

Governance Policy on Maltreatment

The Alberta Basketball Association (ABA) is committed to creating an inclusive environment free from maltreatment for all the ABA sanctioned basketball programs in which all individuals are treated with dignity and respect. Everyone has the right to participate and work in an environment which promotes equal opportunities and prohibits discriminatory practices, and everyone has the responsibility to promote a maltreatment-free environment and to prevent maltreatment from occurring.

The ABA adopts the [Universal Code of Conduct to Prevent and Address Maltreatment in Sport \(UCCMS\)](#) put forth by Sport Canada. Maltreatment is considered a volitional act that results in harm or the potential for physical, psychological, sexual, neglect, grooming, process, retaliation, aiding and abetting, or failure to report.

This policy applies to all employees and members of the ABA.

Maltreatment shall not be tolerated in the workplace, in any work-related or social activity, in any of the employment or recruitment practices of the ABA or in any ABA sanctioned basketball program or service.

The ABA encourages all incidents of maltreatment to be reported, regardless of who the offender may be. The ABA shall investigate reported incidents of maltreatment in a prompt, objective, and sensitive manner taking necessary corrective action and providing appropriate support for victims. No individual shall be penalized in any way for making a complaint or giving evidence in a maltreatment investigation, unless the complaint is made maliciously or without reasonable and probable grounds.

Policy Implementation

1. In implementing this policy, the ABA shall:
 - a. Discourage and prevent maltreatment in the workplace and within any ABA-sanctioned basketball programs and services through education of all stakeholders
 - b. Investigate formal complaints of maltreatment in a sensitive, responsible and timely manner;
 - c. Impose appropriate disciplinary or corrective measures when a complaint of maltreatment has been substantiated, regardless of the position or authority of the offender;
 - d. Provide advice to persons who experience maltreatment;
 - e. Support and assist any employee or member of the ABA who experience maltreatment by someone who is not an employee or member of the ABA;
 - f. Make all members and employees of the ABA aware of the problem of maltreatment, and in particular sexual maltreatment, and of the procedures contained in this policy;

- g. Inform both complainants and respondents of the procedures contained in this policy and their rights under the law;
 - h. Appoint maltreatment officers and provide the training and resources they need to fulfil their duties under this policy; and
 - i. Appoint unbiased case review panels and appeal bodies and provide the resources and support they need to fulfil their duties under this policy.
2. Every member and employee of the ABA has a responsibility to play a part in ensuring that the basketball environment is free from maltreatment. This means not engaging in, allowing, condoning or ignoring behaviour contrary to this policy. In addition, any member of the ABA who believes that another member has experienced or is experiencing maltreatment is encouraged to notify a maltreatment officer appointed under this policy.
3. In the event that an ABA Board Member or employee is a party to a complaint which is made under this policy, he or she shall be excluded from the procedures in this policy, except as necessary for his or her participation as a party to a complaint. For greater certainty, such the ABA Board Member or employee, who is a party to the complaint made under this policy shall not serve as a maltreatment officer to the complaint, sit as a member of the case review panel or appeal body to the complaint, or participate in or be privy to any Board of Directors discussion or decisions concerning the complaint.
4. For the purposes of this policy, retaliation against an individual for:
 - a. Having filed a complaint under this policy;
 - b. Having participated in any procedure under this policy; or
 - c. Having been associated with a person who filed a complaint or participated in any procedure under this policy; will be treated as maltreatment and will not be tolerated.

Coach-Athlete Sexual Relations

The ABA fully aligns with the Safe Sport policy on coach-athlete consensual sexual relationships. The policy states that it is never appropriate for a coach to engage in a sexual relationship with an athlete regardless of consent at any age if the coach and athlete are currently working together.

A coach and athlete may engage in a consensual sexual relationship after they are no longer working together and both parties are over the age of 25.

Disciplinary Action

Employees or members of the ABA against whom a complaint of maltreatment is substantiated may be severely disciplined, up to and including employment dismissal or termination of membership in cases where the maltreatment takes the form of assault, sexual assault or a related sexual offence.

Confidentiality

1. The ABA understands that coming forward with a complaint of maltreatment can be extremely difficult, and to be wrongly accused or convicted of maltreatment can be devastating. The ABA recognizes the interests of both the complainant and the respondent in keeping the matter confidential.
2. The ABA shall not disclose to outside parties the name of the complainant, the circumstances giving rise to the complaint, or the name of the respondent unless such disclosure is required by a disciplinary or other remedial process.

