



COMPLAINTS PROCESS

*(Part of Safe Sport Policy Suite;
Effective October 22, 2025)*

1. Basketball Nova Scotia (BNS) will appoint a director, head coach, staff member, or other individual affiliated with BNS to act as the **Case Manager** (the “CM”).
2. The CM must agree not be in a conflict of interest or have a direct relationship with any of the parties to a complaint and, in the event the CM is ineligible to act due to such a conflict or direct relationship, the Board of BNS shall appoint an alternate CM.
3. Upon receipt of a complaint, the CM will:
 - a) determine whether the complaint falls within the jurisdiction of this policy pursuant to the Jurisdiction Policy;
 - b) determine if there is another appropriate jurisdiction to manage the complaint by considering the following:
 - i. whether the incident occurred within the business, activities, or Events of BNS, the NSO or one of its members or affiliated organizations; and
 - ii. if the NSO member or affiliated organization is the appropriate body to manage the complaint process¹.

¹ In making this assessment, the CM may determine that the member or affiliated organization lacks the capacity to manage the complaint (which may include financial and human resource capacity), that the member or affiliated organization is not the appropriate instance to manage the complaint due to its seriousness (for example, clubs will not be expected to manage serious complaints due to the complexity of conducting such a process), or that a real or perceived conflict of interest exists within the member or affiliated organization.

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

- c) determine whether the complaint is frivolous, vexatious or if it has been made in bad faith;
- d) determine whether the complaint has been made in a timely manner
- e) make any necessary contact with relevant parties to the complaint, representatives of (Basketball Nova Scotia) that it deems necessary and make such inquiries as may be required to obtain further clarity on details of the complaint and the relevant parties to the complaint;
- f) determine if the alleged incident should be investigated pursuant to **Appendix A – Investigation Procedure**; and
- g) choose which process (Process #1, Process #2, or Process #3, as outlined below) should be followed to hear and adjudicate the matter.

PARTICIPATION IN COMPLAINT PROCESS

- 4. If a Party chooses not to participate in the hearing, the CM will make multiple efforts to contact them and give them a stern warning that failure to respond may result in a sanction being made against them without their participation. If this occurs and a Party continues to not participate, the hearing will proceed without further notice or opportunity to participate or provide submissions for the Party refusing to participate.

AVAILABLE PROCESSES

- 5. There are three different processes that may be used to hear and adjudicate complaints. The CM decides which process will be followed at their discretion, and such decision is not appealable.

Process #1

- 6. Process 1 is to be selected by the CM if:
 - A. the complaint contains allegations involving the following non-exhaustive list behaviours:
 - i. Disrespectful conduct or comments
 - ii. Minor acts of physical violence, unless the physical violence is between a Person in Authority and a Vulnerable Participant, in which case the matter will be addressed under Process #2
 - iii. Conduct contrary to the values of BNS or those of one of its members or affiliated members

- iv. Non-compliance with the policies, procedures, rules, or regulations of BNS or those of one of its members or affiliated members.
- v. Minor violations of the policies or bylaws of BNS or those of one of its members or affiliated members.

AND

B. If all the allegations contained in the complaint were assumed to be true, the sanction would not involve any period of ineligibility for the respondent. In determining this question, the CM may consider the following non-exhaustive list of factors, which would tend to make Process #1 appropriate:

- i. There does not appear to be a serious risk of continued harm to the Complainant and/or other Organizational Participants;
- ii. There is not a need for an interim sanction;
- iii. The material facts related to the complaint are not significantly in dispute between the Complainant and the Respondent;
- iv. The issues relevant to the complaint can be easily identified and a decision can be made without the need for multiple witnesses beyond the Complainant and the Respondent; and/or
- v. Education, a warning or an apology is the likely outcome of the complaint if the facts alleged by the Complainant are assumed to be true.

Process #2

7. Process 2 is to be selected by the CM if:

- A.** the complaint contains allegations involving the following non-exhaustive list behaviours:
 - i. Disrespectful conduct or comments
 - ii. Minor acts of physical violence between a Person in Authority and a Vulnerable Participant
 - iii. Conduct contrary to the values of BNS or those of one of its members or affiliated members
 - iv. Non-compliance with the policies, procedures, rules, or regulations of BNS or those of one of its members or affiliated members.

