

DISCIPLINE AND COMPLAINTS POLICY

Discipline and Complaints Policy - Ringette Alberta

Policy Section	Change	Date Approved	Effective Date
All	Wording changes throughout to be consistent language with other Ringette Alberta Policies and consistency within this policy	April 24 2024	April 24 2024
4. Definitions	Removed reference to Process 2 since hearing panels can also be used for Process 1. Added that one of the hearing panel members must be a lawyer Added definition of Internal Disciplinary Committee	April 24 2024	April 24 2024
7.	Added a statement to clarify the primary role of the Independent Third Party	April 24 2024	April 24 2024
8,9,10.	Added statements to clarify when complaints should be made to the Member Associations/League rather than the Independent Third Party	April 24 2024	April 24 2024
18	Added wording to clarify that the Policy also applies to breaches of Members Governing documents including their Code of Conduct. Added criteria related to other findings and to clarify jurisdiction	April 24 2024	April 24 2024
22.	Changed wording to clarify what the Independent Third Party does after the complaint is deemed admissible.	April 24 2024	April 24 2024
23. – 28.	Process 1 and 2 in the previous policy were completely re-written to provide more detailed explanations of what types of complaints are Process 1 versus Process 2 and also to provide more resolution options under each type of process.	April 24 2024	April 24 2024
29.	Added wording and removed section to make the provisional measure not appealable. Added wording to ensure a monthly review of the provisional measure.	April 24 2024	April 24 2024
32-35	Added articles to clarify the procedures of the Independent Third Party depending on which Resolution Process is used	April 24 2024	April 24 2024
Appendix B – Article 1	Clarified the different between publication of Process 1 or Process 2 matters	April 24 2024	April 24 2024
Appendix C	Added this Appendix to clarify jurisdictional matters and to provide examples of potential learning activities related to sanctions	April 24 2024	April 24 2024

Overview

1. Organizational Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with all by-laws, governance requirements, policies, procedures, Code of Conduct and Ethical Behavior, rules, standards, and regulations of Ringette Alberta (the “Organization”), as updated and amended from time to time (collectively known as the “Governing Documents”).

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2. Non-compliance with any of the Organization's Governing Documents and/or the Universal Code of Conduct to Prevent and Address Maltreatment in Sport ("UCCMS"), as applicable, may result in sanctions pursuant to this Policy.

Purpose

3. The purpose of this Policy is to set out the processes by which complaints of alleged violations of Ringette Alberta's Governing Documents, and the Universal Code of Conduct to Prevent and Address Maltreatment in Sport ("UCCMS") will be dealt with by Ringette Alberta.

Definitions

4. Terms in this Policy are defined as follows:
 - a) ***Athlete*** – An individual who is a participant with the Organization-sanctioned events and activities as an athlete who is subject to the policies of the Organization including the Organization Code of Conduct and Ethical Behavior Policy and the UCCMS.
 - b) ***Athlete Support Personnel*** – An Organizational Participant who is any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other person working with, treating or assisting an Athlete involved in the sport of Ringette
 - c) ***The Code*** - the Ringette Alberta Code of Conduct and Ethical Behavior
 - d) ***Complainant*** – Anyone who makes a report of an incident, or a suspected incident, of alleged Maltreatment, Prohibited Behaviour or other misconduct that may be a violation of the UCCMS, and/or Governing Documents of Ringette Alberta.
 - e) ***Days*** – calendar days.
 - f) ***External Hearing Panel*** – A Panel of one or three people, of which one must be a lawyer, who are appointed by the Independent Third Party from a list of options provided by the Organization, to decide on complaints.
 - g) ***Event*** – An event sanctioned by the Organization or its Member Association, and which may include a social event.

