

5.0 DISCIPLINE, COMPLAINTS AND DISPUTE RESOLUTION POLICY

Policy Category:	Business Operations
Approval Authority:	CEO & Board
Lead Responsibility:	Human Resources
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POLICY STATEMENT

Canadian Sport Institute Pacific (CSI Pacific) supports an environment of safety, trust, and mutual respect for all its Staff, Board, Clients and Volunteers. CSI Pacific believes that conflict brings an opportunity for change and greater understanding, and encourages all Staff, Board and Volunteers to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. This policy applies to all CSI Pacific Staff, Board, Clients and Volunteers.

Regrettably, not all conflict can be resolved through direct and open communication and formal procedures are necessary to resolve the complaint. In situations where serious conflict exists and intervention is necessary the following procedures have been put in place to resolve conflict in an expedient, yet fair manner.

The *Discipline, Complaints and Dispute Resolution Policy* (the Policy) applies to any alleged breaches of the CSI Pacific policies that designate this Policy as applicable to address such alleged breaches.

APPLICATION

Complaint and dispute resolution will be used in all matters that may arise during the course of CSI Pacific business, activities, and events including, but not limited to:

- contact with Clients;
- travel associated with CSI Pacific activities;
- CSI Pacific's office environment; and
- any business activities related to CSI Pacific.

This policy outlines the discipline and complaint procedures related to Safe Sport and Workplace behaviours as outlined in the CSI Pacific *Code of Conduct* policy. As Staff and Board have consented as UCCMS Participants as of March 1, 2023, they have an obligation to report breaches of safe sport that involve alleged Maltreatment or Prohibited Behaviour as defined by the UCCMS to the Office of the Sport Integrity Commissioner (OSIC). Any complaint involving a violation of the UCCMS by a UCCMS Participant will be addressed pursuant to the OSIC's policies and procedures.

CSI Pacific will use an Independent Third Party to receive complaints as outlined in the Policy and has the obligation to refer complaints involving alleged breaches of the UCCMS by designated UCCMS Participants to OSIC and notify the individual(s) that made the complaint of such action.

In addition to being subject to disciplinary action pursuant to the Policy, Staff and Board of CSI Pacific who are a Respondent to a complaint under this Policy or OSIC may also be subject to disciplinary proceedings and sanctions in accordance with any agreements, if applicable, or CSI Pacific's Human Resources or other applicable policies.

INFORMAL COMPLAINT PROCESS

In situations that allege or involve inappropriate behaviours as defined in the CSI Pacific Code of Conduct policy, it is CSI Pacific's intention that Staff, Board, Clients and Volunteer will use open communication and attempt to resolve issues of conflict using the Informal Procedures prior to issuing a formal complaint, where such a process is appropriate.

Informal procedures encourage Staff, Board, Clients and Volunteer to take initial steps to speak to the person they are having concerns or are in conflict if people are comfortable and it is appropriate to do so. There may be certain types of conflict that are not conducive to resolution through informal discussion. Many times, disputes arise due to misunderstandings and miscommunications. It is recommended that Staff, Board, Clients and Volunteers attempt to use ethical decision making to guide issues that may arise, including;

1. Gathering the facts
2. Identify whether the issue relates to UCCMS or potential legal recourse
3. Identifying options and consequences
4. Evaluating options
5. Making a decision
6. Developing an action plan

Staff, Board, Clients and Volunteers may discuss the matter with CSI Pacific's Human Resources designate to consider different options to facilitate a resolution to a conflict.

Alternative Dispute Resolution and Mediation

CSI Pacific supports the principles of Alternate Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes.

Alternate Dispute Resolution avoids the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints, or with litigation.