- v. Minor violations of the policies or bylaws of BNS or those of one of its members or affiliated members.
- vi. repeated incidents described in Process #1;
- vii. hazing;
- viii. abusive, racist, or sexist comments, conduct or behaviour;
- ix. incidents that constitute Prohibited Behaviour under the Code of Conduct and Ethics (the “Code”) or the UCCMS;
- x. major incidents of violence (e.g., fighting, attacking);
- xi. pranks, jokes, or other activities that endanger the safety of others;
- xii. conduct that intentionally interferes with a competition or with any Athlete’s preparation for a competition;
- xiii. conduct that intentionally damages the image, credibility, or reputation of BNS or that of one of its members or affiliated organizations;
- xiv. consistent disregard for the by-laws, policies, rules, or regulations of BNS or those of one of its members or affiliated organizations;
- xv. major or repeated violations of the Code or any other policies, by-laws, rules or regulations that designate this Discipline and Complaints Policy as applicable to address such alleged breaches;
- xvi. intentionally damaging the property of BNS, one of its members or affiliated organizations, or improperly handling any of the aforementioned Organizations’ monies;
- xvii. abusive use of alcohol, cannabis, any use or possession of alcohol by Minors, or use or possession of illicit drugs and narcotics; or
- xviii. a conviction for any *Criminal Code* offense.

AND

B. If all the allegations contained in the complaint were assumed to be true, the sanction could include a period of ineligibility for the Respondent. In determining this question, the CM may consider the following non-exhaustive list of factors, which would tend to make Process #2 appropriate over Process #1:

- i. There could be a risk of continued harm to the Complainant and/or other Organizational Participants;

- ii. There may be a need for an interim sanction;
- iii. The material facts related to the complaint are in dispute between the Complainant and the Respondent; and/or
- iv. The issues relevant to the complaint cannot be easily identified and it appears there will be a need for multiple witnesses beyond the Complainant and the Respondent.

Process #3

8. Process #3 provides for an independent three-person panel and is reserved for complaints in which the criteria for Process #2, above, are met and there is an additional need for a three-person panel to determine the complaint. It is presumed that for most cases, Process #2 will be the preferable process, however, in certain complaints the factual circumstances and/or parties involved may support the need for a panel to make the decision. The following non-exhaustive list of factors would support the CM's decision to choose Process #3:
- a) There is a significant number of Complainants, Respondents and/or witnesses in the Complaint
 - b) The Complaint is factually complex
 - c) The Complaint involves allegations of an extremely serious nature
 - d) The decision rendered in the Complaint could have a significant impact on the sport in the Province
 - e) The Complainant(s) and/or Respondent(s) are high-profile individuals within the sport or the PSO
 - f) The subject-matter of the Complaint has been reported on and/or is being followed by the media
 - g) The Complaint raises questions which would be best addressed by a panel with a variety of perspectives and/or life experiences

PROVISIONAL MEASURES

9. If it is considered appropriate or necessary on the basis of the circumstances, the Board of Directors of BNS or their designate may impose such interim measures against an Organizational Participant as it deems appropriate, which include but are not limited to barring them temporarily from participating in Events or activities of BNS and its members, or as otherwise decided pursuant to the Discipline & Complaints Policy, prior to completion of an investigation, assessment and/or investigation, criminal

process, the hearing or the decision rendered in a hearing conducted pursuant to this policy, after which further discipline or sanctions may be applied according to this or other applicable policies (**a Provisional Suspension or Interim Measure**).

10. In determining the appropriateness of a provisional measure, consideration will be given to the circumstances as a whole and, in particular, the seriousness and nature of the complaint, the potential for further harm in the period between the time the complaint is made and an ultimate decision is rendered, whether the complaint relates to misconduct of a sexual nature and whether the complainant is in a position of Compromised Security.
11. If an infraction occurs at a competition, it will be dealt with by the procedures specific to the competition, if applicable. Provisional Suspensions or Interim Measures may be imposed for the duration of a competition, training, activity, or Event only, or as otherwise determined appropriate by the designated party at the competition.²
12. Any Respondent against whom a Provisional Suspension or Interim Measure is imposed may make a request to the Independent Discipline Chair or Independent Discipline Panel (if appointed) to have the Provisional Suspension or Interim Measure lifted. In such circumstances, BNS shall be provided with an opportunity to make submissions, orally or in writing, regarding the Respondent's request to have their Provisional Suspension lifted. Provisional Suspensions or Interim Measures shall only be lifted in circumstances where the Respondent establishes that it would be manifestly unfair to maintain the Provisional Suspension or Interim Measures against them.
13. Any decision not to lift a Provisional Suspension or Interim Measure shall not be subject to appeal.

POLICE INVOLVEMENT

14. The disciplinary and complaint procedure will not be operated in any manner which has the potential to interfere with a police investigation. In the course of case administration, investigation, disclosure or hearing of the complaint itself, the CM, Disciplinary Panel Member, investigator or such other party who receives such information may be under an obligation to give information or provide evidence to the relevant police authority in their jurisdiction.