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- h) **Governing Documents** - All by-laws, governance requirements, policies, procedures, Code of Conduct and Ethical Behavior, rules, standards, and regulations of Ringette Alberta (the “Organization”).
- i) **Harassment** – as defined in the *UCCMS* and/or applicable provincial legislation.
- j) **Independent Third Party** – the company or person appointed by the Organization to receive reports and complaints, and to fulfill the responsibilities outlined in the Ringette Alberta *Discipline and Complaints Policy* and *Appeal Policy*, as applicable.
- k) **Alternative Dispute Resolution expert** – An individual appointed by the Independent Third Party or the Organization to facilitate a resolution process on complaints. The Alternative Dispute Resolution expert is not required to but may have legal or specialized sport expertise, or abuse expertise.
- l) **Internal Disciplinary Committee** – a group of individuals authorized by the Organization to hear and adjudicate complaints and render decisions. The individuals on the committee may be part of the ringette community but must not be in a conflict of interest with any of the Parties to the complaint.
- m) **Maltreatment** – as defined in the *UCCMS*.
- n) **Member** – As defined in Ringette Alberta Bylaws as Directors of Ringette Alberta Board of Directors or a Group Member which is any club, association, or community within the Province of Alberta that registers players with the Association or the Organization for the purpose of participating in ringette. For the readers’ clarity, the term “local Member Association” is sometimes used in this policy and also refers to this definition of Member.
- o) **Minor** – as defined in the *UCCMS*.
- p) **Organization** - Ringette Alberta
- q) **Parties** – the individuals involved in a complaint/reported incident, normally the complainant and respondent.

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- r) **Organizational Participants** – Refers to all categories of Member defined in the By-laws and Policies of Ringette Alberta and all individuals who are subject to the Governing Documents and Policies of Ringette Alberta. This includes all people employed by, contracted by, or engaged in activities sanctioned by Ringette Alberta and its Members including, but not limited to, employees, contractors, athletes, coaches, facilitators, evaluators, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, committee members, and Directors and Officers.
- s) **Person in Authority** – Any Organizational Participant who holds a position of authority including, but not limited to, coaches, instructors, officials, managers, support personnel, chaperones, committee members, or directors and officers.
- t) **Power Imbalance** – as defined in the *UCCMS*.
- u) **Provisional Suspension** – means that the Organizational Participant is barred temporarily from participating in any capacity in any Event or activity of the Organization and its Members, or as otherwise decided pursuant to the *Discipline and Complaint Policy*, prior to the decision rendered pursuant to this Policy.
- v) **Respondent** – The Party who the complaint allegations are about and is expected to respond to the complaint.
- w) **UCCMS** - *Universal Code of Conduct to Prevent and Address Maltreatment in Sport*, as amended from time to time by the Sport Dispute Resolution Centre of Canada (“SDRCC”).
- x) **Vulnerable Participant** – as defined in the *UCCMS*.

Application

5. This Policy applies to all Organizational Participants and to any alleged breaches of the Organization’s Governing Documents (or any of those of its Members) and the *UCCMS*.
6. In addition to being subject to disciplinary action pursuant to this Policy, an employee of the Organization who is a Respondent to a complaint may also be

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subject to consequences in accordance with the employee's employment agreement or the Organization's human resources policies, if applicable.

7. Independent Third Party is made available, by the Organization, primarily for complaints relating to abuse and maltreatment of athletes.

Reporting of a Complaint

Reporting of a Complaint to the Independent Third Party

8. Complaints of alleged breaches of the Ringette Alberta Governing Documents and/or UCCMS will be made to the Independent Third Party by accessing the portal through the Ringette Alberta website or on the website of the Ringette Alberta Member. Any formal complaint made to Ringette Alberta will either be redirected back to the Member Association, League, or other jurisdiction or will be forwarded to the Independent Third Party for admissibility review according to the guidelines in this policy or redirected to the Member Association, League, or other jurisdiction to address.
9. For Code of Conduct matters that are normally dealt with through local Member Association complaint processes, or complaint processes of other jurisdictions such as Leagues, other provinces, etc, the complaint should be made to the appropriate jurisdiction, rather than the Independent Third Party service. (Further guidance on matters typically dealt with through local Member Associations or the Leagues is provided in *Appendix C*).

For Code of Conduct matters normally dealt with through policies of Member Associations or Leagues or other provinces (examples in *Appendix C*), concerns or questions should be directed to the appropriate jurisdiction rather than through the Independent Third Party.

10. For administrative matters normally dealt with through policies of the Organization or its Members or the Leagues (examples in *Appendix C*), concerns or questions should be directed to the appropriate jurisdiction rather than through the Independent Third Party.

11. Complaints should be brought as soon as possible and no later than 14 Days from the occurrence of the incident. This timeline can be waived at the sole

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discretion of the Independent Third Party or the Organization (Ringette Alberta). Any such decision is not subject to appeal.

12. Notwithstanding any provision in this Policy, the Organization may, at its discretion, or upon request by the Independent Third Party, act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, the Organization will identify an individual to represent the Organization.