Opportunities for ADR may be pursued at any point in a dispute within CSI Pacific, and when all parties to the dispute agree that such a course of action would be mutually beneficial and when all internal processes have been exhausted. Opportunities to engage in ADR may include, depending on jurisdiction:

- The Independent Third Party may recommend ADR and will identify a mediator to facilitate dispute resolution.
- The SDRCC (Sport Dispute Resolution Centre of Canada) offers **national** alternative dispute resolution programs and available to the Canadian sport community offering arbitration, mediation, and education services, nationally at a low cost for the parties. Disputes at the international, provincial, municipal and local levels fall outside the jurisdiction of the Dispute Resolution Secretariat.
- Sport Law Connect Program (SLCP) is available and offers provincial alternative dispute resolution services to provincial organizations that includes discipline, team selection and governance

If the conflict is inappropriate for informal dispute resolution or involves a breach of maltreatment as identified in the Code of Conduct Policy or the UCCMS, a formal complaint must be made as identified in this Policy or directly to OSIC.

REPORTING

Any person (Staff, Board Member, Volunteer, or Client) may choose to report a breach of CSI Pacific Policies through:

1. The Office of the Sport Integrity Commissioner (OSIC) wherein the individual observes or has a suspicion of maltreatment, and/or believes that observed or suspicious behaviours are in violation of the UCCMS. Potential violations may be reported [here](#).

OSIC will receive information in two forms:

- a. A Complaint wherein the individual agrees to act as the complainant throughout the complaint management process pursuant to the OSIC's policies and procedures. Anonymity is not available when submitting a Complaint.
 - b. A Report wherein the individual does not automatically engage the formal complaint management process and there is no guarantee of further action. A Report can be made with or without providing your name and contact information.
2. Independent Third Party wherein the individual can make a report related to all CSI Pacific policies (Workplace, SafeSport and or Whistleblower) [here](#) (<https://app.integritycounts.ca/org/itpsport>) OR, may choose to contact Independent Third Party by phone at 1-866-921-6714

Staff and clients who have a suspicion of maltreatment or other related policy are encouraged to contact the Independent Third Party 24 hour contact line at 1-866-921-6714, or may contact the Canadian Sport Helpline 1-888-83SPORT (1-888-837-7678)

An adult Individual who learns of information and reasonably suspects that a child has suffered an incident of child abuse, including sexual abuse, shall immediately make a report of the suspected abuse to the local authorities as [per provincial legislation](#) and notify the Independent Third Party.

If the Independent Third Party receives a complaint that they consider is maltreatment related to a breach of the UCCMS by a UCCMS Participant, they shall refer the matter to the OSIC and notify the individual(s) that made the complaint of such action.

The Independent Third Party will also address complaints referred from OSIC where OSIC has determined that the complaint initially reported to it does not fall within its jurisdiction or is otherwise inadmissible according to their policies and procedures.

Any complaints involving alleged breaches of the CSI Pacific's policies that do not fall within the jurisdiction of OSIC shall be reported by to the Independent Third Party in within 14days of the occurrence of the incident. This includes any potential breaches of CSI Pacific's policies by Clients.

CSI Pacific may, at its discretion, or upon request by the Independent Third Party, act as the Complainant and a designated representative may be required to report a complaint under the terms of this Policy.

Further, a complainant who fears retribution or reprisal or who otherwise considers that their identity must remain confidential may request that their identity be kept confidential. Any reports made to the Independent Third Party where the individual is a Minor, must have a parent/guardian or other adult serve as their representative during the procedures outlined in this Policy.

Independent Third Party Responsibilities

Upon receipt of a complaint, the Independent Third Party has a responsibility to determine whether the complaint falls within the jurisdiction of this Policy and the appropriate process to manage the complaint by considering the following:

- whether the incident occurred within the business, activities, or Events of CSI Pacific, or one of its sport partners (NSO or PSO) or affiliated organizations; and if the client or affiliated organization can manage the complaint process.
- Consider whether the alleged incident involves *Criminal Code* offences and refer matter to police.
- Determine whether the complaint is frivolous, vexatious or if it has been made in bad faith.

- Determine if the alleged incident should be investigated pursuant to procedures outlined in this Policy.
- Choose the process by which investigate the matter consistent with this Policy.

FORMAL COMPLAINT PROCESS

Formal complaint by a Client, Staff, Board or Volunteer will follow one of two processes identified below and related to Workplace (Internal) or Safe sport (External) behaviour as defined in CSI Pacific Code.