² In-competition discipline or sanction imposed by the applicable official or authority does not prevent an Organizational Participant from facing additional disciplinary proceedings under the Code.'

PROCEDURAL STEPS

PROCESS #1: CM Acts as Discipline Chair

1. Following a determination that the complaint or incident should be handled under Process #1, the CM will become the adjudicative party to address the issues raised by the complaint in the most efficient and expedient manner possible, having regard to the need to ensure fairness to Complainant and the Respondent(s) and the complexity and nature of the allegations.

2. Under Process #1 the CM will:

- a) propose alternative dispute resolution techniques, if appropriate;
- b) request written submissions/responses to be provided within 5 business days of the request, together with any relevant evidence in support of factual allegations;
- c) consult, as deemed necessary with non-interested members of BNS to obtain information related to the parties, the complaint and any eventual sanction or outcome, preserving, to the extent possible the confidentiality of the Complainant and the Respondent; and
- d) if, upon review, there are limited disputes of material fact between the Complainant and Respondent, the CM will render a decision based on the written submissions and evidence of the parties; or
- e) if, upon review, there are sufficient facts in dispute between the parties' accounts of events, or the circumstances otherwise warrant, hold a brief, oral hearing, to be conducted via video conference link, in which each party is entitled to present evidence for no more than 20 minutes on the subject of the complaint, after which the CM will render a decision.

3. The CM will issue a decision in writing with brief reasons for the decision and provide it to the parties to the complaint under conditions of confidentiality.

4. The decision shall be provided to and maintained in the records of the relevant club, member and BNS. Decisions made under Process #1 shall remain confidential and not be published or otherwise disclosed by BNS.

PROCESS #2: Independent Discipline Chair

1. Following the determination that the complaint or incident should be handled under Process #2, the CM will appoint an Independent Discipline Chair, comprised of an individual who certifies that they are free from conflicts of interest and/or a direct relationship with any of the parties (the **IDC**). For the purposes of Process #2, it is permitted for the IDC to be a member of (BNS) such as a board member or coach,

provided the other criteria of this section and other relevant policies are complied with;
and

2. propose alternative dispute resolution techniques, if appropriate.
3. Following the appointment of the IDC, the IDC shall:
 - a) consult, as deemed necessary with non-interested members of BNS to obtain information relevant to the parties, the complaint and any eventual sanction or outcome, preserving, to the extent possible the confidentiality of the complainant and the Respondent
 - b) ask the Complainant and the Respondent for either written or oral submissions regarding the complaint or incident. Both Parties shall also have the right to submit to the IDC any relevant evidence, including, but not limited to witness statements, documentary evidence or evidence from other media (i.e., photos, screenshots, videos or other recordings). Each Party shall have the right to receive the other Party's submissions and evidence, including the material allegations from the Complainant's complaint. In the case of oral submissions, each Party shall be present when such submissions are made (unless waived by a Party); and/or
 - c) following receipt of the Parties' submissions, the IDC may convene the Parties to a meeting, either in person or by way of video or teleconference to ask the Parties questions.
4. Following their review of the submissions and evidence related to the complaint, the IDC shall determine if a violation of BNS's Policies have occurred and, if so, determine whether to impose a sanction (see: Sanctions). If, after hearing the parties and reviewing their submissions, the IDC considers that a violation of BNS's Policies have not occurred, they shall dismiss the complaint.
5. The Case Manager will inform the Parties of the IDC's decision, which shall be in writing and include reasons. The IDC's decision will take effect immediately, unless specified otherwise by the IDC. Should circumstances require a decision to be rendered immediately or within a short timeline, the IDC may render a short decision, either orally or in writing, followed by a written reasoned decision.
6. Any decision rendered by the IDC will be provided to and maintained in the records of the relevant club, member and BNS. **The publication of any decision will be made in accordance with the** BNS policies and Appendix B, hereto. Identifying information regarding Minors or Vulnerable Participants will never be published.