13. An Organizational Participant who fears reprisal or who otherwise has sufficient reason to wish to keep their identity confidential may file a complaint with the Independent Third Party and request that their identity be kept confidential. The Independent Third Party may, where it considers appropriate, ask that the Organization act as the Complainant. Organizational Participants making the complaint may nevertheless be required to participate to some extent in the process; for example, providing evidence during the disciplinary process. Their identity will be kept in the strictest confidence, to the greatest extent possible but complete anonymity may not be possible. The confidentiality of the Complainant's identity may not be guaranteed and may not be maintained for the entirety of the complaint process.

Minors

14. Complaints may be brought by or against an Organizational Participant who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.

15. If the Minor's representative is not their parent/guardian, the representative must have written permission to act in such a capacity from the Minor's parent/guardian.

16. Communications from or authorized by the Organization or the Independent Third Party must be directed to the Minor's representative.

17. A Minor is not required to attend or participate in an oral hearing, if held, or participate in an investigation if conducted. In such circumstances, no adverse inference can be drawn against the Minor.

Admissibility of the Complaint

18. Upon receipt of a complaint, the Independent Third Party will determine whether the complaint falls within the jurisdiction of this Policy by considering, at minimum, the following:

- i. whether the incident occurred within the business, activities, or Events of the Organization, or one of its Members or affiliated organizations;
- ii. whether the alleged incident(s) qualifies as an infraction under the Ringette Alberta Governing Documents (including the Code of Conduct), or that of its Members, and/or the UCCMS;
- iii. Whether the complaint has been submitted within the required timeframe;
- iv. Whether the complaint already has a finding and/or resolution from another resolution process (including those from civil or criminal law). In such cases, the complaint will be deemed inadmissible except in situations of severe maltreatment under Process 2 (see *Article 27*) if the Independent Third Party determines that the sanctions and disciplinary findings from the other resolution process did not adequately consider the severity of the maltreatment and/or the potential for further maltreatment to occur.
- v. Whether the complaint is currently being reviewed through another process (for example, through a Member organization or other process)
- vi. Whether the matter is typically managed and/or can be effectively addressed by the local Member Association or other jurisdiction in which case it will not be dealt with by the Independent Third Party. *(Further guidance on matters typically dealt with through local Member Associations is provided in Appendix C.)*
- vii. Determine whether the complaint is frivolous, vexatious or if it has been made in bad faith. As indicated in the Sport Dispute Resolution Centre of Canada's Investigation Guidelines, a reported complaint shall not be characterized as vexatious if the evidence demonstrates that there was a reasonable basis for filing and pursuing it. For a complaint to be considered to have been made in bad faith, the Independent Third Party

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must consider that it was filed consciously for a dishonest purpose or due to the moral underhandedness of the Complainant and that there was an intention to mislead.

19. If a complaint is deemed to be inadmissible under this policy, then the Independent Third Party must provide reasons to the complainant in writing.

Complaint Resolution Process for Admissible Complaints

20. At any point after receiving a complaint, the Independent Third Party has the authority to investigate to gather the facts, or to contract an external investigator (according to *Appendix A*)

22. Complaints will be reviewed by the Independent Third Party to determine whether the complaint will be resolved according to Process 1 or Process 2.

Process 1

23. Process 1 options for resolution may be used to address matters that breach the Organization's Governing Documents or the UCCMS that are not repeated, ongoing, or do not rise to the severity required to utilize Options for Resolution under Process 2. Example of behaviors addressed under Process 1 include, but are not exclusive to:

A. Disrespectful comments or language (example: derogatory terms used to describe the genders)

B. Racial slur that is a not part of a repeated or ongoing bullying and/or harassment and/or intimidation

C. Intimidating or harassing behavior, or physical aggression (example only: shoving, pushing etc) from one adult to another.

D. Maltreatment of athletes and minors that does not rise to the severity required to utilize Process 2.

The behaviors identified above are examples only and are not an all-inclusive list of behaviors that may be addressed through Process 1.

