



## DISCIPLINE AND COMPLAINTS POLICY

### Definitions

1. The following terms have these meanings in this Policy:
  - a) *“Case Manager”* – An individual appointed by the Wheelchair Basketball Canada Executive Director, including but not limited to, any Wheelchair Basketball Canada Staff, Committee Member, Volunteer or Director; the Wheelchair Canada Basketball Director or any independent third party, to oversee this Appeal Policy. The Case Manager will be responsible for, but not limited to:
    - i. The overall responsibility to ensure procedural fairness and the applicable timelines are respected;
    - ii. The decision making authority described in Section 10, 40 and 41; and
    - iii. Acting as a Mediator in accordance with Section 23.
  - b) *“Complainant”* – The party alleging an infraction.
  - c) *“Days”* – Days irrespective of weekend and holidays.
  - d) *“Wheelchair Basketball Canada Delegate”* – A person in a responsible Wheelchair Basketball Canada volunteer or staff position, of the age of majority.
  - e) *“Wheelchair Basketball Canada Member”* – All categories of membership within Wheelchair Basketball Canada, as well as all individuals employed by or engaged in activities with Wheelchair Basketball Canada, including but not limited to, directors, officers, organizers, National Team athletes, athletes, coaches, referees, officials, volunteers, directors, officers, managers, medical personnel, administrators, spectators, and employees.
  - f) *“Respondent”* – The alleged infracting party.

### Policy Statement

2. Wheelchair Basketball Canada is committed to providing a sport environment, which is athlete-centered, and characterized by the value of fairness, integrity, open communication and mutual response. Membership in Wheelchair Basketball Canada, as well as participation in its activities, brings with it many benefits and privileges. At the same time, members and participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying

with the policies, bylaws, rules and regulations and Code of Conduct and Ethics of Wheelchair Basketball Canada. Conduct that violates these governing documents may be subject to sanctions pursuant to this policy.

### **Application of this Policy**

3. This Policy applies to all Wheelchair Basketball Canada Members as defined in the Definitions.
4. This Policy only applies to discipline matters that may arise during the course of Wheelchair Basketball Canada business, activities and events, including but not limited to, office environment, competitions, practices, training camps, travel associated with Wheelchair Basketball Canada activities, and any meetings.
5. Discipline matters and complaints arising within the business, activities or events of provincial/territorial Wheelchair Basketball association's or by entities other than Wheelchair Basketball Canada will be dealt with pursuant to the policies of these other entities, unless accepted by Wheelchair Basketball Canada, at its sole discretion, or such discipline matters and complaints adversely affect relationships within Wheelchair Basketball Canada's work and/or sport environment or is detrimental to the image and reputation of Wheelchair Basketball Canada.

### **Reporting a Complaint**

6. Any Wheelchair Basketball Canada Member may report to a Wheelchair Basketball Canada Delegate or to the Wheelchair Basketball Canada office any complaint. Such complaint must be signed and in writing, and must be filed within fourteen (14) days of the alleged incident. Anonymous complaints may be accepted upon the sole discretion of Wheelchair Basketball Canada.
7. A complainant wishing to file a complaint beyond the fourteen (14) days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the notice of complaint outside the fourteen (14) day period will be at the sole discretion of the Case Manager. This decision may not be appealed.
8. The Case Manager, will determine whether the complaint is legitimate within fourteen (14) days of receiving it. If the Case Manager determines the complaint is not legitimate, the complaint will be dismissed immediately.

### **Case Manager**

9. Upon receipt of a complaint, the Wheelchair Basketball Canada Executive Director will appoint a Case Manager to oversee this Policy and ensure that the complaint(s) is submitted in accordance with this Policy. The appointment of the Case Manager is not appealable. The Case Manager may be any of the following:
  - a) Any Wheelchair Basketball Canada Staff, Committee Member, Volunteer or Director
  - b) The Wheelchair Basketball Canada Executive Director

