

# LUGE CANADA

## DISCIPLINE AND COMPLAINTS POLICY

\* Indicates a section or definition that has been adapted from the UCCMS

### Definitions

1. The following terms have these meanings in this Policy:
  - a) **\*Athlete** – An individual who is an Athlete Participant in Luge Canada or an Organization who is subject to the UCCMS and the policies of Luge Canada or an Organization
  - b) **\*Complainant** – A Participant 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*
  - c) **Days** – Days including weekends and holidays
  - d) **Discipline Chair** – An individual appointed or assigned by the Independent Case Manager to handle complaints about minor incidents under Process #1 of this Policy. This individual will typically be Luge Canada's President (or designate) unless the President is in a conflict of interest
  - e) **Independent Case Manager** – An individual appointed by Luge Canada (typically the Safe Sport Officer or designate) to administer certain complaints under this Policy. The Independent Case Manager does not need to be a member of, or affiliated with, Luge Canada
  - f) **\*Maltreatment** – As defined in the *Code of Conduct and Ethics*
  - g) **\*Minor** – Any Participant who is under the age of majority at the time and in the jurisdiction where the alleged Maltreatment has occurred. Adults are responsible for knowing the age of a Minor. For the purpose of protection in each Canadian province and territory, a Minor is a child younger than the following age:
    - i. 16 years old: Newfoundland and Labrador; Saskatchewan; Northwest Territories; Nunavut
    - ii. 18 years old: Prince Edward Island; Quebec; Ontario; Manitoba; Alberta
    - iii. 19 years old: Nova Scotia; New Brunswick; British Columbia; Yukon
  - h) **Organizations** – Luge Canada's provincial/territorial members as well as their affiliated clubs
  - i) **\*Participants** – Refers to all categories of individual members and/or registrants defined in the By-laws of Luge Canada and Organizations who are subject to the UCCMS and the policies of Luge Canada and Organizations, as well as all people employed by, contracted by, or engaged in activities with, Luge Canada and Organizations including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, committee members, and Directors and Officers
  - j) **\*Respondent** – The Party responding to the complaint

### Purpose

2. Participants and Organizations are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with Luge Canada's policies, By-laws, rules and regulations, and the *Code of Conduct and Ethics*. Non-compliance may result in sanctions pursuant to this Policy.

### Principles

3. \*The following principles guide the findings and determinations under this Policy:
  - a) Any form of Maltreatment violates the integrity of Participants and undermines the values of Canadian sport
  - b) Sanctions imposed will reflect the seriousness of the Maltreatment and the harm to those affected and the values of Canadian sport
  - c) This Policy and its procedures will be:
    - i. Harmonized (applied to all Participants across Canada)

- ii. Fair (procedural and substantive due process for all Participants)
- iii. Comprehensive (all forms of Maltreatment addressed and potential sanctions described)
- iv. Expert-informed (the determination of Maltreatment and impositions of sanctions will be informed by those with expertise in such areas as sport, child abuse, and the law)
- v. Trauma-informed (acknowledgement of the physical, psychological and emotional effects of trauma, and avoidance of re-traumatization)
- vi. Evidence-driven (evidence of Maltreatment required, where Evidence or “proof” of maltreatment may include the words/report of a complainant if found credible by the relevant authorities. Depending upon the nature of the Maltreatment, physical evidence, corroboration or third-party verification may not be needed)
- vii. Independent administration (free from all conflicts of interest)

### **Application of this Policy**

4. This Policy applies to all Participants and Organizations.
5. This Policy applies to matters that may arise during Luge Canada’s business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with Luge Canada’s activities, and any meetings.
6. This Policy also applies to Participants’ conduct outside of Luge Canada’s business, activities, and events when such conduct adversely affects relationships within Luge Canada or its Organizations (and its work and sport environment), is detrimental to the image and reputation of Luge Canada or its Organizations, or upon the acceptance of Luge Canada. Applicability will be determined by Luge Canada at its sole discretion.
7. \*This Policy applies to alleged breaches of the *Code of Conduct and Ethics* by Participants who have retired from the sport where any claim regarding a potential breach of the *Code of Conduct and Ethics* occurred when the Participant was active in the sport. In addition, this Policy will apply to breaches of the *Code of Conduct and Ethics* that occurred when the Participants involved interacted due to their mutual involvement in the sport or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Participant(s).
8. This Policy does not prevent immediate discipline or sanction from being applied as reasonably required. Further discipline may be applied according to this Policy. 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.
9. An employee of Luge Canada who is a Respondent will be subject to appropriate disciplinary action per Luge Canada’s policies for human resources, as well as the employee’s Employment Agreement, if applicable. Violations may result in a warning, reprimand, restrictions, suspension, or other disciplinary actions up to and including termination of employment.

