policy:

- a) Any form of Maltreatment violates the integrity of Participants and undermines the values of Canadian sport.
- b) The sanctions imposed will reflect the seriousness of the Maltreatment and the harm to those affected and the values of Canadian sport.
- c) This Policy and its procedures will be:
 - i. Harmonized (applied to all Participants across Canada)
 - ii. Fair (procedural and substantive due process for all Participants)
 - iii. Comprehensive (all forms of Maltreatment addressed and potential sanctions described)
 - iv. 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)

- v. Trauma-informed (acknowledgement of the physical, psychological and emotional effects of trauma, and avoidance of re-traumatization)
- vi. 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)
- vii. Independent administration (free from all conflicts of interest)

Discipline Chair

4. 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.
5. 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

6. This Policy applies to all Participants.
7. 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.
8. This Policy also applies to Participants’ 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.
9. *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 Participant 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 Participant(s).
10. 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.
11. 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

12. BCB recognizes that Participants 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 Participants to BCB and BCB may take further action at its discretion.

13. If BCB decides to take further action upon becoming aware of a Participant who has been disciplined by Provincial/Territorial Organization and/or Member Club, the Participant 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.
14. 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

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

Reporting a Complaint

18. Any Participant may report an incident or complaint in writing to the Executive Director, or BCB's Independent Safe Sport Officer.
19. 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

20. The ISSO may determine that the alleged incident requires investigation. In this case, the ISSO may appoint an Investigator in accordance with the BCB *Investigations Policy*, and BCB and the Investigator, will have additional responsibilities as described in that Policy.
21. Upon receipt of a complaint, 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 the *Dispute Resolution Policy*;
 - c) Determine an investigation is required; and/or
 - d) Choose which process should be followed, and may use the following examples as a general guideline:

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*

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

22. If the ISSO determines the complaint is frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately.

23. The ISSO's decision to accept or dismiss the complaint may not be appealed.

Process #1: Handled by Discipline Chair

Sanctions

24. 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

25. The Discipline Chair will inform the Respondent of the sanction, which will take effect immediately.

26. Records of all sanctions will be maintained by BCB.

Request for Reconsideration

27. If there is no sanction, the Complainant may contest the non-sanction by informing the Discipline Chair, within (4) days of receiving the decision, that the Complainant is not satisfied with the decision. The initial complaint or incident will then be handled under Process #2 of this Policy.

28. If there is a sanction, 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) Summary of evidence that the Respondent will provide to support the Respondent's position; and
- c) 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.

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

32. 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

33. 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
34. The ISSO's decision to accept or dismiss the complaint may not be appealed.
35. The ISSO will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
36. 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.
37. 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

38. 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.
39. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
40. 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.
41. In fulfilling its duties, the Discipline Panel may obtain independent advice.

Decision

42. 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

43. *Prior to determining sanctions, the Discipline Chair or Discipline Panel, as applicable, will consider factors relevant to determining appropriate sanctions which include:
 - a) The nature and duration of the Respondent's relationship with the Complainant, including whether there is a Power Imbalance;
 - b) The Respondent's prior history and any pattern of inappropriate behaviour or Maltreatment;
 - c) The ages of the individuals involved;
 - d) Whether the Respondent poses an ongoing and/or potential threat to the safety of others;
 - e) The Respondent's voluntary admission of the offense(s), acceptance of responsibility for the Maltreatment, and/or cooperation in the process of BCB;
 - f) Real or perceived impact of the incident on the Complainant, sport organization or the sporting community;
 - g) 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);
 - h) Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
 - i) A Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
 - j) Other mitigating and aggravating circumstances
44. *Any single factor, if severe enough, may be sufficient to justify the sanction(s) imposed. A combination of several factors may justify elevated or combined sanctions.
45. *The Discipline Chair or Discipline Panel, as applicable, may apply the following disciplinary sanctions, singularly or in combination:
 - a) **Verbal or Written Warning** - A verbal reprimand or an official, written notice and formal admonition that a Participant has violated the *Code of Conduct and Ethics* and that more severe sanctions will result should the Participant be involved in other violations

- b) **Education** - The requirement that a Participant undertake specified educational or similar remedial measures to address the violation(s) of the *Code of Conduct and Ethics*
 - c) **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
 - d) **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 BCB. A suspended Participant is 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
 - e) **Eligibility Restrictions** - Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions
 - f) **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 BCB and/or any sport organization subject to the UCCMS
 - g) **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
46. *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:
- a) Sexual Maltreatment involving a Minor Complainant shall carry a presumptive sanction of permanent ineligibility;
 - b) 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.
 - c) While a Respondent has pending charges or dispositions in violation of the criminal law, the presumptive sanction shall be a period of suspension
47. A Participant's conviction for a *Criminal Code* offense shall carry a presumptive sanction of permanent ineligibility from participating within 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
48. 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.
49. Records of all decisions will be maintained by BCB.

Appeals

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

Suspension Pending a Hearing

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

Confidentiality

52. The discipline and complaints process is confidential and involves only the Parties, the ISSO, 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.

Timelines

53. 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 ISSO may direct that these timelines be revised.

Records and Distribution of Decisions

54. 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.

55. *BCB recognizes that a publicly-available searchable database or registry of Respondents who 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.

Approved: November 2018

Revised and Approved: September 2020