

DISCIPLINE AND COMPLAINTS POLICY

Discipline and Complaints Policy

Overview

1. Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with all policies, by-laws, rules, and regulations of Ringette Canada (“Organization”), as updated and amended from time to time.
2. Non-compliance with any of the Organization’s policies, by-laws, rules, or regulations, or those of its Members, as applicable, may result in the imposition of sanctions pursuant to this Policy, or any other applicable policy or by-law of the Organization, or those of its Members, as applicable.

Purpose

3. The purpose of this Policy is to set out the processes by which complaints or reports of violations of the Organization’s *Code of Conduct and Ethics Policy* (the “Code”), the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (“UCCMS”), or other applicable policy will be dealt with.

Definitions

4. Terms in this Policy are defined as follows:
 - a) **Athlete** – An individual who is an Athlete participant in the Organization who is subject to the policies of the Organization.
 - b) **Athlete Support Personnel** – Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other person working with, treating or assisting an Athlete participating in or preparing for sports competition
 - c) **Complainant** – A Participant who makes a report of an incident, or a suspected incident, of alleged Maltreatment, Prohibited Behaviour or other misconduct that may be a violation of the standards described in the Organization’s policies, by-laws, rules or regulations, or the UCCMS.
 - d) **Days** – calendar days¹

¹ For the purpose of calculating deadlines, the following shall apply: the day of the act is not included in the calculation (i.e., the date of receipt of a decision is not Day 1); instead, the deadline would start on the day following receipt of the decision and would expire at midnight (in the location of the individual seeking to file an appeal) on the last day of the period. If the end date is a Saturday, a Sunday or a legal holiday, the period runs until the next day that is not a Saturday, a Sunday or a legal holiday. For example, if an Individual receives a decision on Thursday December 17, 2020, the 14-day deadline to appeal this decision starts on Friday December 18, 2020 and

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- e) ***Director of Sanctions and Outcomes (DSO)*** – Responsible for overseeing the imposition of Provisional Measures, agreed outcomes, Sanctions and appearing before the Safeguarding Tribunal or the Appeal Tribunal in cases arising from a potential breach of the UCCMS (or other conduct rules, as applicable).
- f) ***External Discipline Panel*** – A Panel of one or three people who are appointed by the Independent Third Party to decide on complaints that are assessed under Process #2 of this Policy.
- g) ***Event*** – An event sanctioned by the Organization, and which may include a social Event.
- h) ***Harassment*** – as defined in the *Code*.
- i) ***Independent Third Party*** – the individual retained by the Organization to receive reports and complaints, and to fulfill the responsibilities outlined in the *Discipline and Complaints Policy* and *Appeal Policy*, as applicable. This individual must not be in a real or perceived conflict of interest or have a direct relationship with any of the Parties.
- j) ***Internal Discipline Chair*** – An individual appointed by the Organization to decide on complaints that are assessed under Process #1 of this Policy. The Internal Discipline Chair may be a Director, head coach, staff member, or other individual affiliated with the Organization but must not be in a conflict of interest or have a direct relationship with any of the Parties.
- k) ***Maltreatment*** – as defined in the *UCCMS*
- l) ***Minor*** – as defined in the *UCCMS*.
- m) ***Parties*** – the individuals involved in a complaint/reported incident, normally the complainant and respondent.
- n) ***OSIC*** – Office of the Sport Integrity Commissioner, an independent division of the SDRCC which comprises the functions of the Sport Integrity Commissioner
- o) ***Participants*** – Refers to all categories of individual members and/or registrants defined in the By-laws of Ringette Canada who are subject to the policies of Ringette Canada, as well as all people employed by, contracted by, or engaged in activities with, Ringette Canada including, but not limited to, employees, contractors, Athletes, coaches, facilitators, evaluators, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, committee members, and Directors and Officers.

would expire on Friday January 1, 2021. However, since January 1, 2021 is a legal holiday, January 2, 2021 is a Saturday, and January 3, 2021 is a Sunday, the deadline to appeal would expire at midnight (in the location of the individual seeking to file an appeal) on January 4, 2021.