### **Alignment**

10. Luge Canada recognizes that Participants may also be registered with provincial/territorial members and/or clubs. Luge Canada’s provincial/territorial members and/or clubs should submit discipline decisions involving Participants to Luge Canada and Luge Canada may take further action at its discretion.
11. If Luge Canada decides to take further action upon becoming aware of a Participant who has been disciplined by a provincial/territorial member and/or club, the Participant will be the Respondent to a complaint initiated under the terms of this Policy. Luge Canada may act as the Complainant if the original Complainant is unwilling or unavailable to participate in this process.

12. The Discipline Chair or Discipline Panel, as applicable, will review and consider the decision by the provincial/territorial member and/or club when deciding on the complaint per the terms of this Policy.

### **Adult Representative**

13. Complaints may be brought for or against a Participant who is a minor. Minors must have a parent/guardian or other adult serve as their representative during this process.

14. Communication from the Discipline Chair or Independent Case Manager, as applicable, must be directed to the minor's representative.

15. A minor is not required to attend an oral hearing, if held, unless determined otherwise by the Independent Case Manager, Discipline Chair or Discipline Panel.

### **Reporting a Complaint**

16. Any Participant may report an incident or complaint to Luge Canada's Independent Case Manager:

Paule Armeneau  
[paule.armeneau@mac.com](mailto:paule.armeneau@mac.com)  
Phone: (403) 813-6081

17. At the discretion of Luge Canada, Luge Canada may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, Luge Canada will identify an individual to represent Luge Canada.

18. Complaints or incident reports should be made in writing via a form and the person making the report may contact Luge Canada's Independent Case Manager for direction. The Independent Case Manager may accept any report, in writing or not, at his or her sole discretion.

19. The Independent Case Manager will determine the jurisdiction under which the report will be addressed and notify the Complainant. If the report should be handled by another Organization (e.g., a provincial/territorial member or club), the applicable organization may handle the complaint per its own policies or may adopt this policy and appoint its own Independent Case Manager to assume the responsibilities listed herein.

### **Receiving a Complaint**

20. The Independent Case Manager has the following responsibilities when a complaint is submitted:

- a) Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy
- b) Determine if the complaint can be resolved by alternate dispute resolution techniques, such as mediation or a negotiated settlement; and/or
- c) Choose which process should be followed, and may use the following examples as a general guideline:

Process #1 (Minor Incidents) - the Complainant alleges the following incidents:

- i. Disrespectful, abusive, racist, or sexist comments or behaviour
- ii. Disrespectful conduct
- iii. Minor incidents of violence (e.g., tripping, pushing, elbowing)
- iv. Conduct contrary to the values of Luge Canada
- v. Non-compliance with Luge Canada's policies, procedures, rules, or regulations
- vi. Minor violations of the *Code of Conduct and Ethics*

Process #2 (Major Incidents) - the Complainant alleges the following incidents:

- i. Repeated minor incidents

- ii. Any incident of hazing
- iii. Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
- iv. Major incidents of violence (e.g., fighting, attacking, sucker punching)
- v. Pranks, jokes, or other activities that endanger the safety of others
- vi. Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
- vii. Conduct that intentionally damages Luge Canada's image, credibility, or reputation
- viii. Consistent disregard for Luge Canada's bylaws, policies, rules, and regulations
- ix. Major or repeated violations of the *Code of Conduct and Ethics*
- x. Intentionally damaging Luge Canada's property or improperly handling Luge Canada's monies
- xi. Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
- xii. A conviction for any *Criminal Code* offense
- xiii. Any possession or use of banned performance enhancing drugs or methods

21. If the Independent Case Manager determines the complaint is frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately.