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24. Process 1 Options for Resolution

Following the determination that the complaint or incident should be handled under Process #1, the Independent Third Party will implement one or more of the following processes for resolution:

- i. If the matter is normally managed by the local Member Association or other jurisdiction (for example, such as another provincial ringette association or the League), send that complaint to the appropriate jurisdiction to determine any subsequent discipline and/or education actions that need to be taken according to that jurisdiction's own discipline and complaints policy. The Parties do not have to agree to this process and the decision of the Independent Third Party to use this process is not appealable. When the Independent Third Party refers to matter to the Member Association or other jurisdiction, the Independent Third Party may, at their discretion, offer suggestions to the Member Association or other jurisdiction for possible educational and/or awareness building activities to be undertaken by one or both Parties. (Examples are listed in *Appendix C*)
- ii. The Independent Third Party may elect to have an awareness-raising conversation with the respondent. The Parties do not have to agree to this action by the Independent Third Party.
- iii. Refer the complaint to the Organization's Internal Disciplinary Committee to determine any subsequent disciplinary and/or educational actions that need to be taken. The Parties do not have to agree to this process and the decision of the Independent Third Party to use this process is not appealable.
- iv. Refer the complaint to a formal alternative dispute resolution process (e.g. Mediation, conflict resolution facilitators, etc) with the cost covered by the Member or the Party(ies) to the complaint. The Parties must agree to this resolution process.
- v. Appoint an External Hearing Panel of one person to hear the facts of the case and make a decision. The Parties do not have to agree to this process and the decision of the Independent Third Party to use this process is not appealable.

25. At any point in a Process 1 resolution process, the Independent Third Party can move the matter into Process 2 options.

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26. At any point in the resolution process, the Independent Third Party or the Organization can report the matter to other appropriate authorities such as the police, government Children's Services, etc.

Process 2

27. Process 2 may be used by the Organization (or the Independent Third Party) to address incidents involving the following:

- A. Egregious, or repeated, or ongoing incidents of the type listed in Process 1, particularly those that are directed to athletes thereby violating the UCCMS.
- B. Physical violence or ongoing intimidating or harassing behaviors from a person of authority towards a minor
- C. Sexual Maltreatment or Grooming
- D. Being charged with or Conviction of an Offense under the Criminal Code, while involved in the activities of the Organization and/or its Members, which has implications for the safety of others (example: driving while under the influence, use or possession of illegal substances, damage to property, theft or fraud, etc).

The behaviors identified above are examples only and are not an all-inclusive list of behaviors that may be addressed through Process 2

28. Following the determination that the complaint or incident should be handled under Process #2, the Independent Third Party will implement one or more of the following processes for resolution:

Process 2 Options for Resolution

- i. Refer the complaint to the Organization's Internal Disciplinary Committee to determine any subsequent disciplinary and/or educational actions that need to be taken. The Parties do not have to agree to this process and the decision of the Independent Third Party to use this process is not appealable.
- ii. Refer the complaint to a Formal Alternative Dispute Resolution Process (e.g. Mediation, conflict resolution facilitators, etc) with the cost covered by the Member or the Party(ies) to the complaint. The Parties must agree to this process.

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- iii. Appoint an External Hearing Panel of one to three people to hear the facts of the case and make a decision. The Parties do not have to agree to this process and the decision of the Independent Third Party to use this process is not appealable.
- iv. Report the matter to other appropriate authorities such as the police, government Children's Services, etc.

Provisional Measures

29. If it is considered appropriate or necessary based on the circumstances, immediate discipline or the imposition of a Provisional Suspension or interim measures may be imposed against any Organizational Participant by the Independent Third Party and/or the Executive Director of the Organization (or their delegate), after which discipline or further sanctions may be applied according to this Policy. Any decision to impose provisional suspension or interim measures is not appealable. Any provisional suspensions or interim measures will be reviewed every month until the complaint is resolved.

30. 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, or as otherwise determined appropriate by the designate (e.g. official, event discipline committee, etc.), the Independent Third Party and/or designated Organization staff member or designated volunteer. In-competition discipline or sanction imposed by the applicable official or authority does not prevent an Organizational Participant from facing additional disciplinary proceedings under this Policy. See The Game Suspension and Subsequent Discipline Policy for more information.

31. Notwithstanding the above, the Organization and/or Independent Third Party may determine that an alleged breach is of such seriousness as to warrant the imposition of a Provisional Suspension of a Respondent pending completion of an investigation, the hearing, the decision of the External Hearing Panel, or a criminal process.

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Procedural Steps

32. Once the Independent Third Party determines whether the complaint will be resolved according to a Process 1 or a Process 2 resolution, then the Independent Third Party will determine which resolution option is most appropriate. Once the resolution option is chosen, then the Independent Third Party will inform the Parties to the complaint.