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- p) ***Person in Authority*** – Any Organizational Participant who holds a position of authority within the Organization including, but not limited to, coaches, instructors, officials, managers, support personnel, chaperones, committee members, or directors and officers.
- q) ***Power Imbalance*** – as defined in the *UCCMS*.
- r) ***Provisional Suspension*** – means that the Participant is barred temporarily from participating in any capacity in any Event or activity of the Organization and its Members, or as otherwise decided pursuant to the *Discipline and Complaint Policy*, prior to the decision rendered in a hearing conducted pursuant to this Policy.
- s) ***Respondent*** – The Party responding to the complaint.
- t) ***UCCMS*** - *Universal Code of Conduct to Prevent and Address Maltreatment in Sport*, as amended from time to time by the SDRCC
- u) ***UCCMS Participant*** – A Participant affiliated with the Organization who has been (a) designated by the Organization to be a UCCMS Participant and (b) who has signed the required consent form. UCCMS Participants may include an Athlete, an official, an Athlete Support Personnel, an employee, a contractual worker, an administrator, or a volunteer acting on behalf of, or representing the Organization in any capacity.
- v) ***Vulnerable Participant*** – as defined in the UCCMS.

Application

- 5. This Policy applies to Participants and to any alleged breaches of the Organization’s policies, by-laws, rules or regulations.
- 6. In addition to being subject to disciplinary action pursuant to this Policy, an employee of the Organization who is a Respondent to a complaint may also be subject to consequences in accordance with the employee’s employment agreement or the Organization’s human resources policies, if applicable.

Reporting

UCCMS Participants report to OSIC

- 7. Incidents that involve alleged Maltreatment or Prohibited Behaviour, as defined in the [UCCMS](#), that occurred or continued as of May 1st, 2023 involving a UCCMS Participant must be reported to the Office of the Sport Integrity Commissioner (“OSIC”) [<https://osic-bcis.i-sight.com/portal>] and will be addressed pursuant to the OSIC’s policies and procedures.

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8. Incidents that involve alleged Maltreatment or Prohibited Behaviour that occurred before May 1st, 2023 involving a UCCMS Participant may be reported to the OSIC; however, the OSIC shall determine the admissibility of such complaints in accordance with the relevant and applicable OSIC Guidelines regarding the initial review and preliminary assessment. Where the Parties have not been designated by the Organization as a UCCMS Participant, incidents reported to OSIC may not proceed pursuant to the OSIC's procedures without the express consent of the Parties.
9. If the Independent Third Party receives a complaint that they consider would fall within the jurisdiction of the OSIC, they shall refer the complaint to the OSIC and notify the individual(s) that made the complaint of such action.

Non-UCCMS Participants report to Independent Third Party

10. Any complaints involving alleged breaches of the Organization's policies that involve non-UCCMS Participants or otherwise do not fall within OSIC jurisdiction may be reported by a Participant to the Independent Third Party in writing. Complaints should be brought as soon as possible and no later than 120 calendar days from the occurrence of the incident]². For the avoidance of doubt, this includes complaints referred back to the Independent Third Party by the OSIC following a determination made by the OSIC that a complaint initially reported to it does not fall within its jurisdiction. [The OSIC is not required to comply with the deadline specified in this section].
11. Notwithstanding any provision in this Policy, the Organization may, at its discretion, or upon request by the Independent Third Party, act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, the Organization will identify an individual to represent the Organization.
12. A Participant who fears reprisal or who otherwise has sufficient reason to wish to keep their identity confidential may file a complaint with the Independent Third Party and request that their identity be kept confidential. The Independent Third Party may, where it considers appropriate, ask that the Organization take carriage of the complaint and act as the Complainant.³
13. In exceptional circumstances, the Independent Third Party may direct a complaint to be managed by the Organization if one of its Members is otherwise unable to manage the complaint for valid and justifiable reasons, such as a conflict of interest, due to a lack of capacity, or where the Member does not have policies in place to address the complaint. In such circumstances, the Organization shall have the right to request that a cost-sharing

² This timeline may be waived at the Independent Third Party's sole discretion if they consider that there were extenuating circumstances that prevented the Individual from Reporting their complaint within 120 days] of the occurrence of the incident. Any such decision by the Independent Third Party is not subject to appeal.

