

## SPEED SKATE NEW BRUNSWICK

### DISCIPLINE POLICY

#### ARTICLE 1 – PREAMBLE

- 1.1 Membership and participation in the activities of Speed Skate New Brunswick (“**SSNB**”) offer many benefits and privileges. At the same time, Members and participants are expected to fulfill certain responsibilities and obligations, including complying with SSNB’s Code of Conduct, Bylaws, policies, rules and regulations.
- 1.2 The Code of Conduct identifies the standard of behaviour that is expected of members and participants. Members and participants who fail to meet this standard may be subject to the disciplinary procedures set out in this Discipline Policy.

#### ARTICLE 2 – INTERPRETATION

- 2.1 In this Discipline Policy:
  - (a) “**Complainant**” means an individual who files an Incident Report in accordance with Article 6 below.
  - (b) “**days**” means calendar days, irrespective of weekends or holidays.
  - (c) “**harassment**” and “**sexual harassment**” have the meaning defined in the Code of Conduct.
  - (d) “**Head of Delegation**” means the lead individual representing SSNB at an event such as a national or regional competition, where the SSNB Chair is not present.
  - (e) “**Members**” has the meaning defined in the Code of Conduct.
  - (f) “**Respondent**” means an individual named in an Incident Report as allegedly having committed an infraction.

#### ARTICLE 3 – APPLICATION OF THIS POLICY

- 3.1 This Discipline Policy applies to
  - (a) all Members of SSNB; and
  - (b) all individuals participating in activities with or employed by SSNB, including but not limited to athletes, parents/guardians of athletes, coaches, event group leaders, managers, directors, officials, organizers, employees, staff and volunteers.
- 3.2 This Discipline Policy applies to all disciplinary matters that may arise during the course of SSNB’s business, activities and events, including but not limited to the office environment, competitions, practices, training camps, travel associated with competitive activities, and any meetings of Members, staff, committees or the Board of Directors.

## ARTICLE 4 – HARASSMENT COMPLAINT PROCEDURE

- 4.1 A person who experiences harassment is encouraged to make it known to the harasser that the behaviour is unwelcome, offensive and contrary to the Code of Conduct.
- 4.2 If confronting the harasser is not possible and/or not practicable, or if after confronting the harasser the harassment continues, the Complainant is encouraged to contact the Harassment Liaison. The Harassment Liaison is a designate of SSNB who is conversant with the issue of harassment, and is the first point-of-contact between the Complainant and SSNB.
- (a) The Harassment Liaison(s) will be selected by the SSNB Board of Directors, and will be provided training and education so that he or she may fulfill his or her role effectively.
  - (b) A list of Harassment Liaison(s) will be published on an annual basis.
  - (c) The role of the Harassment Liaison is to serve in a neutral, unbiased capacity, to provide information about the resources and support available, and to provide the link between the Complainant and the SSNB Board of Directors.
  - (d) The Harassment Liaison may assist with complaints at the request of the Complainant or Respondent, which may be resolved through informal procedures. The Harassment Liaison will report to the SSNB Board of Directors all complaints of harassment and how they were resolved.
  - (e) **Note:** The Complainant may approach anyone within SSNB whom the Complainant trusts with his or her complaint. The individual contacted by the Complainant should contact the Harassment Liaison as the Complainant representative.
- 4.3 If the Harassment Liaison is unable to resolve the issue, the Complainant is encouraged to follow the procedure for reporting an infraction set forth in Article 6 below.
- 4.4 The SSNB Board of Directors may impose interim measures pending the investigation of an allegation of harassment, if the Board of Directors is of the view that the imposition of such measures is in the best interests of the Complainant, the Respondent, and/or SSNB. Interim measures are not sanctions, and they may take many forms, including but not limited to:
- (a) limiting work activity to administrative duties;
  - (b) requiring work-related duties to be performed at home;
  - (c) requiring the Complainant or Respondent to work with different athletes or on a different team;
  - (d) requiring that duties be performed under direct supervision;
  - (e) suspending the Respondent from participation in SSNB activities or work, with or without pay, or upon such other terms as are seen to be appropriate;
  - (f) security arrangements.

