



Complaint and Discipline Policy

Approved by the Board of Directors on February 2, 2021

1) Definitions

Case Manager	An individual appointed by the Discipline Chair to administer certain complaints under this Policy. The Case Manager does not need to be a member of, or affiliated with, Archery Canada
Complainant	The Party making a complaint
Days	Days including weekends and holidays
Discipline Chair	An individual or individuals appointed by the Executive Director to be the first point-of-contact for all maltreatment complaint matters reported to Archery Canada
Individuals	All categories of membership defined in Archery Canada's Bylaws, as well as all individuals employed by, or engaged in activities with, Archery Canada including, but not limited to, registrants, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, Directors and Officers of Archery Canada, spectators, and parents/guardians of athletes
Respondent	The Party responding to the complaint
UCCMS	Universal Code of Conduct to Prevent and Address Maltreatment in Sport

2) Purpose

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

3) Discipline Chair

- 3.1. The Discipline Chair will be a Director of the Board, or an individual appointed by the Executive Director to handle the duties of the Discipline Chair. The Executive Director may choose to appoint three (3) individuals to serve as Discipline Chair and, in this case, decisions of the Discipline Chair will be by majority vote.
- 3.2. The Discipline Chair appointed to handle a complaint or incident must be unbiased and not in a conflict of interest situation.

4) Application of this Policy

- 4.1. This Policy applies to all Individuals.
- 4.2. This Policy applies to matters that may arise during Archery Canada's business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with Archery Canada's activities, and any meetings.
- 4.3. This Policy also applies to Individuals' conduct outside of Archery Canada's business, activities, and events when such conduct adversely affects relationships within Archery Canada (and its work and sport environment), is detrimental to the image and reputation of Archery Canada, or upon the acceptance of Archery Canada. Applicability will be determined by Archery Canada at its sole discretion.
- 4.4. 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.
- 4.5. An employee of Archery Canada who is a Respondent will be subject to appropriate disciplinary action per Archery 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.

5) Alignment

- 5.1. Archery Canada recognizes that Individuals may also be registered with Provincial/Territorial Organizations and/or Clubs. Archery Canada **requires**, pursuant to Archery Canada's *Reciprocation Policy*, that Provincial/Territorial Organizations and/or Clubs submit discipline decisions involving Individuals to Archery Canada and Archery Canada may take further action at its discretion. Further action may include the appointment of an independent third party when the decision involved an element of discrimination, harassment, workplace harassment, workplace violence, sexual harassment, or other elements of maltreatment.
- 5.2. If Archery Canada decides to take further action upon becoming aware of an Individual who has been disciplined by Provincial/Territorial Organization and/or Club, the Individual will be the Respondent to a complaint initiated under the terms of this Policy. Archery Canada may act as the Complainant if the original Complainant is unwilling or unavailable to participate in this process.
- 5.3. The Discipline Chair or Discipline Panel, as applicable, will review and consider the decision by the Provincial/Territorial Organization and/or Club when deciding on the complaint per the terms of this Policy.

6) Adult Representative

- 6.1. 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.
- 6.2. Communication from the Discipline Chair or Case Manager, as applicable, must be directed to the minor's representative.
- 6.3. A minor is not required to attend an oral hearing, if held.

7) Reporting a Complaint

- 7.1. Any Individual may report any alleged incident that may contain an element of discrimination, harassment, workplace harassment, workplace violence, sexual harassment, or other elements of maltreatment directly to Archery Canada's independent third party consultant described in the following section of this Policy.
- 7.2. Alternately there is a national toll-free confidential helpline for victims and witnesses of maltreatment in sport. This professional listening and referral service (only for advice and re-direction) is available from 8 a.m. to 8 p.m., seven days a week, by phone or text at 1-888-83SPORT (77678), and by email at info@abuse-free-sport.ca.

- 7.3. Any Individual may report an incident or complaint to the Executive Director, President, or person in a position of authority at Archery Canada. The complaint must be in writing, within fourteen (14) days of the alleged incident, although this timeline can be waived or extended at the Executive Director's discretion. If the complaint was submitted to the President or other person in a position of authority, that person will forward the complaint to the Executive Director. At Archery Canada's discretion, Archery Canada may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, Archery Canada will identify an individual to represent Archery Canada.
- 7.4. The Executive Director will appoint a Discipline Chair, as described in this Policy.