³ In such circumstances, the Participant making the complaint may nevertheless be required to participate to some extent in the process, such as providing evidence during the disciplinary process, for example. Their identity will be kept in the strictest confidence, to the greatest extent possible but complete anonymity may not be possible.

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agreement is entered into with the Member as a pre-condition to the Organization managing the complaint.

14. Where the Independent Third Party refers a matter to be managed by a Member or affiliated organization, or where a Member or affiliated organization is otherwise responsible for managing a matter (i.e., because they received the matter directly), and the Member and/or affiliated organization fails to conduct disciplinary proceedings within a reasonable timeline, the Organization may, at its discretion, take jurisdiction over the matter and conduct the necessary proceedings. In such circumstances, if the Internal Discipline Chair or External Discipline Panel decides that the Organization acted reasonably in taking jurisdiction over the matter, the Organization's costs to conduct the proceedings, including legal fees, shall be reimbursed by the Member and/or affiliated organization to the Organization.

Minors

15. Complaints may be brought by 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. If the Minor's representative is not their parent/guardian, the representative must have written permission to act in such a capacity from the Minor's parent/guardian.
17. Communications from the Independent Third Party, Internal Discipline Chair, or External Discipline Panel (as applicable) must be directed to the Minor's representative.
18. A Minor is not required to attend or participate in an oral hearing, if held, or participate in an investigation if conducted. In such circumstances, no adverse inference can be drawn against the Minor.

Independent Third Party Responsibilities

19. Upon receipt of a complaint, the Independent Third Party must:
 - a) Determine whether the complaint falls within the jurisdiction of this Policy and whether it has been submitted in accordance with the timeline indicated herein;
 - b) Determine the appropriate jurisdiction to manage the complaint by considering the following:
 - i. whether the incident occurred within the business, activities, or Events of the Organization, or one of its Members or affiliated organizations; and
 - ii. if the Member or affiliated organization can manage the complaint process⁴.

⁴ In making this assessment, the Independent Third Party may determine that the Member or affiliated organization lacks the capacity to manage the complaint (which may include financial and human resource capacity), that the Member or affiliated organization is not the appropriate instance to manage the complaint due

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- c) Determine whether the complaint is frivolous, vexatious or if it has been made in bad faith⁵;
- d) Determine if the alleged incident should be investigated pursuant to **Appendix A – Investigation Procedure**; and
- e) Choose which process (Process #1 or Process #2, as outlined below) should be followed to hear and adjudicate the matter.

Complaint Processes

A complaint will be addressed using either Process #1 or Process #2. Subject to paragraph 18 above, the Independent Third Party decides which of the two processes, if any, will be followed, and such decision is not appealable.

Process #1 – the complaint contains allegations involving the following behaviours:

- a) Disrespectful conduct or comments.
- b) Minor acts of physical violence, unless the physical violence is between a Person in Authority and a Vulnerable Participant, in which case the matter will be addressed under Process #2.
- c) Conduct contrary to the values of the Organization or those of one of its Members or affiliated organizations.
- d) Non-compliance with the policies, procedures, rules, or regulations of the Organization or those of one of its Members or affiliated organizations.
- e) Minor violations of the policies or bylaws of the Organization or those of one of its Members or affiliated organizations.

to its seriousness (for example, clubs may not be expected to manage serious complaints due to the complexity of conducting such a process), or that a real or perceived conflict of interest exists within the Member or affiliated organization.

If the Independent Third Party determines that the complaint should be handled by a Member, PTSO or affiliated organization, that organization may use its own policies to address the complaint or may adopt this Policy and appoint its own Independent Third Party to fulfil the responsibilities listed herein. Where this Policy is adopted by a Member, PTSO or affiliated organization, any reference to Independent Third Party below shall be understood as a reference to the Independent Third Party of the PTSO or affiliated organization.