## ARTICLE 5 – INFRACTIONS

- 5.1 Failure by a Member to comply with the Code of Conduct, including SSNB's guiding values listed therein, may constitute an infraction and may result in the imposition of discipline.
- 5.2 Infractions are divided into two types:
- (a) **Minor infractions** are incidents of misconduct that breach the Code of Conduct but generally do not result in harm to others or place others at serious risk. Examples of minor infractions include, but are not limited to, single instances of:
- (i) disrespectful comments or behaviour directed towards others;
  - (ii) unsportsmanlike conduct;
  - (iii) lateness for or absence from a SSNB event or activity at which attendance is expected or required, without a valid excuse; and
  - (iv) non-compliance with the policies, rules or regulations of SSNB (and of Speed Skating Canada, when those policies, rules and regulations are applicable).
- (b) **Major infractions** are instances of misconduct which violate the Code of Conduct or the values listed therein, and which result, or have the potential to result, in harm to other persons, to SSNB, or to the sport of speed skating. Examples of major infractions include, but are not limited to:
- (i) repeated minor infractions (e.g., several instances of noise during the designated quiet time, after discipline for a minor infraction had previously been imposed);
  - (ii) activities or behaviour that interfere with a competition or with any athlete's preparation for or participation in a competition;
  - (iii) pranks, jokes, or other activities or behaviours that endanger the safety of others, including activities undertaken as part of a process of "initiation" or "hazing";
  - (iv) deliberate disregard for, or multiple instances of non-compliance with, the policies, rules or regulations of SSNB (and of Speed Skating Canada, when applicable);
  - (v) conduct that intentionally damages the image, credibility or reputation of SSNB, including entering into a conflict of interest;
  - (vi) behaviour that constitutes harassment or sexual harassment;
  - (vii) abusive use of alcohol, aiding or encouraging minors to consume alcohol, use of illicit drugs or narcotics, or use of banned performance-enhancing drugs or methods; and

- (viii) any behaviour or activity that constitutes an offence under the *Criminal Code* of Canada.

#### **ARTICLE 6 – REPORTING AN INFRACTION**

- 6.1 Any person who witnesses or is advised of conduct by a Member which the person views to be in breach of SSNB’s Code of Conduct, policies, rules or regulations may report the incident (referred to herein as the “**infraction**”) to any of the following persons:
- (a) the appropriate person having authority over the Respondent, including but not restricted to a coach, staff person, or volunteer;
  - (b) the Chair, or, in the absence of the Chair, to the Head of Delegation; or
  - (c) an alternate SSNB board member, such as the Vice-Chair, if the infraction implicates the persons specified in paragraphs 6.1(a) and (b), if such persons are seen to be in a conflict of interest position with respect to the alleged infraction, or if the Complainant otherwise considers it inappropriate to report the infraction to such persons.
- 6.2 A Member who wishes to report an infraction must do so by completing an Incident Report and submitting it to one of the persons listed in section 6.1 within 7 days following the date of the infraction (or, if the infraction is ongoing, within 7 days following the most recent occurrence of the infraction).
- 6.3 Within 14 days of receiving the Incident Report, the person to whom the Incident Report is submitted shall determine, in his or her sole discretion, whether the alleged infraction is best dealt with as a minor or a major infraction.

#### **ARTICLE 7 – MINORS**

- 7.1 A responsible adult shall assist a minor in all proceedings under this Discipline Policy.

#### **ARTICLE 8 – MINOR INFRACTIONS**

- 8.1 All disciplinary situations involving minor infractions will be dealt with by the appropriate person having authority over the Respondent (the “**Authority**”). The Authority may include, but is not restricted to, a coach, staff person, or volunteer.
- 8.2 Procedures for dealing with minor infractions will be informal as compared to those for major infractions, and will be determined at the discretion of the Authority.
- 8.3 Notwithstanding section 8.2, the Authority must advise the Respondent of the nature of the infraction, and must give the Respondent an opportunity to provide information concerning the alleged infraction.
- 8.4 The Authority shall, in his or her sole discretion, decide the appropriate disciplinary sanction(s) for a minor infraction. Such sanction(s) may include the following:
- (a) a verbal or written reprimand;
  - (b) a requirement that the Respondent issue a verbal (witnessed) or written (hand-delivered) apology;

- (c) service or other voluntary contribution to SSNB;
  - (d) suspension from the current activity or competition;
  - (e) any other similar sanction(s) as may be considered appropriate for the offence.
- 8.5 If the Authority is of the opinion that the allegations against the Respondent are without merit, the Authority may decline to impose any disciplinary sanctions on the Respondent, and may dismiss the allegations against the Respondent.
- 8.6 Nothing in this Discipline Policy restrains the Authority from taking immediate, informal, corrective disciplinary action in response to a minor infraction.
- 8.7 The Authority shall document all minor infractions, with corresponding sanctions, using the Incident Report form. A copy of this form will be provided to the Chair, Head of Delegation or alternate SSNB board member, as the case may be.