PROCESS #3: Handled by Independent Discipline Panel

1. Following the determination that the complaint should be handled under Process #3, the Case Manager will propose the use of alternative dispute resolution methods, if appropriate. In the event such methods are insufficient to resolve the complaint or inappropriate, the Case Manager will appoint a panel of three independent, unbiased individuals to act as an Independent Discipline Panel, with one member being elected from among them to be Chair.
2. The Independent Discipline Panel will:
 - a) Confirm that each of them is free from conflicts of interest and from any direct relationship with the parties, including BNS in the event BNS is a complainant or respondent.
 - b) consult, as deemed necessary, with non-interested members of BNS to obtain information relevant to the parties, the complaint and any eventual sanction or outcome, preserving, to the extent possible the confidentiality of the Complainant and the Respondent
 - c) Establish and adhere to timelines that ensure procedural fairness (both Complainant(s) and Respondent(s) have a fair opportunity to present, review and respond to evidence relating to the matters complained of) and that the matter is heard in a timely fashion; and
 - d) 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.
3. The hearing will be governed by the procedures that the Independent Discipline Panel deem appropriate for the circumstances. The following procedural directions will apply:
 - a) The determination of procedures and timelines, as well as the hearing duration, shall be as expedient and cost-efficient as possible to ensure that costs to the Parties and Basketball Nova Scotia and/or the member are reasonable.
 - b) The Parties will be given appropriate notice of the day, time, and place of the hearing.
 - c) Copies of any written documents which any of the Parties wishes to have the Independent Discipline Panel consider will be provided to all Parties, through the

Case Manager or IDP, in advance of the hearing and in accordance with the timelines set by the Independent Discipline Panel.

- d) The Parties may engage a representative, advisor, translator, transcription services or legal counsel at their own expense, provided, however, that the intention of the process is that complainants and respondents provide their own evidence and information and this evidence and information, unless necessary, is not to be provided by a third-party.
 - e) The IDP may request that any other individual participate and give evidence at the hearing, including a representative of BNS, who, provided they are not a witness to the material events related to the complaint or biased in any way, may be called to give evidence regarding the procedures and practices of BNS.
 - f) The Independent Discipline Panel shall have discretion with respect to allowing any evidence at the hearing to be filed by the Parties and may exclude any evidence is unduly repetitious or otherwise an abuse of process. The Independent Discipline Panel shall otherwise apply relevant and applicable evidentiary rules in relation to the admissibility and weight given to evidence filed by the parties.
 - g) Nothing is admissible in evidence at a hearing that:
 - i. would be inadmissible in a court by reason of any privilege under the law of evidence (e.g. evidence of good character, hearsay statements [subject to limited exceptions], expert opinion from an unqualified witness, solicitor and client privileged communications, similar fact evidence); or
 - ii. is inadmissible by any statute (see [Canada Evidence Act](#)).
 - h) The decision will be by a majority vote of the Independent Discipline Panel.
4. If the Respondent acknowledges the facts of the incident(s), the Respondent may waive the hearing, in which case the Independent Discipline Panel will determine the appropriate sanction. The Independent Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
5. The process will proceed if a Party chooses not to participate in the hearing.
6. If a decision may affect another Organizational Participant to the extent that the other Organizational Participant would have recourse to a complaint or an appeal in their own right, that an Organizational Participant will be made a Party to the complaint, shall be permitted to participate in the proceedings as determined by the Independent Discipline Panel, and will be bound by the decision.

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

DECISION

8. After hearing the matter, the Independent Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. If the Independent Discipline Panel considers that an infraction has not occurred, the complaint will be dismissed.
9. Within fourteen (14) days of the conclusion of the hearing, the Independent Discipline Panel's written decision, with reasons, will be distributed to all Parties by the Case Manager, including to BNS and the relevant member(s).
10. In extraordinary circumstances, the Independent Discipline Panel may first issue a verbal or summary decision soon after the conclusion of the hearing, with the full written decision to be issued before the end of the fourteen (14) day period.
11. The Independent Discipline Panel's decision will come into effect as of the date that it is rendered, unless decided otherwise by the Independent Discipline Panel. The Independent Discipline Panel's decision will apply automatically to BNS all of its members and associated members, [according to the terms of the *Reciprocity Policy*].
12. Once the appeal deadline in the *Appeal Policy* has expired, BNS or the member (as applicable) shall publish on their website the outcome of the case, the provision(s) of the relevant policies that have been violated, the name(s) of the Respondent(s) involved and the sanction(s) imposed, if any, or as otherwise specified by the Publication Guidelines attached as Appendix B. If the matter is appealed, the publication provisions in the *Appeal Policy* shall apply. Identifying information regarding Minors or Vulnerable Participants will never be published.
13. If the Independent Discipline Panel dismisses the complaint, the information referred to in Section 12 above may only be published with the Respondent's consent. If the Respondent does not provide such consent, the information referred to in Section 12 above will be kept confidential by the Parties, the Independent Third Party, BNS (including the Respondent's club) and shall be retained and discarded in accordance with the relevant and applicable privacy legislation. Failure to respect this provision may result in disciplinary action being taken against the Party who breaches confidentiality pursuant to this policy.
14. Other individuals or members, including but not limited to, members, provincial/territorial sport Nova Scotia, sport clubs, etc., shall be advised of the outcome of any decisions rendered in accordance with this policy.