⁵ As indicated in the Sport Dispute Resolution Centre of Canada's Investigation Guidelines, a reported complaint shall not be characterized as vexatious if the evidence demonstrates that there was a reasonable basis for filing and pursuing it. For a complaint to be considered to have been made in bad faith, the Independent Third Party must consider that it was filed consciously for a dishonest purpose or due to the moral underhandedness of the Complainant and that there was an intention to mislead.

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The behaviours identified above are examples only and are not a definitive list of behaviours that may be addressed through Process #1.

Process #2 – the complaint contains allegations involving the following behaviours:

- a) Repeated incidents described in Process #1.
- b) Hazing.
- c) Abusive, racist, or sexist comments, conduct or behaviour.
- d) Incidents that constitute Prohibited Behaviour under the *Code* or the UCCMS.
- e) Major incidents of violence (e.g., fighting, attacking).
- f) Pranks, jokes, or other activities that endanger the safety of others.
- g) Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition.
- h) Conduct that intentionally damages the image, credibility, or reputation of the Organization or that of one of its Members or affiliated organizations.
- i) Consistent disregard for the by-laws, policies, rules, or regulations of the Organization or those of one of its Members or affiliated organizations.
- j) Major or repeated violations of the *Code* or any other policies, by-laws, rules or regulations that designate this *Discipline and Complaints Policy* as applicable to address such alleged breaches.
- k) Intentionally damaging the property of the Organization, one of its Members or affiliated organizations, or improperly handling any of the aforementioned organizations' monies.
- l) Abusive use of alcohol, any use or possession of alcohol by Minors, or use or possession of illicit drugs and narcotics.
- m) A conviction for any *Criminal Code* offense.

The behaviours identified above are examples only and are not a definitive list of behaviours that may be addressed through Process #2.

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Provisional Suspensions

20. If it is considered appropriate or necessary based on the circumstances, the Independent Third Party and/or the Executive Director of the Organization may impose a Provisional Suspension or interim measures against any Participant pending the completion of the process, after which discipline or further sanctions may be applied according to this Policy.
21. If an alleged breach occurs at a competition, it will be dealt with by the procedures specific to the competition, if applicable. Provisional Suspensions or interim measures may be imposed for the duration of a competition, training, activity, or Event only, or as otherwise determined appropriate by the Independent Third Party and/or designated senior staff member.⁶
- 22.** Notwithstanding the above, the Organization and/or Independent Third Party may determine that an alleged breach is of such seriousness as to warrant the imposition of a Provisional Suspension of a Respondent pending completion of an investigation, assessment and/investigation by the OSIC, the hearing, the decision of the External Discipline Panel, or a criminal process.
- 23.** Any Respondent against whom a Provisional Suspension or interim measure is imposed may make a request to the Independent Third Party or External Discipline Panel (if appointed) to have the Provisional Suspension or interim measure lifted. In such circumstances, the Organization shall be provided with an opportunity to make submissions, orally or in writing, regarding the Respondent's request to have their Provisional Suspension lifted. Provisional Suspensions or interim measures shall only be lifted in circumstances where the Respondent establishes that it would be manifestly unfair to maintain the Provisional Suspension or interim measures against them.
- 24.** Any decision not to lift a Provisional Suspension or interim measure shall not be subject to appeal.

Procedural Steps

PROCESS #1: Handled by Internal Discipline Chair

25. Following the determination that the complaint or incident should be handled under Process #1, the Independent Third Party will appoint an Internal Discipline Chair who may:
- a) Propose alternative dispute resolution techniques, if appropriate;
 - b) Ask the Complainant and the Respondent for either written or oral submissions regarding the complaint/incident. Both Parties shall also have the right to submit to the Internal Discipline Chair any relevant evidence, including, but not limited to

⁶ In-competition discipline or sanction imposed by the applicable official or authority does not prevent a Participant from facing additional disciplinary proceedings under this Policy.'

