

LUGE CANADA POLICY

Discipline and Complaints Policy

Department:	Human Resources	Section:	Code of Conduct
Effective Date:	January 31, 2020		
Version:	1.0	Replaces:	Discipline Policy

Approved:

Luge Canada Board

1 DEFINITIONS

1.1 The following terms have these meanings in this Policy:

- a) *“Complainant”* – The Party making a complaint
- b) *“Days”* – Days including weekends and holidays
- c) *“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
- d) *“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
- e) *“Individuals”* – All categories of membership defined in Luge Canada’s Bylaws, as well as all individuals employed by, or engaged in activities with, Luge Canada including, but not limited to, Registered Participants (defined in Luge Canada’s Bylaws), athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, Directors and Officers of Luge Canada, spectators, and parents/guardians of athletes
- f) *“Organizations”* – Luge Canada’s provincial/territorial members as well as their affiliated clubs
- g) *“Respondent”* – The Party responding to the complaint

2 PURPOSE

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

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Discipline and Complaints Policy

3 SCOPE AND APPLICABILITY

- 3.1 This Policy applies to all Individuals and Organizations.
- 3.2 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.
- 3.3 This Policy also applies to Individuals' conduct outside of Luge Canada's business, activities, and events when such conduct adversely affects relationships within Luge Canada (and its work and sport environment), is detrimental to the image and reputation of Luge Canada, or upon the acceptance of Luge Canada. Applicability will be determined by Luge Canada at its sole discretion.
- 3.4 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.
- 3.5 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

- 3.6 Luge Canada recognizes that Individuals 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 Individuals to Luge Canada and Luge Canada may take further action at its discretion.
- 3.7 If Luge Canada decides to take further action upon becoming aware of an Individual who has been disciplined by a provincial/territorial member and/or club, the Individual 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.
- 3.8 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

- 3.9 Complaints may be brought for or against an Individual who is a minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
- 3.10 Communication from the Discipline Chair or Independent Case Manager, as applicable, must be directed to the minor's representative.

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Discipline and Complaints Policy

- 3.11 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

- 3.12 Any Individual may report an incident or complaint to Luge Canada's Independent Case Manager:

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

- 3.13 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.
- 3.14 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.
- 3.15 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 will appoint its own Independent Case Manager to assume the responsibilities listed herein.

Receiving a Complaint

- 3.16 The Independent Case Manager has the following responsibilities when a complaint is submitted:
- Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy;
 - Determine if the complaint can be resolved by alternate dispute resolution techniques, such as mediation or a negotiated settlement; and/or
 - 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:

- Disrespectful, abusive, racist, or sexist comments or behaviour
- Disrespectful conduct
- Minor incidents of violence (e.g., tripping, pushing, elbowing)
- Conduct contrary to the values of Luge Canada
- Non-compliance with Luge Canada's policies, procedures, rules, or regulations

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Discipline and Complaints Policy

- 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

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

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

Process #1: Handled by Discipline Chair

Sanctions

3.19 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 will review the submissions related to the complaint or incident and determine one or more of the following sanctions:

- a) Verbal or written reprimand
- b) Verbal or written apology
- c) Service or other contribution to Luge Canada
- d) Removal of certain privileges
- e) Suspension from certain teams, events, and/or activities

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Discipline and Complaints Policy

- f) Suspension from all the activities of Luge Canada for a designated period
 - g) Any other sanction considered appropriate for the offense
 - h) No sanction at all
- 3.20 The Discipline Chair will inform the Parties of the sanction, which will take effect immediately.
- 3.21 Records of all sanctions will be maintained by Luge Canada.

Request for Reconsideration

- 3.22 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.
- 3.23 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.
- 3.24 Upon receiving a Request for Reconsideration, the Discipline Chair may decide to accept or reject the Respondent's suggestion for an appropriate sanction.
- 3.25 Should the Discipline Chair accept the Respondent's suggestion for an appropriate sanction, that sanction will take effect immediately.
- 3.26 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

- 3.27 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

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Discipline and Complaints Policy

- 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

- 3.28 The Independent Case Manager will 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.
- 3.29 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.
- 3.30 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
- 3.31 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.
- 3.32 The Independent Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.

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Discipline and Complaints Policy

- 3.33 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.
- 3.34 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
- 3.35 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.
- 3.42 The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
- 3.43 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.
- 3.44 In fulfilling its duties, the Discipline Panel may obtain independent advice.

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Discipline and Complaints Policy

Decision3.

3.45 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

3.46 The Discipline Panel may apply the following disciplinary sanctions, singularly or in combination:

- a) Verbal or written reprimand
- b) Verbal or written apology
- c) Service or other contribution to Luge Canada
- d) Removal of certain privileges
- e) Suspension from certain teams, events, and/or activities
- f) Suspension from certain activities for a designated period
- g) Payment of the cost of repairs for property damage
- h) Suspension of funding from Luge Canada or from other sources
- i) Expulsion from Luge Canada
- j) Any other sanction considered appropriate for the offense
- k) No sanction at all

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Discipline and Complaints Policy

- 3.47 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.
- 3.48 Records of all decisions will be maintained by Luge Canada.

Appeals

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

Suspension Pending a Hearing

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

Criminal Convictions

- 3.51 An Individual'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

Confidentiality

- 3.52 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

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Discipline and Complaints Policy

- 3.53 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

- 3.54 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.

4 REVISION HISTORY

Noted below is the revision history of this document.

Version	Date	Comments
1	January 31, 2020	

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