



Discipline and Complaints Policy

(June 2016)

Definitions

1. The following terms have these meanings in this Policy:
 - a) “*Complainant*” – The Party alleging an infraction
 - b) “*Respondent*” – The alleged infracting Party
 - c) “*Parties*” – The Complainant, Respondent, and any other Individuals, persons, or organizations affected by the complaint
 - d) “*Days*” – Days irrespective of weekend and holidays
 - e) “*Individuals*” – All categories of membership defined in BiCan’s Bylaws, as well as all individuals employed by, or engaged in activities with, BiCan including, but not limited to, registered participants, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, Directors and Officers of BiCan, spectators at events, and parents/guardians of athletes

Purpose

2. Biathlon Canada (BiCan) is committed to providing an environment in which all Individuals involved with BiCan are treated with respect and fairness. Individuals and participants are expected to comply with BiCan’s policies, bylaws, rules and regulations, and *Code of Conduct and Ethics*. Non-compliance by Individuals can result in damage to the integrity of BiCan, and may be subject to sanctions pursuant to this Policy. This Policy is designed to ensure that complaints are handled fairly, expeditiously, and affordably.

Application of this Policy

3. This Policy applies to all Individuals.
4. This Policy applies to discipline matters that may arise during the course of BiCan’s business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with BiCan activities, and any meetings.
5. This Policy does not prevent discipline from being applied during a competition or event, according to the procedures in place for the particular event. Further discipline may be applied according to this Policy.
6. Discipline matters and complaints arising within the business, activities, or events organized by entities other than BiCan will be dealt with pursuant to the policies of these other entities unless requested and accepted by BiCan at its sole discretion.

Reporting a Complaint

7. Any Individual may report any complaint to BiCan. Such a complaint must be in writing and signed, and must be filed within fourteen (14) days of the alleged incident. Anonymous complaints may be accepted at the sole discretion of BiCan.

8. A Complainant wishing to file a complaint outside of the fourteen (14) day period must provide a written statement giving reasons for an exemption to 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 BiCan. This decision may not be appealed.
9. At BiCan's discretion, BiCan may act as the complainant and initiate the complaint process under the terms of this Policy. In such cases, BiCan will identify an individual to represent BiCan.

Mediation

10. Before any complaint proceeds to the formal stage, the dispute will first be referred to BiCan's President (or designate) for review, with the objective of resolving the dispute via mediation under BiCan's *Dispute Resolution Policy*.

Case Manager

11. Should the review by BiCan's President (or designate) not resolve the dispute, BiCan will appoint a Case Manager to oversee management and administration of complaints submitted in accordance with this Policy and such appointment may not be appealed. The Case Manager is not required to be a member of BiCan. The Case Manager has an overall responsibility to ensure procedural fairness is respected at all times in this Policy, and 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's decision to accept or dismiss the complaint may not be appealed
 - b) Determine if the complaint is a minor or major infraction
 - c) Appoint the Panel, if necessary, in accordance with this Policy
 - d) Coordinate all administrative aspects of the complaint
 - e) Provide administrative assistance and logistical support to the Panel as required
 - f) Provide any other service or support that may be necessary to ensure a fair and timely proceeding
12. 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.
13. 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. Further sanctions may be applied, but only after review of the matter in accordance with the procedures set out in this Policy.

Minor Infractions

14. Minor infractions are **single incidents** of failing to achieve expected standards of conduct that generally do not result in harm to others, BiCan, or the sport. Examples of minor infractions can include, but are not limited to, a single incident of:
 - a) Disrespectful, abusive, racist, or sexist comments or behaviour
 - b) Disrespectful conduct
 - c) Conduct contrary to the values of BiCan
 - d) Neglecting attendance at BiCan events and activities for which attendance is expected or required
 - e) Non-compliance with BiCan's policies, procedures, rules, or regulations
 - f) Minor violations of BiCan's *Code of Conduct and Ethics*

15. All disciplinary situations involving minor infractions will be dealt with by the appropriate person who has authority over both the situation and the individual involved. If applicable, discipline specific to the particular event or competition shall be applied. The person in authority can be, but is not restricted to being, staff, officials, coaches, organizers, or BiCan's decision-makers.
16. Provided that the Respondent being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident, procedures for dealing with minor infractions will be informal (compared to the procedures for major infractions) and will be determined at the discretion of the person responsible for discipline of such infractions (as noted above).
17. Penalties for minor infractions, which may be applied singularly or in combination, include the following:
 - a) Verbal or written reprimand from BiCan to one of the Parties
 - b) Verbal or written apology from one Party to the other Party
 - c) Service or other contribution to BiCan
 - d) Removal of certain privileges of membership for a designated period of time
 - e) Suspension from the current competition, activity, or event
 - f) Fines
 - g) Any other sanction considered appropriate for the offense
 - h) Discipline specific to the event or competition, if applicable
18. Minor infractions that result in discipline will be recorded and records will be maintained by BiCan. Repeat minor infractions may result in further such incidents being considered a major infraction.