### **ARTICLE 9 – MAJOR INFRACTIONS**

- 9.1 If an Incident Report was submitted to an Authority, and the Authority considers the Incident Report to disclose a major infraction, the Authority shall forward the Incident Report to the Chair, the Head of Delegation or an alternate SSNB board member, as the case may be.
- 9.2 Upon receiving an Incident Report which alleges a major infraction, the Chair, Head of Delegation or alternate SSNB board member will review the Incident Report and may, in his or her sole discretion:
- (a) Dismiss the Incident Report if he or she considers it to be trivial, frivolous or vexatious;
  - (b) Determine that the alleged infraction does not fall within the jurisdiction of this Discipline Policy;
  - (c) Direct that the alleged infraction be dealt with informally as a minor infraction; or
  - (d) Direct that the alleged infraction be dealt with formally as a major infraction.
- 9.3 If the incident is considered a major infraction, the Chair, Head of Delegation or alternate SSNB board member shall, as soon as practicable:
- (a) refer the Incident Report to a Fact Finder in accordance with Article 10; and
  - (b) notify the Respondent, and provide the Respondent with a copy of the Incident Report and a copy of this Discipline Policy.
- 9.4 Major infractions occurring within competition may be dealt with immediately, if necessary, by the Chair, Head of Delegation or alternate SSNB board member. The Respondent will be told the nature of the infraction and will have an opportunity to respond. In such situations, disciplinary sanctions will be for the duration of the competition only. Further sanctions may be imposed, but only after review of the matter in accordance with the procedures set out in this Discipline Policy for major infractions.

- 9.5 The Chair, Head of Delegation or alternate SSNB board member may determine in his or her sole discretion that an alleged infraction is of such seriousness as to warrant suspension of the Respondent pending investigation.

#### ARTICLE 10 – FACT FINDER

- 10.1 In the case of a major infraction, the Chair, Head of Delegation or alternate SSNB board member shall appoint an independent individual (known as a “**Fact Finder**”) to conduct an investigation in order to confirm the background and context of the incident and to ascertain the facts.
- 10.2 The Fact Finder should be impartial, and thus should not have a significant personal or professional relationship with either the Complainant or the Respondent.
- 10.3 If financial constraints are a concern, the Chair, Head of Delegation or alternate SSNB board member may appoint an unbiased board member or individual outside the SSNB community (e.g., family member, friend, colleague) as the Fact Finder. If SSNB cannot find an individual to take on the role of Fact Finder, the Chair, Head of Delegation or alternate SSNB board member must conduct the tasks of the Fact Finder.
- 10.4 Once the Fact Finder is appointed, the Fact Finder shall carry out his or her tasks in a timely manner. Specifically, within 30 days after receiving the Incident Report, the Fact Finder shall:
- (a) review the Incident Report;
  - (b) make such inquiries as necessary to determine the circumstances of the complaint or incident, which may include:
    - (i) sending a summary of the Incident Report to those named therein, the Complainant, and/or any witnesses with a request that they respond in writing to the allegations by a date set by the Fact Finder; and
    - (ii) communicating with or interviewing the Respondent, any other person(s) involved in the incident, and any other persons who may have relevant information;
  - (c) extend the investigation to include misconduct in any other incident that comes to the Fact Finder’s attention in the course of the investigation, if the Fact Finder considers it to be just and expedient to do so; and
  - (d) prepare an Interim Report, and submit said Interim Report to the Chair, Head of Delegation or alternate SSNB board member, as the case may be.
- 10.5 Within a reasonable time after submitting the Interim Report to the Chair, Head of Delegation or alternate SSNB board member, the Fact Finder shall provide a copy of the Interim Report to the Respondent.
- 10.6 The Respondent shall, within 14 days after receiving the Interim Report, provide the Fact Finder with a written response to the Interim Report. In the event that a written response is not provided, the Fact Finder will continue nonetheless.

- 10.7 Within 14 days following receipt of the Respondent's written response (or within 14 days following the closing of the deadline for the Respondent to submit a written response, if no written response is submitted), the Fact Finder will provide the Chair, Head of Delegation or alternate SSNB board member with a Final Report containing:
- (a) a summary of the relevant facts; and
  - (b) a recommendation as to whether:
    - (i) a sanction should be imposed under Article 12; or
    - (ii) no further action should be taken (for instance, because the complaint has been resolved between the Complainant and the Respondent, or because no further action is warranted based on the facts).
- 10.8 A report signed by the Fact Finder is a decision of the Fact Finder.