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witness statements, documentary evidence or evidence from other media (i.e., photos, screenshots, videos or other recordings). Each Party shall have the right to receive the other Party's submissions and evidence, including the Complainant's complaint. In the case of oral submissions, each Party shall be present when such submissions are made (unless waived by a Party); and/or,

- c) Following receipt of the Parties' submissions, the Internal Discipline Chair may convene the Parties to a meeting, either in person or by way of video or teleconference, to ask the Parties questions and to allow the Parties to ask questions of one another.
26. Following their review of the submissions and evidence related to the complaint, the Internal Discipline Chair shall determine if the alleged breach has been substantiated and, if so, what appropriate sanction, if any, will be imposed (see the **Sanctions** section). If, after hearing the Parties and reviewing their submissions, the Internal Discipline Chair considers that the alleged breach has not been substantiated, they shall dismiss the complaint.
27. Unless delegated to the Independent Third Party, the Internal Discipline Chair will inform the Parties of the Internal Discipline Chair's decision, which shall be in writing and include reasons. The Internal Discipline Chair's decision will take effect immediately, unless specified otherwise by the Internal Discipline Chair. Should the circumstances require a decision to be rendered immediately or within a short timeline, the Internal Discipline Chair may render a short decision, either orally or in writing, followed by a written reasoned decision.
28. Any decision rendered by the Internal Discipline Chair shall be provided to and maintained in the records of the Organization and any applicable Member and/or Club to which the Respondent belongs. Decisions will be kept confidential by the Parties and any such applicable organizations and shall be retained and discarded in accordance with applicable privacy legislation.

PROCESS #2: Handled by Independent Third Party and External Discipline Panel

29. 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. If the complaint is not resolved using alternative dispute resolution methods, the Independent Third Party will appoint an External Discipline Panel of one (1) person to hear the complaint. Thereafter, the Independent Third Party shall have the following responsibilities:
- a) Coordinate all administrative aspects of the process and set reasonable timelines;
 - b) Provide administrative assistance and logistical support to the External Discipline Panel as required, including providing the External Discipline Panel with any information related to previously imposed disciplinary sanctions against the

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Respondent(s) of the policies of the Organization, any Member or any other sport organization that had authority over the Respondent; and,

- c) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
30. The Independent Third Party will establish timelines and address the complaint in a timely fashion and in a manner that respects procedural fairness.
 31. If warranted based on the nature of the case, the Independent Third Party may, in their sole discretion, appoint an External Discipline Panel of three (3) people. When a three-person External Discipline Panel is appointed, the Independent Third Party will appoint one of the External Discipline Panel members to serve as the Chair.
 32. The Independent Third Party, in cooperation with the External 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, virtually, 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.
 33. The hearing will be governed by the procedures that the Independent Third Party and the External Discipline Panel deem appropriate for the circumstances. The following procedural directions will apply:
 - a) The determination of procedures and timelines, as well as the hearing duration, shall be as expedient and cost-efficient as possible to ensure that costs to the Parties and the Organization and/or the Member are reasonable.
 - b) The Parties will be given appropriate notice of the day, time, and place of the hearing.
 - c) Copies of any written documents which any of the Parties wishes to have the External Discipline Panel consider will be provided to all Parties, through the Independent Third Party, in advance of the hearing and in accordance with the timelines set by the Independent Third Party.
 - d) The Parties may engage a representative, advisor, translator, transcription services or legal counsel at their own expense.
 - e) The External Discipline Panel may request that any other individual participate and give evidence at the hearing.
 - f) If not a Party to the complaint, the Organization and/or the relevant Member shall be allowed to attend the hearing as an observer and will be provided with access to any documents submitted. With the permission of the External Discipline Panel,

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the Organization and/or the relevant Member may make submissions at the hearing or may provide the discipline panel with clarifying information that may be required for the External Discipline Panel to render its decision.⁷

- g) The External Discipline Panel shall allow any evidence at the hearing filed by the Parties and may exclude any evidence that is unduly repetitious or otherwise an abuse of process. The External Discipline Panel shall otherwise apply relevant and applicable evidentiary rules in relation to the admissibility and weight given to evidence filed by the Parties.
- h) Nothing is admissible in evidence at a hearing that:
 - i. would be inadmissible in a court by reason of any privilege under the law of evidence; or
 - ii. is inadmissible by any statute.
- i) The decision will be by a majority vote of the External Discipline Panel when the Panel consists of three people.