Upon receiving a report of a complaint, the Independent Third Party will decide which process will be followed, at their discretion and such decision is not appealable

Process 1: Workplace Complaints

The Workplace Complaint Process will address any complaints involving allegedly inappropriate behaviour by Staff or Board Members , including claims relating to bullying and harassment, discrimination and sexual harassment and other behaviours outlined in the CSI Pacific conduct policies.

Before issuing a formal complaint, Staff and Board Members, should, where appropriate, attempt to resolve the issue using the Informal Complaint Process. If the issue is not satisfactorily resolved, or requires a formal complaint to be issued, the following process should be followed:

- A Complainant will submit a formal complaint to the Independent Third Party within fourteen (14) days of the latest alleged occurrence. Complaint can be made [online](#) or by phone at 1-866-921-6714
- A Complainant wishing to file a complaint outside of the fourteen (14) day period must provide reasons for an exemption from this limitation. The decision to accept, or not accept, the complaint outside of the fourteen (14) day period will be at the sole discretion of the Independent Third Party. This decision may not be appealed.

The Independent Third Party will identify complaints related to workplace conduct or other CSI Pacific policies and refer these complaints to CSI Pacific Human Resources (or designate) as set out below.

Workplace Complaint Procedures

For complaints referred by Independent Third Party to CSI Pacific Human Resources, the process for investigations will include the following steps:

- The Human Resources Manager (or designate) will review the formal complaint

- Human Resources Manager (or designate) may initiate an in-house investigation in appropriate cases involving allegations of inappropriate workplace behaviour
- Both Parties (Complainant and Respondent) have the right to submit to the Human Resources 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).
- Following receipt of the Parties' submissions, the Human Resources Manager may convene a meeting, either in person or by way of video or teleconference to ask the Parties questions. In all cases, the Respondent will have an opportunity to respond to the allegations set out in the complaint.
- Following their review of the submissions and evidence related to the complaint, the Human Resources Manager (or designate) shall determine if any of the incidents identified in the complaint have occurred and, if so, determine whether a sanction should be imposed. The Human Resources Manager (or designate) will recommend an appropriate sanction.
- If, after hearing the Parties and reviewing their submissions, the Human Resources Manager (or designate) considers that none of the incidents identified in the complaint have occurred, they shall recommend that the complaint be dismissed.
- The recommendations of the Human Resources Manager (or designate) will be submitted in a written report to the Chief Executive Officer (or designate), or the Board Chair, as the case may be. The Chief Executive Officer (or designate), or the Board Chair will make a final decision regarding any sanction to be imposed.,
- The Human Resources Manager will inform the Parties of the decision of the Chief Executive Officer (or designate), or the Board Chair, which shall be in writing. This decision will take effect immediately, unless specified otherwise.
- Any decision made by the Chief Executive Officer (or designate), or the Board Chair shall be recorded in the Staff or Board Members file and shall be retained in accordance with the relevant and applicable employment and privacy legislation.
- The formal complaint and investigation will be strictly confidential and information pertaining to the complaint and/or investigation will only be shared on a need to know basis;
- Reports of violence, discrimination, bullying or harassment found to be frivolous, vindictive, or vexatious in nature, may lead to disciplinary action.
- Any substantiated complaint that violates Worksafe BC guidelines must be reported to Worksafe BC.

- If during an investigation there is evidence to suggest a criminal act, the Human Resources manager must refer the matter to police.

Process 2: Safe Sport (External) Complaints

As indicated above, the Independent Third Party will receive and determine the procedure by which a complaint will be administered. Process 2 will be engaged where a complaint involves allegations of inappropriate behaviour by a Staff, Board, Volunteer or Client, including claims relating to bullying and harassment, discrimination and sexual harassment and other behaviours outlined in the CSI Pacific conduct policies. Depending on where the complaint is made, the Independent Third Party will determine the following approaches.