### **ARTICLE 11 – DISCIPLINARY PROCEDURES**

- 11.1 The Chair, Head of Delegation or alternate SSNB board member shall consider the Fact Finder's Interim and Final Reports and, within 14 days of receiving the Fact Finder's Final Report, shall decide whether or not to accept the Fact Finder's recommendation.
- 11.2 If the Chair, Head of Delegation or alternate SSNB board member decides that a sanction should be imposed, then the Chair, Head of Delegation or alternate SSNB board member shall, at his or her sole discretion, determine which sanction to impose, having regard to all the circumstances.
- 11.3 The Chair, Head of Delegation or alternate SSNB board member shall observe and comply with the rule against bias. The Chair, Head of Delegation or alternate SSNB board member must be impartial, and thus should not have a significant personal or professional relationship with either the Complainant or the Respondent. In some cases it may be appropriate to arrange for an outside person to determine the sanction, in lieu of the Chair, Head of Delegation or alternate SSNB board member.
- 11.4 The Chair, Head of Delegation or alternate SSNB board member may provide the Respondent an opportunity to make written or oral submissions before rendering his or her decision, with a view to upholding the Respondent's right to procedural fairness, which includes the right to be heard and the right to know the case to be met.
- 11.5 Within 14 days after reaching his or her decision, the Chair, Head of Delegation or alternate SSNB board member shall issue a written decision, including reasons, for distribution to the Complainant and the Respondent.
- 11.6 A copy of the written decision referred to in section 11.5 shall be forwarded to SSNB, which shall keep a record of all such written decisions for a period of 5 years.
- 11.7 In fulfilling his or her duties, and with the approval of SSNB, the Chair, Head of Delegation or alternate SSNB board member may obtain independent advice. The Chair, Head of Delegation or alternate SSNB board member is not obligated to obtain independent advice.

## ARTICLE 12 – SANCTIONS

- 12.1 If the Chair, Head of Delegation or alternate SSNB board member has determined that a major infraction has occurred, he or she may impose one or more of the following disciplinary sanctions:
- (a) issuance of a written reprimand;
  - (b) removal of certain privileges of membership or employment;
  - (c) suspension from certain events which may include suspension from the current competition or from future teams or competitions;
  - (d) suspension from certain SSNB activities such as competing, coaching or judging for a designated period of time;
  - (e) suspension from all SSNB activities for a designated period of time;
  - (f) expulsion from membership;
  - (g) publication of the decision;
  - (h) other sanctions as may be considered appropriate for the offence, including any sanctions which may be imposed in response to a minor infraction.
- 12.2 Unless the Chair, Head of Delegation or alternate SSNB board member decides otherwise, any disciplinary sanctions will commence immediately.
- 12.3 Failure to comply with a sanction as determined by the Chair, Head of Delegation or alternate SSNB board member will result in automatic suspension of membership or participation in SSNB until such time as the sanction is complied with.
- 12.4 In applying sanctions, the Chair, Head of Delegation or alternate SSNB board member may have regard to the following aggravating or mitigating circumstances:
- (a) the nature and severity of the infraction;
  - (b) the extent to which others have been harmed by the infraction;
  - (c) the cooperation of the Respondent;
  - (d) whether the infraction is a first offence or has occurred repeatedly;
  - (e) the Respondent's acknowledgment of responsibility;
  - (f) the Respondent's remorse and post-infraction conduct;
  - (g) the age, maturity or experience of the Respondent;
  - (h) whether the Respondent retaliated; and
  - (i) the Respondent's prospects for rehabilitation.



### **ARTICLE 13 – CRIMINAL CHARGES AND OFFENCES**

- 13.1 Notwithstanding the procedures set out in this Discipline Policy, any Member who is convicted of a criminal offence under the *Criminal Code* of Canada, as amended from time to time, shall face automatic suspension from participating in any activities, events or programs of SSNB for a period of time corresponding to the length of the criminal sentence imposed by the Court, and may face further conduct action by SSNB in accordance with this Discipline Policy.
- 13.2 The Board of Directors of SSNB may impose interim measures pending the disposition of criminal charges, if the Board is of the view that the imposition of such measures is in the best interest of SSNB. Interim measures are not sanctions, and may take the form of, including but not limited to, imposition of conditions upon continued participation, suspension or security arrangements.

### **ARTICLE 14 – FINALITY**

- 14.1 All decisions made by the Authority, Fact Finder, Chair, Head of Delegation or alternate SSNB board member in accordance with this Discipline Policy are final and binding and shall not be questioned, reviewed or restrained by any proceeding in the nature of an application for judicial review or otherwise in any court.

### **ARTICLE 15 – CONFIDENTIALITY**

- 15.1 Where the behaviour reported in an Incident Report may constitute harassment, or is of a similar sensitive nature, SSNB will keep all proceedings under this Discipline Policy confidential, except where disclosure is directed as part of a sanction, is required by law, or is in the best interests of the public.

### **ARTICLE 16 – CANADA WINTER GAMES**

- 16.1 During the Canada Winter Games (“**CWG**”) competition, the CWG policy will supersede all other policies. At the conclusion of the CWG competition, SSNB still has the right to follow up on the incident with regards to this policy.