15. Records of all decisions will be maintained by BNS in accordance with their Privacy Policy.
16. When the Independent Discipline Panel imposes a sanction, the decision shall include, at a minimum, the following details:
 - a) jurisdiction;
 - b) summary of the facts and relevant evidence;
 - c) where applicable, the specific provision(s) of BNS's policies, bylaws, rules or regulations that have been breached;
 - d) which Party or organization is responsible for the costs of implementing any sanction;
 - e) which organization is responsible for monitoring that the sanctioned individual respects the terms of the sanction;
 - f) the reinstatement conditions that the Respondent must satisfy (if any);
 - g) which organization is responsible for ensuring that the conditions have been satisfied; and
 - h) any other guidance that will assist the Parties to implement the Independent Discipline Panel's decision.
17. If necessary, a Party – or the organization that is responsible for implementing or monitoring a sanction – may seek clarifications from the Independent Discipline Panel regarding the order so that it can be implemented or monitored appropriately.

SANCTIONS

18. When determining the appropriate sanction, the CM, the IDC or Independent Discipline Panel, as applicable, will consider the following, non-exhaustive list of factors:
 - a) the nature and duration of the Respondent's relationship with the Complainant, including whether there is a power imbalance between the parties;
 - b) the Respondent's prior history and any pattern of misconduct, Prohibited Behaviour or Maltreatment;
 - c) the respective ages of the individuals involved;

- d) whether the Respondent poses an ongoing and/or potential threat to the safety of others;
 - e) the Respondent's voluntary admission of the offense(s), acceptance of responsibility for the misconduct, Prohibited Behaviour or Maltreatment, and/or cooperation in the investigative and/or disciplinary process of BNS;
 - f) real or perceived impact of the incident on the Complainant, sport Nova Scotia or the sporting community as seen by a reasonable person;
 - g) circumstances specific to the Respondent being sanctioned (e.g., lack of appropriate knowledge or training regarding the requirements in the *Code*; addiction; disability; illness);
 - h) whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
 - i) a Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
 - j) other mitigating or aggravating circumstances.
19. Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required, and a single incident of Prohibited Behaviour, Maltreatment or other misconduct may justify elevated or combined sanctions.
20. The Internal Discipline Chair or Independent Discipline Panel, as applicable, may apply the following disciplinary sanctions, singularly or in combination:
- a) **Verbal or Written Warning** - a verbal reprimand or an official, written notice that an Organizational Participant(s) has violated the *Code* and that more severe sanctions will result should the Organizational Participant(s) be involved in other violations
 - b) **Education** - the requirement that an Organizational Participant(s) undertake specified educational or similar remedial measures to address the violation(s) of the *Code* or the UCCMS
 - c) **Probation** - Should any further violations of the *Code* or the UCCMS occur during the probationary period, this may result in additional disciplinary measures, including, without limitation, a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period.
 - d) **Suspension** - either for a set time or until further notice, from participation, in any capacity, in any program, activity, Event, or competition sponsored by,

organized by, or under the authority of Basketball Nova Scotia. A suspended Organizational Participant(s) may be eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Organizational Participant(s) 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** - ineligibility to participate in any capacity in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of Basketball Nova Scotia
- 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.

21. The Independent Discipline Panel, may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:

- a) Sexual Maltreatment involving a Minor Complainant, or a Complainant who was a Minor at the time of the incidents complained of, shall carry a presumptive sanction of permanent ineligibility.
- b) Sexual Maltreatment, Physical Maltreatment with contact, and Maltreatment related to interference or manipulation of process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions.
- c) While a Respondent has pending charges or allegations of a crime against a person, if justified by the seriousness of the offence, the presumptive sanction shall be a period of suspension until a final determination is made by the applicable process.

22. An Organizational Participant(s)'s conviction for certain *Criminal Code* offenses involving harmful conduct shall carry a presumptive sanction of permanent ineligibility from participating with Basketball Nova Scotia. Such *Criminal Code* offences may include, but are not limited to:

- a) any child pornography offences;
- b) any sexual offences; and
- c) any offence of physical violence.

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

OTHER APPLICABLE SANCTIONS

24. BNS will ensure that any sanctions or measures imposed by other authorities that are duly authorized to impose sanctions (e.g. an NSO sanction) against an Organizational Participant will be implemented and respected within Basketball Nova Scotia's jurisdiction once Basketball Nova Scotia receives appropriate notice of any sanction or measure.

APPENDIX A

Investigation Procedure