- A complaint reported to a partner organization (PSO and NSO partner) that does not fall under OSIC jurisdiction, where the Respondent is CSI Pacific Staff, Board, Volunteer or Client; the Partner organization must inform CSI Pacific's Independent Third Party of the complaint. The Independent Third Party will recommend whether the complaint should be addressed through the Partner organization's policies or through CSI Pacific's policies
- A complaint reported to CSI Pacific Independent Third Party and does not fall under OSIC jurisdiction, and where the respondent is a client (Eg. Athlete or Coach) of CSI Pacific, the Independent Third Party must inform the client and or client's Partner Organization of the complaint and determine whether the complaint may be adequately addressed through the Partner Organization's policies or through CSI Pacific's policies.

External Complaint Procedure

Following the determination that the complaint should be handled under Process #2, the Independent Third Party will propose the use of alternative dispute resolution methods, if appropriate. Should a negotiated settlement be reached, the settlement shall be reported to all parties involved. Following the settlement/decisions, any actions and/or sanctions shall be enacted on the timelines specified by the negotiated decision, pending approval of CSI Pacific CEO or designate. The lifting of sanctions will be reviewed by the organization upon the completion of all conditions identified in the signed negotiated settlement. Any negotiated settlement will be binding on the parties. Negotiated settlements may not be appealed.

If the dispute is not resolved using alternative dispute resolution methods or negotiated settlement, the Independent Third Party will appoint a Case Manager

- a. Coordinate all administrative aspects of the process and set reasonable timelines
- b. Provide administrative assistance and logistical support and gather information related to previously imposed disciplinary sanctions against the Respondent(s), the relevant policies of CSI Pacific or any other sport organization that had authority over the Respondent
- c. Provide any other service or support that may be necessary to ensure a fair and timely investigation.

Based on the information collected from both parties and potential witnesses, the ITP Case Manager may recommend a decision and or sanction by providing a report to CSI Pacific CEO (or designate), or the Board Chair who upon receiving the report will implement any disciplinary action at their discretion.

In exceptional circumstances, the ITP Case Manager may determine that a reported incident requires further investigation by an independent third-party investigator.

- a. If an investigation by a third-party investigator is required, the ITP Case Manager will appoint the investigator that is skilled in investigating cases that align with the allegations.
- b. The Investigator must not be in a conflict-of-interest situation and should have no connection to the complainant, respondent, or CSI Pacific or affiliated organization(s)
- c. The appointed investigator will have discretion on the investigation approach will be considered a neutral third party with a mandate to seek the truth and make findings based on evidence collected through the investigation process. It is expected the investigator, in the course of conducting the investigation, will follow current and accepted best practices for investigation, principles of fairness and natural justice, and any applicable Federal and/or Provincial legislation.
- d. Upon completion of their investigation, the investigator shall prepare a report that will include a summary of evidence gathered from the parties to the investigation, witnesses, and documentary information. The investigator will provide an analysis of the relevant information gathered and make findings based on the evidence, including a rationale for the findings made. Findings by the investigator shall be based on a balance of probabilities.

All parties must cooperate fully in the review or the potential investigation and resolution of the complaint. If a respondent attempts to circumvent the process by failing to respond to a complaint in a thorough or timely fashion or at all, or if the complainant or/and the respondent refuse to participate in the review or third-party investigation process, the ITP Case Manager may proceed based on the information made available to them by the complainant and any witnesses interviewed/investigated as part of the process. The ITP Case Manager retains the discretion of whether to share the full investigation report with the parties. However, in every case a reasoning for the decision will be shared with the complainant and respondent. This decision may not be appealed.

The ITP Manager will share the investigators report with the CSI Pacific Chief Executive Officer (or designate), or the Board Chair who upon receiving the report will implement any disciplinary action at their discretion.

SUSPENSIONS, SANCTIONS and DISCIPLINARY ACTION

Provisional Suspension

A **Provisional Suspension** means that the Staff, Board Member, Client or Volunteer may be barred temporarily from participating in any capacity in any Event or activity of CSI Pacific, or as otherwise decided pursuant to the *Policy*, prior to the decision rendered in a proceeding

conducted pursuant to this Policy.