33. Depending on which resolution options is chosen, the Independent Third Party will ask the Complainant and the Respondent for written and/or oral submission regarding the complaint or incident. Both Parties have the right to submit any relevant evidence, including but not limited to witness statement, media sources such as recordings, photos, etc. Both Parties have the right to receive the other Party's submissions and evidence and to know what the complainant's allegations are.

34. Procedures for complaints referred to Member Association or League

If the Independent Third Party has assigned hearing and resolution of the complaint to a Member Association or League, then the Member Association will proceed according to their own policies and will provide written confirmation of their findings and discipline, if any, to both Parties in the complaint. The Member Association has the authority to request further information submissions beyond those gathered by the Independent Third Party.

35. Procedures for complaints referred to Organization Internal Discipline Committee

For these complaints, the Independent Third Party, as the case manager, will coordinate all administrative aspects of the process including: sharing information gathered from the Parties, setting reasonable timelines, and ensuring that the Internal Discipline Committee has the tools for procedural fairness. The Internal Discipline Committee will review the submissions provided by the Independent Third Party, will determine if the incidents occurred, and what, if any, sanctions or disciplinary actions must be taken. They will report their results in writing to the Independent Third Party who will provide the written findings to the Parties of the complaint. Any decisions rendered will be maintained in the records of the Organization according to applicable privacy legislation and, depending on the nature of the complaint, may be shared with local Member Associations, other

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provincial Ringette Organizations, and Ringette Canada according to the Reciprocation Policy. Publication of findings will be according to Appendix B of this policy.

36. Procedures for person with Alternative Dispute Resolution (ADR) expertise if appointed by the Independent Third Party

Following the determination that the complaint or incident will be handled through Alternative Dispute Resolution, the Independent Third Party will appoint an expert in ADR to facilitate a resolution to the complaint. The following is only one example of an ADR process may be:

- a) Ask the Complainant and the Respondent for either written or oral submissions regarding the complaint/incident. Both Parties shall also have the right to submit 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 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,
- b) Following receipt of the Parties' submissions, the ADR expert may ask to convene the Parties to a meeting, either in person or by way of video or teleconference, to ask the Parties questions and possibly allow the Parties to ask questions of one another.

37. Following their review of the submissions and evidence related to the complaint, the ADR expert shall determine if the alleged breach has been substantiated and, if so, what appropriate sanction, if any, will be imposed (see the Sanctions section). If, after hearing the Parties and reviewing their submissions, the ADR expert considers that the alleged breach has not been substantiated, they shall dismiss the complaint.

38. The Independent Third Party will inform the Parties of the ADR expert's decision, which shall be in writing and include reasons. The ADR expert's decision will take effect immediately, unless specified otherwise. Should the circumstances require a decision to be rendered immediately or within a short timeline, the ADR

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expert may render a short decision, either orally or in writing, followed by a written reasoned decision.

39. Any decision rendered by the ADR expert shall be provided to and maintained in the records of the Organization and any applicable Member and/or Club to which the Respondent belongs. Decisions will be a public record unless the ADR expert decides otherwise.

40. Procedures for External Hearing Panel if appointed by the Independent Third Party

Following the determination that the complaint should be handled by an External Hearing Panel, the Independent Third Party shall have the following responsibilities:

- a) Coordinate all administrative aspects of the process and set reasonable timelines;
- b) Provide administrative assistance and logistical support to the External Hearing Panel as required, including providing the External Hearing Panel with any information related to previously imposed disciplinary sanctions against the Respondent(s) of the policies of the Organization, any Member or any other sport organization that had authority over the Respondent; and,
- c) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.

41. The Independent Third Party will establish timelines and address the complaint in a timely fashion and in a manner that respects procedural fairness.

42. The Independent Third Party, in cooperation with the External Hearing 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, virtually, 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.