- c) Any independent third-party, including, but not limited to:
    - i. The Sport Law & Strategy Group
    - ii. The Sport Dispute Resolution Centre of Canada
    - iii. Any other organization or individual with expertise in dispute management
10. The Case Manager has an overall responsibility to implement this Policy in a timely manner. More specifically, the Case Manager has a responsibility to:
- a) Determine whether the complaint is frivolous or vexatious and within the jurisdiction of this Policy. If the Case Manager determines the complaint is frivolous or vexatious or outside the jurisdiction of this Policy, the complaint will be dismissed immediately. The Case Manager decision to the acceptance or dismissal of the complaint may not be appealed.
  - b) Determine if the complaint is a minor or major infraction;
  - c) Appoint a Mediator and/or Panel, if necessary, in accordance with this Policy;
  - d) Determine the format of the hearing;
  - e) Coordinate all administrative aspects of the complaint;
  - f) Provide administrative assistance and logistical support to the Panel as required; and
  - g) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
11. The Case Manager will inform the Parties if the incident is to be dealt with as a minor infraction or major infraction; and the matter will be dealt with according to the applicable section relating to the minor or major infraction.
12. If the incident is to be dealt with as a minor infraction, the Case Manager, will inform the appropriate person in authority and the alleged offender, and the matter will be dealt with according to the sections relating to minor infractions.
13. If the incident is to be dealt with as a major infraction and if the Case Manager determines that a hearing is required, the alleged offender will be notified as quickly as possible, and the matter will be dealt with according to the sections relating to major infractions.
14. This Policy does not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behavior that constitutes either a minor or major infraction provided that the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident. Further sanctions may be applied in accordance with the procedures set out in this Policy.

## Minor Infractions

15. Minor infractions are single incidents of failing to achieve the expected standards of conduct that generally do not result in harm to others, Wheelchair Basketball Canada or to the sport of wheelchair basketball. Examples of minor infractions include, but are not limited to, a single incident of:
  - a) Disrespectful, offensive, abusive, racist or sexist comments or behavior directed towards others;
  - b) Conduct contrary to the ideals of respect such as angry outbursts or arguments;
  - c) Being late for or absent from Wheelchair Basketball Canada events and activities at which attendance is expected or required; and
  - d) Non-compliance with the athlete agreement, policies, procedures, rules and regulations of Wheelchair Basketball Canada.
16. All disciplinary situations involving minor infractions occurring within the jurisdiction of Wheelchair Basketball Canada will be dealt with by the appropriate person having authority over the situation and the individual involved (the person in authority may include, but is not restricted to, coach, team manager, team leader, Wheelchair Basketball Canada staff).
17. Procedures for dealing with minor infractions will be informal as compared to those for major infractions and will be determined at the discretion of the person responsible for discipline of such infractions. This is provided that the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident.
18. Sanctions for minor infractions, which may be applied singly or in combination, include the following:
  - a) Verbal or written reprimand which may be placed in the individual's file;
  - b) Verbal or written apology;
  - c) Written apology;
  - d) Service or other voluntary contribution to Wheelchair Basketball Canada;
  - e) Removal of certain privileges for a designated period of time;
  - f) Suspension from the current competition, activity or event; or
  - g) Any other sanction considered appropriate for the offense.
19. Minor infractions that result in discipline will be recorded and maintained by Wheelchair Basketball Canada. Repeat minor infractions may result in further such incident being considered a major infraction.

## Major Infractions

20. Major infractions are instances of misconduct that result, or have the potential to result, in harm to other persons, to Wheelchair Basketball Canada or to the sport of wheelchair basketball.

21. Examples of major infractions include, but are not limited to:

- a) Repeated incidents of disrespectful, offensive, abusive, racist or sexist comments or behavior directed towards others;
- b) Repeated conduct contrary to the ideals of respect such as angry outbursts or argument;
- c) Repeated incidents of being late for or absent from Wheelchair Basketball Canada events activities at which attendance is expected or required;
- d) Activities or behavior which interfere with a competition or with any athlete's preparation for competition;
- e) Incidents of physical abuse;
- f) Pranks, jokes or other activities that endanger the safety of others;
- g) Severe non-compliance with the athlete agreement, policies, procedures, rules and regulations of Wheelchair Basketball Canada;
- h) Conduct which results in harm to the image, credibility or reputation of Wheelchair Basketball Canada and/or its' sponsors;
- i) Deliberate disregard for the rules and regulations under which Wheelchair Basketball Canada events are conducted;
- j) Abuse of wheelchair basketball facilities or equipment;
- k) Abusive use of alcohol where abuse means a level of consumption that impairs the individual's ability to speak, walk or drive; causes the individual to behave in a disruptive manner; or interferes with the individual's ability to perform effectively and safely;
- l) Any use of alcohol by minors or providing or permitting said use of alcohol;
- m) Any use of illicit drugs and narcotics; or
- n) Any use of banned performance enhancing drugs or methods.