Maltreatment Officers

1. The ABA shall appoint three persons, of different gender identities who themselves are members or employees of the ABA, to serve as maltreatment officers under this policy.
2. The role of the maltreatment officers is to serve in a neutral, unbiased capacity and to receive complaints, assist in informal resolution of complaints and investigate formal written complaints. In carrying out their duties under this policy, officers shall report directly to the ABA Board of Directors.
3. The ABA shall ensure that officers receive appropriate training and support for carrying out their responsibilities under this policy.

Complaint Procedures

1. A person who experiences maltreatment is encouraged to make it known to the offender that the behaviour is unwelcome, offensive and contrary to this policy.
2. If confronting the offender is not possible or if after confronting the offender, the maltreatment continues, the complainant should seek the advice of an ABA maltreatment officer.
3. The maltreatment officer shall inform the complainant of:
 - a. The options for pursuing an informal resolution of his or her complaint;
 - b. The right to lay a formal written complaint under this policy when an informal resolution is inappropriate or not feasible;
 - c. The availability of counselling and other support provided by the ABA;
 - d. The confidentiality provisions of this policy;
 - e. The right to be represented by a person of choice (including legal counsel) at any stage in the complaint process;
 - f. The external mediation/arbitration mechanisms that may be available;
 - g. The right to withdraw from any further action in connection with the complaint at any stage (even though the ABA might continue to investigate the complaint);
and
 - h. Other avenues of resource, including the right to file a complaint with the Alberta Human Rights Commission or, where appropriate, to refer the matter to the police.

Once a meeting has taken place between the maltreatment officers and the complainant. Upon reviewing the evidence the maltreatment officer will impose one or more of the following sanctions:

1. Verbal or Written Warning-
 - a. 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.
2. Education-
 - a. The requirement that a Participant undertake specified educational or similar remedial measures to address the Maltreatment.
3. Probation-
 - a. 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.
4. Suspension-
 - a. 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.
5. Eligibility Restrictions-
 - a. Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions.
6. Permanent Ineligibility-
 - a. 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.
7. Other discretionary Sanctions-
 - a. 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 deemed necessary or appropriate.

Procedure Where a Person Believes a Colleague has been Maltreated

Where a person believes that a colleague has experienced or is experiencing maltreatment and reports this belief to a maltreatment officer, the officer shall meet with the person who is said to have experienced maltreatment and shall then proceed in accordance with the Complaint Procedure.

Appeals

1. Both the complainant and the respondent shall have the right to appeal the decision and recommendations of the case review panel. A Notice of Appeal, stating the grounds from the appeal, must be provided to the Board of Directors within 14 days of the complainant or respondent receiving the panel's report.
2. Permissible grounds for an appeal are:
 - a. The panel did not follow the procedures laid out in this policy;
 - b. Members of the panel were influenced by bias; or
 - c. The panel reached a decision which was grossly unfair or unreasonable.
3. In the event that a Notice of Appeal is filed, the ABA Board of Directors, excluding the members of the case review panel, shall together appoint a minimum of four members to constitute the appeal body. This appeal body shall consist of two women and two men. These individuals must have no significant personal or professional involvement with either the complainant or respondent, and no prior involvement in the dispute between them.
4. The appeal body shall base its decision solely on a review of the documentation surrounding the complaint, including the complainant's and respondent's statements, the reports of the maltreatment officer and the case review panel, and the Notice of Appeal.
5. Within 10 days of its appointment, the appeal body shall present its findings to the ABA Board of Directors. The appeal body shall have the authority to uphold the decision of the panel, to reverse the decision of the panel, and/or to modify any of the panel's recommendations for disciplinary action or remedial measures.
6. A copy of the appeal body's report shall be provided, without delay, to the complainant and respondent.
7. The decision of the appeal body shall be final and binding on the parties to the complaint.

Trans Inclusion Statement

The ABA believes that all individuals deserve respectful and inclusive environments for participation that value the individual's gender identity and gender expression. The ABA wants to ensure that all participants have access to programming and facilities in which they feel comfortable, safe and included. The ABA's will continue to provide updated information as it becomes available.

Board Approval and Review –

- Policy reviewed by the ABA Staff in April 2020
- Policy approved by the ABA Board of Directors in June 2020
- Policy will be reviewed again in July 2021