34. If the Respondent admits to the alleged breach or acknowledges key facts as alleged, the Respondent may waive the hearing, in which case the External Discipline Panel will determine the appropriate sanction. The External Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.

35. The process will still proceed even if a Party chooses not to participate in a hearing.

36. 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, shall be permitted to participate in the proceedings as determined by the External Discipline Panel, and will be bound by the decision.

37. In fulfilling its duties, the External Discipline Panel may obtain independent advice.

⁷ The purpose of this provision is not to provide the Organization or a Member with the possibility to try to influence whether a sanction is imposed and, if so, the duration or nature of the sanction. Instead, this provision is intended to provide the Organization or a Member with the possibility to provide the discipline panel with clarifying information when the parties have sought a particular sanction against an Individual, but they have misunderstood or misrepresented fundamental elements of the programming or membership structure (or other similar issues) and, if left unaddressed, could result in the discipline panel imposing a sanction that is unenforceable.

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Decision

38. After hearing the matter, the External Discipline Panel will determine whether an alleged breach is substantiated and, if so, the sanctions to be imposed. If the External Discipline Panel considers that an alleged breach is not substantiated, the complaint will be dismissed.
39. Normally within fourteen (14) days of the conclusion of the hearing, the Independent Third Party will distribute the External Discipline Panel's written decision, with reasons, to the Parties, the Organization, and the relevant Member(s).
40. In extraordinary circumstances, the External Discipline Panel may first issue a verbal or summary decision soon after the conclusion of the hearing, with the full written decision to be issued before the end of the fourteen (14) day period, or promptly thereafter.
41. The External Discipline Panel's decision will come into effect as of the date that it is rendered, unless decided otherwise by the External Discipline Panel. The External Discipline Panel's decision will apply automatically to the Organization, its Members, and other applicable organizations, in accordance with the Reciprocation Policy.
42. Unless the matter involves a Vulnerable Participant, once the appeal deadline in the *Appeal Policy* has expired, the Organization or the Member (as applicable) shall publish on their website the outcome of the case, the provision(s) of the relevant policies that have been violated, the name(s) of the Participants involved and the sanction(s) imposed, if any. If the matter is appealed, the publication provisions in the *Appeal Policy* shall apply. Identifying information regarding Minors or Vulnerable Participants will never be published by the Organization or its Members.
43. If the External Discipline Panel dismisses the complaint, the information referred to in the preceding paragraph may only be published with the Respondent's consent. If the Respondent does not provide such consent, such information will be kept confidential by the Parties, the Independent Third Party, the Organization and any applicable Member (including the Respondent's club) and shall be retained and discarded in accordance with applicable privacy legislation. Failure to respect this provision may result in disciplinary action being taken pursuant to this *Policy*.
44. Other individuals or organizations, including but not limited to, Members, Provincial/Territorial sport organizations, sport clubs, etc., shall be advised of the outcome of any decisions rendered in accordance with this Policy.
45. Records of all decisions will be maintained by the Organization in accordance with their Privacy Policy.
46. When the External Discipline Panel imposes a sanction, the decision shall include, at a minimum, the following details:
 - a) Jurisdiction;

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- b) Summary of the facts and relevant evidence;
- c) Where applicable, the specific provision(s) of the Organization's policies, bylaws, rules or regulations that have been breached;
- d) Which Party or organization is responsible for the costs of implementing any sanction;
- e) Which organization is responsible for monitoring that the sanctioned individual respects the terms of the sanction;
- f) Any reinstatement conditions that the Respondent must satisfy (if any);
- g) Which organization is responsible for ensuring that the conditions have been satisfied; and,
- h) Any other guidance that will assist the Parties to implement the External Discipline Panel's decision.

If necessary, a Party – or the organization that is responsible for implementing or monitoring a sanction – may seek clarifications from the External Discipline Panel regarding the order so that it can be implemented or monitored appropriately.