***Note: The definition of "repeated" will depend on the severity of the infraction and frequency of offences within a given time to be determined by Wheelchair Basketball Canada at its sole discretion.***

22. Major infractions may be dealt with immediately, if necessary, by a Wheelchair Basketball Canada Delegate in a position of authority, provided the individual being disciplined is told the nature of the

infraction and has an opportunity to provide information concerning the incident. In such situations, disciplinary sanctions will be for the duration of the event/competition only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this Policy. This review does not replace the appeal provisions of this Policy.

### **Mediation, Discipline Panel and Hearing**

23. If the Case Manager is satisfied that the complaint is a major infraction, the Case Manager will, with the consent of the parties, seek to resolve the complaint through mediation using the services of an independent mediator or the Case Manager.
24. If the complaint cannot be resolved through mediation, then a hearing before a Panel will take place. The Case Manager will appoint the Panel, which will consist of a single Adjudicator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear and decide the complaint. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.
25. The Panel will have no significant relationship with the complainant and respondent; will have had no involvement with the alleged infraction; and will be free from any other bias or conflict of interest.
26. The Panel will hold the hearing as soon as possible, but not more than thirty (30) days after being appointed.
27. Having regard to the nature of the discipline matter and the potential consequences of any resulting sanctions, the Panel will decide to conduct the hearing by way of review of documentary evidence or by way of oral hearing. If the Panel decides to conduct an oral hearing, it may decide to do so in-person or by means of telephone conference.

### **Preliminary Meeting**

28. The Panel may determine that the circumstances of the complaint warrant a preliminary meeting. The Panel may delegate to one of its members the authority to deal with preliminary matters, which may include but are not limited to:
  - a) Format (hearing by documentary evidence, oral hearing or a combination of both);
  - b) Bias or alleged bias of a panel member;
  - c) Date and location of the hearing;
  - d) Clarification of issues in dispute;
  - e) Any procedural matters including order and procedure of the hearing;
  - f) Remedies sought;
  - g) Evidence to be brought before the hearing;

- h) Identification of any witnesses; or
- i) Any other procedural matter that may assist in expediting the hearing.

### **Documentary Review**

29. Where the Panel has determined that the appeal will be held by way of documentary submissions, the Panel will govern the hearing fairly and as it sees fit, provided that:
- a) All parties are given a reasonable opportunity to provide written submissions to the Panel, to review written submissions of the other parties, and to provide written rebuttal and argument; and
  - b) The applicable principles and timelines set out by the Panel are respected.

### **In-Person/Teleconference Hearing**

30. Where the Panel has determined that the complaint will be held by way of in-person hearing or teleconference, the Panel will govern the hearing fairly and as it sees fit, provided that:
- a) The Parties will be given three (3) days written notice of the day, time and place of the hearing;
  - b) The Parties will be provided copies of all evidence to be relied upon;
  - c) In the case of a three (3) person Panel, a quorum will be all three Panel members, and decisions will be by majority vote where the Chairperson carries a vote;
  - d) Panel members will refrain from communicating with the parties except in the presence of, or copy to, the other parties;
  - e) The individual being disciplined may be accompanied by a representative;
  - f) The individual being disciplined will have the right to present evidence and argument;
  - g) Any party potentially affected by the matter may be made party to the hearing by the Panel;
  - h) The Panel may request that any witness be present at the hearing or submit written evidence in advance of the hearing;
  - i) If the individual being disciplined chooses not to participate in the hearing, the hearing will nonetheless proceed;
  - j) The hearing will be held in private;
  - k) Each party will bear their own costs;
  - l) Once appointed, the Panel will have the authority to abridge or extend timelines associated with any aspect of the hearing.

31. After hearing the matter, the Panel will determine whether or not the individual will be sanctioned, and if so, will determine the appropriate penalty to be imposed and any measures to mitigate the harm suffered by others as a result. The Panel's written decision, with reasons, will be distributed to all parties and Wheelchair Basketball Canada within fourteen (14) days of the conclusion of the hearing. The decision will be considered a matter of public record unless decided otherwise by the Panel.
32. Where the Respondent acknowledges the facts of the incident, he or she may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may hold a hearing for the purpose of determining an appropriate sanction.
33. The preceding provisions may be modified, or added to, as required by the provisions of any other pertinent Wheelchair Basketball Canada policy such as those dealing with doping, conflict of interest, personnel or event-specific matters.