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43. The hearing will be governed by the procedures that the Independent Third Party and the External Hearing 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 the Organization 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 External Hearing Panel consider will be provided to all Parties, through the Independent Third Party, in advance of the hearing and in accordance with the timelines set by the Independent Third Party.
- d) The Parties may engage a representative, advisor, translator, transcription services or legal counsel at their own expense.
- e) The External Hearing Panel may request that any other individual participate and give evidence at the hearing.
- f) If not a Party to the complaint, the Organization shall be allowed to attend the hearing as an observer and will be provided with access to any documents submitted. With the permission of the External Hearing Panel, the Organization and/or the relevant Member may make submissions at the hearing or may provide the External Hearing Panel with clarifying information that may be required for the External Hearing Panel to render its decision. .
- g) The External Hearing Panel shall allow any evidence at the hearing filed by the Parties and may exclude any evidence that is unduly repetitious or otherwise an abuse of process. The External Hearing Panel shall otherwise apply relevant and applicable evidentiary rules in relation to the admissibility and weight given to evidence filed by the Parties.
- h) The decision will be by a majority vote of the External Hearing Panel when the Panel consists of more than one person.

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44. If the Respondent admits to the alleged breach or acknowledges key facts as alleged, the Respondent may waive the hearing, in which case the External Hearing Panel will determine the appropriate sanction. The External Hearing Panel may still hold a hearing for the purpose of determining an appropriate sanction.

45. The process will still proceed even if a Party chooses not to participate in a hearing.

46. If a decision may affect another Party to the extent that the other Party would have recourse to a complaint or an appeal, that Party will become a Party to the complaint, shall be permitted to participate in the proceedings as determined by the External Hearing Panel, and will be bound by the decision.

47. In fulfilling its duties, the External Hearing Panel may obtain independent advice.

Decision

48. After hearing the matter, the External Hearing Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. If the External Hearing Panel considers that an infraction has not occurred, the complaint will be dismissed.

49. Normally within fourteen (14) days of the conclusion of the hearing, the Independent Third Party will distribute the External Hearing Panel's written decision, with reasons, to the Parties, the Organization, and the relevant Member(s).

50. In extraordinary circumstances, the External Hearing 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, or promptly thereafter.

51. The External Hearing Panel's decision will come into effect as of the date that it is rendered, unless decided otherwise by the External Hearing Panel. The External Hearing Panel's decision will apply automatically to the Organization, its Members, and other applicable organizations, in accordance with the *Reciprocation Policy*.

52. Unless the matter involves a Vulnerable Participant, once the appeal deadline in the *Appeal Policy* has expired, the Organization or the Member (as applicable)

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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 Organizational Participants involved and the sanction(s) imposed, if any. 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 by the Organization or its Members.

53. If the External Hearing Panel dismisses the complaint, the information referred to in the preceding paragraph may only be published with the Respondent's consent. If the Respondent does not provide such consent, such information referred to above will be kept confidential by the Parties, the Independent Third Party, the Organization and any applicable Member (including the Respondent's club) and shall be retained and discarded in accordance with applicable privacy legislation. Failure to respect this provision may result in disciplinary action being taken pursuant to this *Policy*.

54. Other relevant individuals or organizations, including but not limited to, Members, Provincial/Territorial sport organizations, sport clubs, etc., shall be advised of the outcome of any decisions rendered in accordance with this Policy.

55. Records of all decisions will be maintained by the Organization in accordance with their Privacy Policy.

56. When the External Hearing Panel imposes a sanction, the decision shall include, at a minimum, the following details:

- d) Jurisdiction;
- e) Summary of the facts and relevant evidence;
- f) Where applicable, the specific provision(s) of the Organization's policies, bylaws, rules or regulations that have been breached;
- g) Which Party or organization is responsible for the costs of implementing any sanction;
- h) Which organization is responsible for monitoring that the sanctioned individual respects the terms of the sanction;

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- i) Any reinstatement conditions that the Respondent must satisfy (if any);
- j) Which organization is responsible for ensuring that the conditions have been satisfied; and,
- k) Any other guidance that will assist the Parties to implement the External Hearing Panel's decision.

57. If necessary, a Party – or the organization that is responsible for implementing or monitoring a sanction – may seek clarifications from the External Hearing Panel regarding the sanction order so that it can be implemented or monitored appropriately.

Sanctions

58. When determining the appropriate sanction, the following factors will be considered (where applicable):

- 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 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 the Organization;
- 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 *Code*; addiction; disability; illness);

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- 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.

59. 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.

60. The following disciplinary sanctions may be considered, singularly or in combination:

- a) **Verbal or Written Warning** – A verbal reprimand or an official written notice that an Organizational Participant has violated the *Code* and that more severe sanctions will result should the Organizational Participant(s) commit other violations.
- b) **Education** – The requirement that an Organizational Participant undertake specified educational or similar remedial measures to address the violation of *the Code* or UCCMS.
- c) **Probation** – a specified amount of time within which certain terms and conditions must be met by the Organizational Participant, such as remaining in good standing and remaining in compliance with *the Code* and UCCMS. 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 during the 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, sanctioned by, or under the auspices of the Organization. A suspended Organizational Participant(s) may be eligible to return to participation, but reinstatement may be subject to certain

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restrictions or contingent upon the Organizational Participant 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 the Organization.
- 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 (see Appendix C).