8) Third-Party Management and Investigation –Complaints

- 8.1. The Discipline Chair may determine that the alleged incident may contain an element of discrimination, harassment, workplace harassment, workplace violence, sexual harassment, or other elements of maltreatment. This would include cases where the Complainant alleges:
- 8.1.1. Repeated minor incidents of conduct that has the potential to be harmful to the physical well-being of the *Individual*
 - 8.1.2. A single serious incident of deliberate conduct that has the potential to be harmful to the physical well-being of the *Individual*
 - 8.1.3. Incidents of maltreatment as defined in the Maltreatment policy
- In this case, the Discipline Chair will inform the Executive Director, and the Executive Director must appoint an independent third party to handle the complaint.
- 8.2. Unless otherwise determined by the Executive Director, the independent third party will be Brian Ward.
- 8.3. The independent third party may investigate and/or manage the complaint pursuant to whatever manner is appropriate to ensure the protection of the complainant and procedural fairness for both parties. The independent third party will appoint a Discipline Panel. A decision and sanctions may be rendered pursuant to the 'Decision' (10.4) and 'Sanctions' (10.5) sections of this Policy. Archery Canada will adhere to the reporting and investigation requirements mandated by the federal government and the UCCMS.
- 8.4. Upon receipt of a complaint that does not require the appointment of an independent third party, as described above, the Discipline Chair has discretion to choose which process should be followed, and may use the following examples as a general guideline:
- a) Process #1 - the Complaint alleges the following incidents:

- i. Disrespectful conduct
 - ii. Minor incidents of conduct that has the potential to be harmful to the physical well-being of the *individual*
 - iii. Conduct contrary to the values of Archery Canada
 - iv. Non-compliance with Archery Canada's policies, procedures, rules, or regulations
 - v. Minor violations of Archery Canada's *Code of Conduct and Ethics*
- b) Process #2 - the Complaint alleges the following incidents:
- i. Repeated minor incidents of conduct that has the potential to be harmful to the physical well-being of the *Individual*
 - ii. a single serious incident of deliberate conduct that has the potential to be harmful to the physical well-being of the *Individual*
 - iii. Incidents of maltreatment as defined in the Maltreatment policy
 - iv. Pranks, jokes, or other activities that endanger the safety of others
 - v. Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
 - vi. Conduct that intentionally damages Archery Canada's image, credibility, or reputation
 - vii. Consistent disregard for Archery Canada's bylaws, policies, rules, and regulations
 - viii. Major or repeated violations of Archery Canada's *Code of Conduct and Ethics*
 - ix. Intentionally damaging Archery Canada's property or improperly handling Archery Canada's monies
 - x. Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
- i. A conviction for a *Criminal Code* offense other than those specifically listed in 10.8.
 - xi. Any possession or use of banned performance enhancing drugs or methods

9) Process #1: Sanctions (Handled by Discipline Chair)

- 9.1. Following the determination that the complaint or incident should be handled under Process #1, the Discipline Chair 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 Archery Canada
 - d) Removal of certain privileges
 - e) Suspension from certain teams, events, and/or activities
 - f) Suspension from all Archery Canada's activities for a designated period
 - g) Any other sanction considered appropriate for the offense
- 9.2. The Discipline Chair will inform the Respondent of the sanction, which will take effect immediately.
- 9.3. Records of all sanctions will be maintained by Archery Canada.
- 9.4. Request for Reconsideration**
- 9.4.1. 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 four (4) days of receiving the sanction. In the Request for Reconsideration, the Respondent must indicate:
- a) Why the sanction is inappropriate;
 - b) All evidence to support the Respondent's position; and
 - c) What penalty or sanction (if any) would be appropriate
- 9.4.2. Upon receiving a Request for Reconsideration, the Discipline Chair may decide to accept or reject the Respondent's suggestion for an appropriate sanction.
- 9.4.3. Should the Discipline Chair accept the Respondent's suggestion for an appropriate sanction, that sanction will take effect immediately.
- 9.4.4. 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.

10) Process #2: Case Manager (Handled by Case Manager)

- 10.1. Following the determination that the complaint or incident should be handled under Process #2, Archery Canada will appoint a Case Manager to oversee management and administration of the complaint or incident. The Case Manager should not be in a conflict of interest and should have expertise in dispute resolution matters. Such appointment is not appealable.