Sanctions

47. When determining the appropriate sanction, the Internal Discipline Chair or External Discipline Panel, 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 the Organization;
 - f) Real or perceived impact of the incident on the Complainant, sport organization or the sporting community;

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- 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.
48. 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.
49. The Internal Discipline Chair or External 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 that a Participant has violated the *Code* and that more severe sanctions will result should the Participant commit other violations.
 - b) **Education** – The requirement that a Participant undertake specified educational or similar remedial measures to address the violation(s) of the *Code* or the UCCMS.
 - c) **Probation** – a specified amount of time within which certain terms and conditions must be met by the Participant, such as remaining in good standing and remaining in compliance with the *Code* and UCCMS. Should any further violations of the *Code* or the UCCMS occur during the probationary period, this may result in additional disciplinary measures, including, without limitation, a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements during the 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 sponsored by, organized by, or under the auspices of the Organization. A suspended Participant may be 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.

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- f) **Permanent Ineligibility** – Ineligibility to participate in any capacity in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of the Organization.
- 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.

50. The Internal Discipline Chair or External 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, or a Complainant who was a Minor at the time of the incidents complained of, 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 allegations of a crime against a person, if justified by the seriousness of the offence, the presumptive sanction shall be a period of suspension until a final determination is made by the applicable process.

51. A Participant's conviction for certain *Criminal Code* offenses involving harmful conduct shall carry a presumptive sanction of permanent ineligibility from participating with the Organization. Such *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

52. Failure to comply with a sanction as determined by the External Discipline Panel will result in an automatic suspension until such time as compliance occurs.

OSIC Sanctions

53. As a Program Signatory to the OSIC, the Organization will ensure that any sanctions or measures imposed by the OSIC's Director of Sanctions and Outcomes ("DSO") will be implemented and respected within the Organization's jurisdiction (including at the provincial, territorial and club level), once the Organization receives appropriate notice of any sanction or measure from the OSIC.

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Appeals

54. The decision of an Internal Discipline Chair or External Discipline Panel, as applicable, may be appealed in accordance with the *Appeal Policy*.

Confidentiality

55. The disciplinary process is confidential and involves only the Organization, the Member (where applicable), the Parties, the Independent Third Party, the Internal Discipline Chair, the External Discipline Panel (as appropriate), and any independent advisors to the External Discipline Panel.

56. None of the Parties (including their representatives) or witnesses or organizations referred to in the preceding paragraph will disclose confidential information relating to the complaint or a sanction to any person not involved in the proceedings, unless the Organization is required to notify an organization such as an international federation, Sport Canada or other sport organization (i.e., where a Provisional Suspension or interim measures have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law.

57. Any failure to respect the confidentiality requirement may result in further sanctions or discipline by the Internal Discipline Chair or External Discipline Panel (as applicable).

Timelines

58. 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.

Privacy

59. The collection, use and disclosure of any personal information pursuant to this Policy is subject to the Organization's *Privacy Policy*.

60. The Organization, its Members, or any of their delegates pursuant to this Policy (i.e., Independent Third Party, Internal Discipline Chair, External Discipline Panel), shall comply with the Organization's Privacy Policy (or, in the case of a Member, the Member's Privacy Policy) in the performance of their services under this Policy.

This Policy is subject to review at least once every year

Date of last review: February 15, 2023

The publication of Ringette Canada policies will be in the English and French languages. In the case of conflicting interpretations, the English version will prevail.

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Appendix A – Investigation Procedure

Determination

1. When a complaint is submitted pursuant to the Procedure and is accepted by the Independent Third Party, the Independent Third Party will determine if the incident(s) should be investigated.