61. The following presumptive sanctions may be 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.

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

- a) Any child pornography offences

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- b) Any sexual offences
- c) Any offence of physical violence

63. Failure to comply with a sanction as determined by the External Hearing Panel will result in an automatic suspension until such time as compliance occurs.

Appeals

64. The decision of an Internal Discipline Committee, an Alternative Dispute Resolution binding decision (such as that from an Arbitrator), or the External Hearing Panel, as applicable, may be appealed in accordance with the *Appeal Policy*.

65. A facilitated decision between the Parties by a person with Alternative Dispute Resolution expertise cannot be appealed.

Confidentiality

66. The disciplinary process is confidential and involves only the Organization, the Organizational Participant (where applicable), the Parties, the Independent Third Party, the External Hearing Panel (as appropriate), any witnesses called during an investigation or hearing (as applicable) and any independent advisors to the External Hearing Panel.

67. None of the Parties (including their representatives) or witnesses or organizations referred to in the preceding paragraph will disclose confidential information relating to the complaint or a sanction to any person not involved in the proceedings, unless the Organization is required to notify an organization such as an international federation, Sport Canada or other sport organization (i.e., where a Provisional Suspension or interim measures have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law.

68. Any failure to respect the confidentiality requirement may result in further sanctions or discipline by the person with Alternative Dispute Resolution expertise, or External Hearing Panel (as applicable) or Internal Discipline Committee.

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Timelines

69. 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 Independent Third Party may direct that these timelines be revised.

Privacy

70. The collection, use and disclosure of any personal information pursuant to this Policy is subject to the Organization's *Privacy Policy*.

71. The Organization, its Members, or any of their delegates pursuant to this Policy (i.e., Independent Third Party, Alternative Dispute Resolution expert, External Hearing Panel), shall comply with the Organization's Privacy Policy (or, in the case of a Member, the Member's Privacy Policy) in the performance of their services under this Policy.

This Policy is subject to review at least once every two years

Date of most recent approval by the Ringette Alberta Board of Directors:

April 24 2024

Date of last review: August 25 2023

Date of previous review: November 3, 2017

Appendix A – Investigation Procedure

Determination

1. When a complaint is submitted pursuant to the Procedure and is accepted by the Independent Third Party, the Independent Third Party will determine if the incident(s) should be investigated.

Investigation

2. If the Independent Third Party considers that an investigation is necessary, they will appoint an investigator. The investigator must be an independent third-party with experience in investigating. The investigator must not be in a conflict-of-interest situation and should have no connection to either Party.
3. Provincial legislation related to workplace harassment may apply to the investigation if Harassment was directed toward a worker in a workplace. The investigator should review workplace safety legislation, the organization's policies for human resources, and/or consult independent experts to determine whether legislation applies to the complaint.
4. The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial/Territorial legislation. The investigation may include:
 - a) Interview(s) with the Complainant
 - b) Statement of facts (from the Complainant's perspective) prepared by investigator, acknowledged by the Complainant, and provided to the Respondent.
 - c) Interview(s) with the Respondent
 - d) Witness interviews

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- e) Statement of facts (from the Respondent's perspective) prepared by investigator, acknowledged by the Respondent and provided to the Complainant.

Investigator's Report

5. Upon completion of their investigation, the investigator shall prepare a written report that shall include a summary of evidence from the Parties and any witnesses interviewed. The report shall also include a non-binding recommendation from the investigator regarding whether an allegation or, where there are several allegations, which allegations, should be heard by an External Hearing Panel pursuant to the *Discipline and Complaints Policy* on the grounds that they constitute a likely breach of the Organization's *Code of Conduct and Ethics Policy*, the UCCMS or any other relevant and applicable Organization or Member policy.
6. The investigator may also make non-binding recommendations regarding the appropriate next steps (i.e., mediation, disciplinary procedures, further review or investigation).
7. The investigator's report will be provided to the Independent Third Party who will disclose it, at their discretion, all or part of the investigation to the Organization and the relevant Members (if applicable). The Independent Third Party may also disclose the investigator's report – or a redacted version to protect the identity of witnesses – to the Parties, at their discretion, with any necessary redactions. Alternatively, and only if necessary, other relevant Parties may be provided with an executive summary of the investigator's findings by the Independent Third Party.
8. Should the investigator find that there are possible *Criminal Code* offences, the investigator shall advise the Parties, the Organization and, where applicable, the Member, and the matter shall be referred by the Independent Third Party to the police.
9. The Investigator must also inform the Organization or the Member (as applicable) of any findings of criminal activity. The Organization or the Member (as applicable) may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of prohibited substances or methods (as indicated in the version of the World