22. The Independent Case Manager's decision to accept or dismiss the complaint may not be appealed.

**Process #1: Handled by Discipline Chair**

Sanctions

23. Following the determination that the complaint or incident should be handled under Process #1, the Independent Case Manager will appoint or assign a Discipline Chair, who may:

- a) Recommend mediation
- b) Make a decision;
- c) Ask the Complainant and the Respondent for either written or oral submissions regarding the complaint or incident; or
- d) Convene the parties to a meeting, either in person or by way of video or teleconference in order to ask the parties questions

24. Thereafter, the Discipline Chair shall determine if a breach occurred and, if so, if one or more sanctions should be applied (see: **Sanctions**).

25. The Discipline Chair will inform the Parties of the decision, which will take effect immediately.

26. Records of all sanctions will be maintained by Luge Canada.

Request for Reconsideration

27. If there is no sanction, the Complainant may contest the non-sanction by informing the Discipline Chair, within five (5) days of receiving the decision, that the Complainant is not satisfied with the decision. The initial complaint or incident will then be handled under Process #2 of this Policy.

28. If there is a sanction, the sanction may not be appealed until the completion of a request for reconsideration. However, the Respondent may contest the sanction by submitting a Request for Reconsideration within five (5) days of receiving the sanction. In the Request for Reconsideration, the Respondent must indicate:

- a) Why the sanction is inappropriate;
- b) Summary of evidence to support the Respondent's position; and
- c) What penalty or sanction (if any) would be appropriate

29. Upon receiving a Request for Reconsideration, the Discipline Chair may decide to accept or reject the Respondent's suggestion for an appropriate sanction.
30. Should the Discipline Chair accept the Respondent's suggestion for an appropriate sanction, that sanction will take effect immediately.
31. Should the Discipline Chair not accept the Respondent's suggestion for an appropriate sanction, the initial complaint or incident will be handled under Process #2 of this Policy.

**Process #2: Handled by Independent Case Manager**

Independent Case Manager

32. Following the determination that the complaint or incident should be handled under Process #2, the Independent Case Manager has a responsibility to:
  - a) Appoint an Investigator who must not be in a conflict of interest situation or have any connection to either party
  - b) Appoint the Discipline Panel, if necessary
  - c) Coordinate all administrative aspects and set timelines
  - d) Provide administrative assistance and logistical support to the Discipline Panel as required
  - e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

*Investigation*

33. The Independent Case Manager may appoint an Investigator who is affiliated with the Sport Dispute Resolution Centre of Canada (SDRCC) or who is otherwise appropriately qualified to conduct an investigation.
34. Federal and/or Provincial legislation related to Workplace Harassment may apply to the investigation if Harassment was directed toward a worker in a Workplace (defined in the *Code of Conduct and Ethics*). The Investigator should review workplace safety legislation, review Luge Canada's policies for human resources, and/or consult independent experts to determine whether legislation applies to the complaint.
35. The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial legislation. The investigation may include:
  - a) Complainant interviewed;
  - b) Witnesses interviewed;
  - c) Statement of facts (Complainant's perspective) prepared by Investigator and acknowledged by Complainant;
  - d) Statement delivered to Respondent;
  - e) Respondent interviewed;
  - f) Witnesses interviewed; and
  - g) Statement of facts (Respondent's perspective) prepared by Investigator and acknowledged by Respondent
36. \*The Investigator must be aware that sport-specific differences exist with respect to such aspects as acceptable levels of touch, physical contact, and aggression during training or competition and will consider such differences during the investigative process.
37. \*A Participant who submits a complaint to Luge Canada or who gives evidence in an investigation may not be subject to reprisal or retaliation from any individual or group. Any such conduct may constitute Maltreatment and will be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy*.

38. When the investigation is completed, the Investigator will provide the Independent Case Manager with an Investigator's Report which should include a summary of evidence from the parties (including both statements of facts, if applicable) and recommendations from the Investigator of whether or not, on a balance of probabilities, an incident occurred that was in violation of the *Code of Conduct and Ethics*. The Independent Case Manager may disclose the Investigator's Report to Luge Canada and to others as necessary, per his or her discretion.

#### *Discipline Panel*

39. The Independent Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.

40. The Independent Case Manager will appoint a Discipline Panel, which shall consist of a single Arbitrator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Independent Case Manager, a Discipline Panel of three persons may be appointed to hear the complaint. In this event, the Independent Case Manager will appoint one of the Discipline Panel's members to serve as the Chair.