Investigation

2. If the Independent Third Party considers that an investigation is necessary, they will appoint an investigator. The investigator must be an independent third-party with experience in investigating. The investigator must not be in a conflict-of-interest situation and should have no connection to either Party.
3. Federal and/or Provincial/Territorial legislation related to Workplace Harassment may apply to the investigation if Harassment was directed toward a worker in a Workplace. The investigator should review workplace safety legislation, the organization's policies for human resources, and/or consult independent experts to determine whether legislation applies to the complaint.
4. The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial/Territorial legislation. The investigation may include:
 - a) Interview(s) with the Complainant
 - b) Statement of facts (from the Complainant's perspective) prepared by investigator, acknowledged by the Complainant, and provided to the Respondent.
 - c) Interview(s) with the Respondent
 - d) Witness interviews
 - e) Statement of facts (from the Respondent's perspective) prepared by investigator, acknowledged by the Respondent and provided to the Complainant.

Investigator's Report

5. Upon completion of their investigation, the investigator shall prepare a written report that shall include a summary of evidence from the Parties and any witnesses interviewed. The report shall also include a non-binding recommendation from the investigator regarding whether an allegation or, where there are several allegations, which allegations, should be heard by an External Discipline Panel pursuant to the *Discipline and Complaints Policy* on the grounds that they constitute a likely breach of the Organization's *Code of Conduct and Ethics Policy*, the UCCMS or any other relevant and applicable Organization or Member policy. The

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investigator may also make non-binding recommendations regarding the appropriate next steps (i.e., mediation, disciplinary procedures, further review or investigation).

6. The investigator's report will be provided to the Independent Third Party who will disclose it, at their discretion, all or part of the investigation to the Organization and the relevant Members (if applicable). The Independent Third Party may also disclose the investigator's report – or a redacted version to protect the identity of witnesses – to the Parties, at their discretion, with any necessary redactions. Alternatively, and only if necessary, other relevant Parties may be provided with an executive summary of the investigator's findings by the Independent Third Party.
7. Should the investigator find that there are possible *Criminal Code* offences, the investigator shall advise the Parties, the Organization and, where applicable, the Member, and the matter shall be referred by the Independent Third Party to the police.
8. The Investigator must also inform the Organization or the Member (as applicable) of any findings of criminal activity. The Organization or the Member (as applicable) may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of prohibited substances or methods (as indicated in the version of the World Anti-Doping Agency's Prohibited List currently in force), any sexual crime involving Minors, fraud against the Organization or any Member(s) (as applicable), or other offences where the lack of reporting would bring the Organization or the Member (as applicable) into disrepute.

Reprisal and Retaliation

9. A Participant who submits a good faith complaint to the Independent Third Party or who gives evidence in good faith in an investigation may not be subject to reprisal or retaliation from any individual or group. Any such reprisal or retaliation may constitute Prohibited Behaviour and be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy* or the policies and procedures of the OSIC, as applicable.

Frivolous, Vexatious, or Bad Faith Allegations

10. A Participant who submits allegations that the Investigator determines to be frivolous, vexatious, or otherwise for the purpose of retribution, retaliation or reprisal may be subject to a complaint pursuant to the *Discipline and Complaints Policy* and may be required to pay for the costs of any investigation conducted for the bad faith complaint. The investigator may recommend to the Organization or the Member (as applicable) that the Participant be required to pay for the costs of any investigation that comes to this conclusion. Any Participant who is liable to pay for such costs shall be automatically deemed to be not in good standing until the costs are paid in full and shall be prohibited from participating in any Organization or applicable Member Events, activities, or business. The Organization, any applicable Member(s), or the Participant against whom the allegations were submitted may act as the Complainant with respect to making a complaint pursuant to this Section.

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Confidentiality

11. The Investigator will make reasonable efforts to conduct the investigation in the strictest confidence. The Organization and its Members recognizes that maintaining complete anonymity for some or all Participants involved in an investigation may not be feasible.

Privacy

12. The collection, use and disclosure of any personal information pursuant to this Procedure is subject to the Organization's *Privacy Policy*.
13. The Organization, its Members, or any of their delegates pursuant to this Procedure (i.e., Independent Third Party, Internal Discipline Chair, External Discipline Panel), shall comply with the Organization's *Privacy Policy* (or, in the case if a Member, the Member's Privacy Policy) in the performance of their services under this Procedure.