

## SPORT FOR LIFE SOCIETY PROCEDURE

<b>TITLE: DISCIPLINE AND COMPLAINTS PROCEDURE</b>	
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Note: In the following information asterisks \* indicate a definition or section adapted from the UCCMS

### Definitions

1. The following definitions have these meanings in this Procedure:
  - a) **Abuse-Free Sport** – An independent program that is part of a growing national movement to rid Canadian sport of all forms of harassment, discrimination and abuse, responsible for investigating reported violations of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS) and for imposing sanctions against individuals who violate the Code.
  - b) **Clients** – Users of the Sport for Life Society’s services, including NSOs, PSOs, MSOs, and any person or entity retaining Sport for Life Society expertise
  - c) **Complainant** – A Representative 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*
  - d) **\*Director of Sanctions and Outcomes (DSO)** – The role responsible for overseeing the imposition of provisional measures, approving mediated outcomes, and deciding and pursuing Sanctions arising from alleged violations of the UCCMS
  - e) **Dispute Resolution Secretariat** – A division of the Sport Dispute Resolution Centre of Canada (SDRCC) which provides Case Management services, including mediation and arbitration
  - f) **\*Maltreatment** – As defined in the *Code of Conduct and Ethics*
  - g) **\*Office of the Sport Integrity Commissioner (OSIC)** – An independent division of the Sport Dispute Resolution Centre of Canada (SDRCC) which comprises the functions of the Sport Integrity Commissioner, in line with policies and procedures of the OSIC
  - h) **Parties** – the Complainant and Respondent
  - i) **\*Power Imbalance** – A Power Imbalance is presumed to exist where a Participant has authority or control over another person, is in a position to confer, grant or deny a benefit or advancement to the person, or is responsible for the physical or psychological well-being of the person. Whether an actual Power Imbalance exists will be determined based on the totality of the circumstances, including the subjective view of the subordinate Participant. See Appendix I: Definitions in the UCCMS for a full description
  - j) **\*Prohibited Behaviour** - Conduct defined as Maltreatment or Prohibited Behaviour in the UCCMS, as amended from time to time by the SDRCC
  - k) **Representative** – Any individual employed by, or engaged in activities on behalf of, the Sport for Life Society including: employees, contractors, consultants, Learning Facilitators, the Board of Directors, volunteers, researchers, and administrators. All Sport for Life Society Representatives are *Participants*, as defined in the UCCMS.
  - l) **\*Respondent** – A Participant who is alleged to have engaged in one or more of the Prohibited Behaviours described in the UCCMS
  - m) **\*Sport Dispute Resolution Centre of Canada (SDRCC)** – A national non-profit organization mandated to establish an independent safe sport mechanism to implement the Universal Code of Conduct to prevent and address Maltreatment in Sport (the “UCCMS”) at the national level, as well

as to provide to the sport community a) a national alternative dispute resolution service for sport disputes; and b) expertise and assistance regarding alternative dispute resolution.

- n) \***UCCMS** – The Universal Code of Conduct to Address and Prevent Maltreatment in Sport

### **Purpose**

2. \*The Sport for Life Society is committed to creating a sport environment that is free from all forms of Maltreatment and that treats all Participants with dignity and respect.
3. Representatives are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, By-laws, rules and regulations of the Sport for Life Society. Non-compliance may result in the imposition of sanctions pursuant to this Procedure.

### **Principles**

4. \*The following principles guide the findings and determinations under this Procedure:
  - a) Harmonized; b) Comprehensive; c) Fair; d) Trauma-informed;
  - e) Evidence-driven; f) Independent administration; g) Proportionate; h) Expert-informed.

### **Application of this Procedure**

5. This Procedure applies to matters that may arise during the business, activities, and events of the Sport for Life Society.
6. This Procedure also applies to Representatives' conduct outside of the business, activities, and events of the Sport for Life Society when such conduct adversely affects the relationships (or the work environment) of the Sport for Life Society, is detrimental to the image and reputation of the Sport for Life Society, or upon the acceptance of the Sport for Life Society. Accordingly, applicability of this Procedure will be determined by the Sport for Life Society upon its sole discretion.
7. \*This Procedure applies to alleged breaches of the *Code of Conduct and Ethics* by Representatives who are no longer involved with the organization where any claim regarding a potential breach of the *Code of Conduct and Ethics* occurred when the Representative was involved with the organization. In addition, this Procedure will apply to breaches of the *Code of Conduct and Ethics* that occurred when the Representatives involved interacted due to their mutual involvement with the organization or, if the breach occurred outside of the work environment, if the breach has a serious and detrimental impact on the Representative(s).
8. In addition to being subject to disciplinary action pursuant to these *Discipline and Complaints Procedure*, an employee of the Sport for Life Society 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.

### **Reporting a Complaint**

9. Abuse-Free Sport is the Sport for Life Society's designated independent third-party mechanism, of which the Office of the Sport Integrity Commissioner (OSIC) is responsible for providing complaint management services pursuant to addressing and preventing maltreatment and prohibited behaviour in sport as outlined in the UCCMS.
10. Any person may report a complaint to the OSIC, via the [Canadian Sport Helpline](#) or the [OSIC's accessible online complaint platform](#).

11. At its discretion, the Sport for Life Society may act as the Complainant and initiate the complaint process under the terms of this Procedure. In such cases, the Sport for Life Society will identify an individual to represent the organization.

#### **Complaint Management Processes**

12. Upon receipt of a complaint, the OSIC will be responsible for preliminary assessment of the complaint and subsequent complaint management services. Complaint Management services will be pursuant to the OSIC and the SDRCC's processes, in accordance with their policies and procedures.
13. For all complaints that are deemed inadmissible by the OSIC, the Sport for Life Society will:
  - a) Propose the use of alternative dispute resolution techniques per the *Dispute Resolution Procedure*;
  - b) Engage the Dispute Resolution Secretariat to provide mediation and arbitration services, if necessary.

#### **Interim Measures Pending a Hearing**

14. The Sport for Life Society may determine that an alleged incident is of such seriousness as to warrant interim measures against a Representative pending completion of an investigation, criminal process, the hearing, or a decision of the Director of Sanctions and Outcomes. Interim measures may take many forms including but not limited to:
  - a) The imposition of conditions upon the continued participation of the Representative in the activities or work of Sport for Life Society, such as but not limited to:
    - i. work activity limited to administrative duties
    - ii. to complete duties at home
    - iii. work with different Clients
    - iv. perform duties under direct supervision at all times
  - b) Suspension of the Respondent from participation in the activities or work of Sport for Life Society, with or without pay, or under such other terms as are seen to be appropriate.
  - c) Security arrangements

#### **Confidentiality**

15. The complaint management process is confidential and involves only the Sport for Life Society, the parties, the OSIC, the DSO (if applicable), and the Dispute Resolution Secretariat (if applicable). 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.
16. Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the DSO (as applicable).

#### **Records and Distribution of Decisions**

17. 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 the OSIC's policies and procedures.
18. \*The Sport for Life Society 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, will be maintained by the OSIC and will be subject to provisions in the UCCMS.