CSI Pacific CEO in consultation with the Independent Third Party may determine that an alleged incident is of such seriousness as to warrant the imposition of a Provisional Suspension of a Respondent pending completion of an investigation, assessment, and or an investigation by the OSIC, criminal process, or an external investigation. If Staff or Board member are identified for a provisional suspension, CSI Pacific CEO may consider;

- Administrative leave with pay while respondent is under investigation and within reasonable timelines.
- Reallocating work duties that would limit respondent's interactions with any clients associated to similar services, and or individuals involved in the investigation, or
- Other such measures which CSI Pacific Human Resources deems appropriate in the circumstances.

Sanctions

When determining the appropriate sanction, CEO or Board Chair, as applicable, will consider the following factors (where applicable):

- 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 misconduct, Prohibited Behaviour or Maltreatment;
- c) The respective 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 misconduct, Prohibited Behaviour or Maltreatment, and/or cooperation in the investigative and/or disciplinary process of CSI Pacific;
- f) Real or perceived impact of the incident on the Complainant, CSI Pacific 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*; 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 or aggravating circumstances.

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.

The CEO or Board Chair, 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 that the Respondent has violated the *Code* and that more severe sanctions will result should the Respondent be involved in other violations
- b) **Education** - The requirement that the Respondent undertake specified educational or similar remedial measures to address the violation(s) of the *Code*, other applicable policy or the UCCMS
- c) **Probation** - Should any further violations of the *Code*, other applicable policy or the UCCMS occur during the probationary period, this may result in additional disciplinary measures, including, without limitation, a period of suspension or termination of employment with or without cause. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period
- d) **Suspension** - Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, activity, Event, or competition organized by, or under the auspices of CSI Pacific. A suspended Respondent may be eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Respondent satisfying specific conditions noted at the time of suspension
- e) **Termination of Employment** – Staff may have their employment terminated, with or without cause if deemed appropriate by the CEO or designate.
- f) **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

OSIC SANCTION

As a Program Signatory to the OSIC, CSI Pacific will ensure that any sanctions or measures imposed by the OSIC’s Director of Sanctions and Outcomes (“DSO”) will be implemented and

respected within CSI Pacific's jurisdiction, once CSI Pacific receives appropriate notice of any sanction or measure from the OSIC.

CSI Pacific may impose disciplinary measures in addition to any sanction imposed by the DSO, up to and including termination of employment of Staff.

CONFIDENTIALITY

The complaint, investigatory and disciplinary process is confidential and involves only the complainant, respondent, the Investigator, the Human Resources Manager (or designate), any independent advisors, and any witnesses deemed necessary by the investigator (the "Parties"). The disclosure of information will be limited to what is necessary to ensure the proper completion of the complaint, investigatory and disciplinary process.

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. CSI Pacific will endeavour to complete the investigation in a timely and efficient manner.

TIMELINES

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 Independent Third Party may direct that these timelines be revised.

RECORDS AND DISTRIBUTION OF DECISIONS

All incidents that result in disciplinary action shall be recorded and maintained by CSI Pacific. Other Canadian Sport Institutes/Centres may be advised of any decisions. Breaches of Safe Sport will be applied in through UCCMS which may result in public registry of the incident.

PRIVACY

The collection, use and disclosure of any personal information pursuant to this Policy is subject to CSI Pacific's Personal Information Protection Policy

Policy Acknowledgment

I, _____, acknowledge that I have received and read the above Discipline, Conflict, and Dispute Resolution Policy and the appropriate CSI Pacific Standard Operating Procedures ("SOP") which outline my responsibilities and expectations from CSI Pacific. By my signature below, I acknowledge that I understand, accept, and agree to comply with the information contained within the Human Resources Policy and the SOP's. My signature also acknowledges that revisions of this policy or SOP's may occur, and all such changes will

generally be communicated through official notices. I understand that revised information may supersede, modify, or eliminate existing policies.

Employee Name

Employee Signature

Date