41. The Independent Case Manager, in cooperation with the 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 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. The hearing will be governed by the procedures that the Independent Case Manager and the Discipline Panel deem appropriate in the circumstances, provided that:

- a) The Parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing or an oral hearing by telephone or other communication medium
- b) Copies of any written documents which the parties wish to have the Discipline Panel consider will be provided to all Parties, through the Independent Case Manager, in advance of the hearing
- c) The Parties may engage a representative, advisor, or legal counsel at their own expense
- d) The Discipline Panel may request that any other individual participate and give evidence at the hearing
- e) The Discipline 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 unduly repetitious, and shall place such weight on the evidence as it deems appropriate
- f) The decision will be by a majority vote of the Discipline Panel

42. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Discipline Panel will determine the appropriate sanction. The Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.

43. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.

44. 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 current complaint and will be bound by the decision.

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

#### Decision

46. After hearing and/or reviewing the matter, the Discipline 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 Discipline Panel's written decision, with reasons, will be distributed to all Parties, the Independent Case

Manager, and Luge Canada. In extraordinary circumstances, the Discipline 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 Discipline Panel.

### Sanctions

47. \*Prior to determining sanctions, the Discipline Chair or Discipline Panel, as applicable, will consider factors relevant to determining appropriate sanctions which include:
- a) The nature and duration of the Respondent's relationship with the Complainant, including whether there is a Power Imbalance (as defined in the *Code of Conduct and Ethics*);
  - b) The Respondent's prior history and any pattern of inappropriate behaviour or Maltreatment;
  - c) The 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 Maltreatment, and/or cooperation in the process of Luge Canada;
  - f) Real or perceived impact of the incident on the Complainant, sport organization 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 of Conduct and Ethics*; 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 and aggravating circumstances
48. \*Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required and a single incident of Maltreatment or other prohibited behaviour may justify elevated or combined sanctions.
49. \*The Discipline Chair or 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 and formal admonition that a Participant has violated the *Code of Conduct and Ethics* and that more severe sanctions will result should the Participant be involved in other violations
  - b) **Education** - The requirement that a Participant undertake specified educational or similar remedial measures to address the violation(s) of the *Code of Conduct and Ethics*
  - c) **Probation** - Should any further violations of the *Code of Conduct and Ethics* occur during the probationary period, will result in additional disciplinary measures, likely including a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period of time
  - d) **Suspension** - Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, practice, activity, event, or competition sponsored by, organized by, or under the auspices of Luge Canada. A suspended Participant is 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
  - f) **Permanent Ineligibility** - Permanent ineligibility to participate, in any sport, in any capacity, in any program, activity, event, or competition sponsored by, organized by, or under the auspices of Luge Canada and/or any sport organization subject to the UCCMS

- 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 Discipline Chair or 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 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 dispositions in violation of the criminal law, the presumptive sanction shall be a period of suspension

51. A Participant's conviction for a *Criminal Code* offense, as determined by Luge Canada, will be deemed an infraction under this Policy and will result in expulsion from Luge Canada. *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
- d) Any offence of assault
- e) Any offence involving trafficking of illegal drugs

52. Unless the Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Discipline Panel will result in an automatic suspension until such time as compliance occurs.

53. Records of all decisions will be maintained by Luge Canada.

#### Appeals

54. The decision of the Discipline Panel may be appealed in accordance with the *Appeals Policy*.

#### **Suspension Pending a Hearing**

55. Luge Canada may determine that an alleged incident is of such seriousness as to warrant suspension of a Participant pending completion of an investigation, criminal process, the hearing, or a decision of the Discipline Panel.

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#### **Confidentiality**

56. The discipline and complaints process is confidential and involves only Luge Canada, the Parties, the Independent Case Manager, the Investigator (if appointed), the Discipline Chair or Discipline Panel (as applicable), and any independent advisors to the Discipline 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**

57. 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 Discipline Panel may direct that these timelines be revised.



**Records and Distribution of Decisions**

- 58. 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 this Policy.
  
- 59. \*Luge Canada 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, may be maintained and may be subject to provisions in the UCCMS.

<b>Policy History</b>	
Approved	
Next Review Date	