### **Sanctions**

34. The Panel may apply the following disciplinary sanctions singly or in combination, for major infractions:
  - a) Written reprimand to be placed in the individual's file;
  - b) Written apology;
  - c) Removal of certain privileges;
  - d) Suspension from certain Wheelchair Basketball Canada teams, events and/or activities which may include suspension from the current competition or future teams or competitions;
  - e) Suspension from certain Wheelchair Basketball Canada activities such as competing, coaching or officiating for a designated period of time;
  - f) Payment of a financial fine in an amount to be determined by the Panel;
  - g) Suspension from all Wheelchair Basketball Canada activities for a designated period of time;
  - h) Suspension of Wheelchair Basketball Canada or Sport Canada funding (Suspension of Sport Canada funding decide in conjunction with Sport Canada);
  - i) Expulsion from membership (Board Members must be removed in accordance with Wheelchair Basketball Canada Bylaws);
  - j) Publication of the Panel's decision;
  - k) Other sanctions as may be considered appropriate for the offense.



35. Unless the Panel decides otherwise, any disciplinary sanctions will commence immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension of membership in Wheelchair Basketball Canada until such time as compliance occurs.
36. In applying sanctions, the Panel may have regard to the following aggravating or mitigating circumstances:
- a) The nature and severity of the incident;
  - b) The extent to which others have been harmed by the infraction;
  - c) Whether the incident is a first offense or has occurred repeatedly;
  - d) The individual's acknowledgment of responsibility,
  - e) The individual's remorse and post-infraction conduct;
  - f) The age, maturity or experience of the individual;
  - g) Whether the individual retaliated; and
  - h) The individual's prospects for rehabilitation.
37. A written record will be maintained by Wheelchair Basketball Canada at their head office for major infractions that result in a sanction.
38. The preceding sanctions may be modified, or added to, as required by the provisions of any other pertinent Wheelchair Basketball Canada policy such as those dealing with doping, conflict of interest, personnel or event-specific matters.

#### **National Team Athletes and the Athlete Agreement**

39. In deciding any dispute related to a breach of the Athlete Agreement, the Panel will have the authority to stipulate specific performance to remedy the breach of the Athlete Agreement and/or to discipline the offending Party by applying any one or combination of the following disciplinary sanctions:
- a) Stipulate specific performance to remedy the breach of the Athlete Agreement;
  - b) A written reprimand;
  - c) A verbal or written apology;
  - d) Removal of certain privileges;
  - e) Suspension from specified events or for a specified period of time; and/or
  - f) Any other sanctions which it considers appropriate in the circumstances.

### **Serious Infractions**

40. The Executive Director, or Case Manager, may determine that an alleged incident is of such seriousness as to warrant suspension of the individual pending a hearing and a decision of the Panel.
41. Where it is brought to the attention of the Executive Director, or Case Manager, that a Wheelchair Basketball Canada Member has been charged with an offence under the Criminal Code, or has previously been convicted of a criminal offence, the Executive Director, or Case Manager, may suspend Wheelchair Basketball Canada Representative pending further investigation, a hearing or a decision of the Panel.
42. Notwithstanding the procedures set out in this Policy, any Wheelchair Basketball Canada Member who is convicted of a criminal offense involving sexual exploitation, invitation to sexual touching, sexual interference, sexual assault or aggravated assault will face automatic suspension from participating in any activities of Wheelchair Basketball Canada for a period of time corresponding to the length of the criminal sentence imposed by the court, and may face further disciplinary action by Wheelchair Basketball Canada in accordance with this Policy.

### **Confidentiality**

43. Where the behavior reported is of a sensitive or confidential nature, Wheelchair Basketball Canada will keep all proceedings under this policy confidential, except where disclosure is directed by the Panel as part of a sanction, is required by law or is in the best interests of the public.

### **Timelines**

44. If the circumstances of the complaint are such that this policy will not allow a timely conclusion, or if the circumstances of the complaint are such the complaint cannot be concluded within the timelines dictated in this policy, the Panel may direct that these timelines be revised.

### **Appeals Procedure**

45. The decision of the Panel may be appealed in accordance with Wheelchair Basketball Canada's Appeal Policy.

**WHEELCHAIR BASKETBALL CANADA -- INCIDENT REPORT**

Date and time of incident: \_\_\_\_\_

Name of writer: \_\_\_\_\_ Position: \_\_\_\_\_

Location of incident: \_\_\_\_\_

This incident is a: \_\_\_\_ minor infraction \_\_\_\_ major infraction

Individual(s) involved in the incident: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Objective description of the incident (please be concise, accurate and non-judgmental):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact information of individuals who observed the incident:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Disciplinary action which was taken (if applicable): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of writer: \_\_\_\_\_ Date: \_\_\_\_\_