Major Infractions

19. Major infractions are instances of failing to achieve the expected standards of conduct that result, or have the potential to result, in harm to other persons, to BiCan, or to the sport. Examples of major infractions include, but are not limited to:
 - a) Repeated minor infractions
 - b) Any incident of hazing
 - c) Incidents of physical abuse
 - d) Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
 - e) Pranks, jokes, or other activities that endanger the safety of others
 - f) Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
 - g) Conduct that intentionally damages BiCan's image, credibility, or reputation
 - h) Consistent disregard for BiCan's bylaws, policies, rules, and regulations
 - i) Major or repeated violations of BiCan's *Code of Conduct and Ethics*
 - j) Intentionally damaging BiCan property or improperly handling BiCan monies
 - k) Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
 - l) A conviction for any *Criminal Code* offense
 - m) Any possession or use of banned performance enhancing drugs or methods
20. Major infractions occurring within competition may be dealt with immediately, if necessary, by a person having authority. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only. If applicable, discipline specific to the particular event or competition shall be applied. 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.

21. Major infractions will be handled using the Procedure for Major Infraction Hearing set out in this Policy, except where a dispute resolution procedure contained within a contract, employee agreement, or other formal written agreement takes precedence.

Procedure for Major Infraction Hearing

22. The Case Manager shall notify the Parties that the complaint is potentially legitimate, and the incident shall be dealt with as a major infraction. The Case Manager shall then decide the format under which the complaint will be heard. This decision is at the sole discretion of the Case Manager and may not be appealed.
23. The Case Manager will appoint a Discipline Panel, which shall consist of a single Adjudicator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.
24. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may still hold a hearing for the purpose of determining an appropriate sanction.
25. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
26. The Case Manager will determine the format of the hearing, which may involve an oral in-person hearing, an oral hearing by telephone or other electronic means, 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 deems appropriate in the circumstances, provided that:
 - a) The Parties will be given reasonable notice of the day, time, and place of the hearing
 - b) Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing
 - c) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense,
 - d) The Panel may request that any other individual participate and give evidence at the hearing
 - e) The 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 unhelpful, and shall place such weight on the evidence as it deems appropriate
 - f) The decision will be by a majority vote of Panel members
27. 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 complaint in question and will be bound by the decision
28. In fulfilling its duties, the Panel may obtain independent advice.

Decision

29. After hearing the matter, the 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 Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and BiCan. In extraordinary circumstances, the 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 Panel.

Sanctions

30. The Panel may apply the following disciplinary sanctions, singularly or in combination, for major infractions:
- a) Verbal or written reprimand from BiCan to one of the Parties
 - b) Verbal or written apology from one Party to the other Party
 - c) Service or other contribution to BiCan
 - d) Expulsion from BiCan
 - e) Removal of certain membership privileges
 - f) Suspension from certain teams, events, and/or activities
 - g) Suspension from all BiCan's activities for a designated period of time
 - h) Withholding of prize money or awards
 - i) Payment of the cost of repairs for property damage
 - j) Suspension of funding from BiCan or from other sources
 - k) Any other sanction considered appropriate for the offense
31. Unless the Panel decides otherwise, any disciplinary sanctions will begin immediately and may be applied retroactively. Failure to comply with a sanction as determined by the Panel will result in automatic suspension until such time as compliance occurs.
32. Major infractions that result in discipline will be recorded and records will be maintained by BiCan.

Suspension Pending a Hearing

33. BiCan may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending completion of the criminal process, a hearing or a decision of the Panel.

Criminal Convictions

34. An Individual's conviction for any of the following *Criminal Code* offenses will be deemed a major infraction under this Policy and will result in expulsion from BiCan and/or removal from BiCan's competitions, programs, activities and events upon the sole discretion of BiCan:
- a) Any child pornography offences
 - b) Any sexual offences
 - c) Any offence of physical or psychological violence
 - d) Any offence of assault
 - e) Any offence involving trafficking of illegal drugs

Confidentiality

35. The discipline and complaints process is confidential and involves only the Parties, the Case Manager, the Panel, and any independent advisors to the 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

36. 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 Panel may direct that these timelines be revised.

Records and Distribution of Decisions

37. Minor and major infractions that result in discipline, as well as decisions of any appeals, will be recorded and maintained by BiCan.
38. Other organizations may be advised of any decisions and, if there was an appeal, the appeal decision.
39. Decisions and appeals are matters of public interest and shall be publicly available with the names of the individuals redacted. Names of persons disciplined may be disclosed to the extent necessary to give effect to any sanction imposed. The Panel may determine that disclosing the person's identity would unduly violate the person's privacy and may decide that the decision, or part of the decision, shall be kept confidential.

Appeals Procedure

40. The decision of the Panel may be appealed in accordance with BiCan's *Appeal Policy*.