10.2. The Case Manager has a responsibility to:

- 10.2.1. Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy
- 10.2.2. Propose the use of Archery Canada's *Alternative Dispute Resolution Policy*
- 10.2.3. Appoint the Discipline Panel, if necessary
- 10.2.4. Coordinate all administrative aspects and set timelines
- 10.2.5. Provide administrative assistance and logistical support to the Discipline Panel as required
- 10.2.6. Provide any other service or support that may be necessary to ensure a fair and timely proceeding

10.3. Procedures

- 10.3.1. If the Case Manager determines the complaint is:
 - a) Frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately
 - b) Not frivolous and within the jurisdiction of this Policy, the Case Manager will notify the Parties that the complaint is accepted and of the applicable next steps
- 10.3.2. The Case Manager's decision to accept or dismiss the complaint may not be appealed.
- 10.3.3. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
- 10.3.4. After notifying the Parties that the complaint has been accepted, the Case Manager may propose using Archery Canada's *Dispute Resolution Policy* with the objective of resolving the dispute. If applicable, and if the dispute is not resolved, or if the parties refuse to use the *Dispute Resolution Policy*, the 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 Case Manager, a Discipline Panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Discipline Panel's members to serve as the Chair.
- 10.3.5. The 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 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 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

10.3.6. 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.

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

10.3.8. 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.

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

10.4. Decision

10.4.1. 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 Case Manager, and Archery 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.

10.5. Sanctions Process #2

10.5.1 In addition to any temporary or provisional measure that may be imposed, if there is sufficient evidence to support a finding that a individual engaged in Maltreatment, sanctions will be imposed. 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.

Different incidents constituting a violation of the same part of the Maltreatment policy may arise out of markedly different circumstances, including various case-specific aggravating and/or mitigating factors. Any sanction imposed against an *Individual* will be proportionate and reasonable, relative to the infraction or *Maltreatment* that has occurred, taking into account previous disciplinary actions. However, progressive discipline is not required as a single occurrence of *Maltreatment* can lead to a very significant sanction.

Subject to Section 10.7., if *Maltreatment* is proven one or more of the following sanctions may be imposed:

10.5.2 Verbal or Written Warning

A verbal reprimand or an official, written notice and formal admonition that a *Participant* has violated the UCCMS and that more severe sanctions will result should the *Participant* be involved in other violations.

10.5.3 Education

The requirement that a *Participant* undertake specified educational or similar remedial measures to address the *Maltreatment*.

10.5.4 Probation

Should any further violations of the UCCMS 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.

10.5.5 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 any sport organization subject to the UCCMS. A

suspended *Participant* is eligible to return to sport but reinstatement may be subject to certain restrictions or contingent upon the *Participant* satisfying specific conditions noted at the time of suspension.

10.5.6 Eligibility Restrictions

Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions.

10.5.7 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 any sport organization subject to the UCCMS.

10.5.8 Other discretionary sanctions

Other sanctions for *Maltreatment* 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.

10.6 Considerations

10.6.1 Factors relevant to determining appropriate sanctions for a *Respondent* include, without limitation:

- 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 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 UCCMS's process;
- 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 UCCMS; 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.

Any single factor, if severe enough, may be sufficient to justify the sanction(s) imposed. A combination of several factors may justify elevated or combined sanctions.

10.7. Presumptive sanctions

10.7.1 The following sanctions are presumed to be fair and appropriate for the listed *Maltreatment*, but the *Respondent* affected may rebut these presumptions:

- 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 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.

10.8. Criminal Convictions

10.8.1 An Individual's conviction for a *Criminal Code* offense will be deemed an infraction under this Policy and will result in expulsion from Archery 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

10.9. Appeals

10.9.1 The decision of the Discipline Panel may be appealed in accordance with Archery Canada's *Appeal Policy*.

10.10. Confidentiality

10.10.1 The discipline and complaints process is confidential and involves only the Parties, the Manager, the Discipline Panel, 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.

10.11. Timelines

10.11.1 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.

10.12. Public Disclosure of Records and Distribution of Decisions

10.12.1 Other individuals or organizations, including but not limited to, national sport organizations, provincial sport organizations, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.

10.12.2 In addition to the publication of a summary of the final outcome of a resolution process, a publicly-available searchable database or Registry of *Respondents* who have been sanctioned by or whose eligibility to participate in sport has in some way been restricted shall be maintained, pursuant to the provisions contained in the UNIVERSAL CODE OF CONDUCT TO PREVENT AND ADDRESS MALTREATMENT IN SPORT (UCCMS).

11) Review and Approval

11.1 The Archery Canada Board of Directors and Executive Director shall review this policy every two (2) years on the World Archery Outdoor Championship cycle.

Approved: February 2, 2021

Review: 2023

Revision Approved: TBD