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Anti-Doping Agency's Prohibited List currently in force), any sexual crime involving Minors, fraud against the Organization or any Member(s) (as applicable), or other offences where the lack of reporting would bring the Organization or the Member (as applicable) into disrepute.

Reprisal and Retaliation

10. Any Organizational Participant against whom a complaint has submitted to the Independent Third Party by an Organizational Participant, or which Organizational Participant gives evidence in an investigation are strictly prohibited from engaging in reprisal or retaliation.
11. Any such conduct may constitute Prohibited Behaviour be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy*.

False Allegations

12. An Organizational Participant who submits allegations that the Investigator determines to be frivolous, vexatious, or otherwise for the purpose of retribution, retaliation or reprisal may be subject to a complaint pursuant to the *Discipline and Complaints Policy* and may be required to pay for the costs of any investigation that comes to this conclusion. The investigator may recommend to the Organization or the Member (as applicable) that the Organizational Participant be required to pay for the costs of any investigation that comes to this conclusion.
13. Any Organizational Participant who is liable to pay for such costs shall be automatically deemed to be not in good standing until the costs are paid in full and shall be prohibited from participating in any Organization or applicable Member Events, activities, or business. The Organization, any applicable Member(s), or the Organizational Participant against whom the allegations were submitted may act as the Complainant with respect to making a complaint pursuant to this Section.

Confidentiality

14. The Investigator will make reasonable efforts to conduct the investigation in the strictest confidence. The Organization and its Members recognizes that maintaining complete anonymity for some or all Organizational Participants

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involved in an investigation may not be feasible. The investigator must inform any witness or participant in the investigation of this limitation.

Privacy

15. The collection, use and disclosure of any personal information pursuant to this Procedure is subject to the Organization's *Privacy Policy*.
16. The Organization, its Members, or any of their delegates pursuant to this Procedure (i.e., Independent Third Party, Internal Discipline Committee, person with Alternative Dispute Resolution expertise, External Hearing Panel), shall comply with the Organization's *Privacy Policy* (and/or, in the case of a Member, the Member's Privacy Policy) in the performance of their services under this policy.

APPENDIX B - Publication Guidelines

1. Subject to Ringette Alberta's *Discipline and Complaints Policy*, disciplinary decisions pertaining to a Process 2 matter, will be considered a matter of public record, subject to the restrictions set out below. Decisions relating to a Process 1 matter are typically not published; however, they may be published, at the sole discretion of the Organization, in exceptional circumstances and/or if publication is necessary to ensuring the protection of athletes or minors, and/or if publication will benefit the education of the broader ringette community.
2. Publication of all decisions will not take place until the disciplinary process undertaken by Ringette Alberta is complete, or appeal period, as the case may be.
3. Publication means the communication of information by making it known or accessible to the general public through any means, including print, telecommunication or electronic means.
4. Notification means providing a written copy of any disciplinary decision to an organization as required by the *Reciprocation Policy*. Parties who receive a copy of a disciplinary decision may not publicly disclose this information, except as reasonably necessary to implement the terms of the decision and any sanction.
5. After receiving a copy of a disciplinary decision, Ringette Alberta will, unless otherwise directed by the External Discipline Panel, make the disciplinary decision publicly available on their website or by any other means, such as social media channels, deemed appropriate by Ringette Alberta.
6. Decisions will be posted in accordance with the following:
 - a) Where a sanction or discipline is imposed for a set period where an Organizational Participant is restricted in their involvement with the sanctioned activities of the Ringette Alberta, such as a suspension or a probationary period, the decision will be posted for the duration of the sanction. It will be removed at once the identified time has passed plus two years.

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- b) Where a sanction or discipline involves a verbal or written warning or other reprimand, the decision will be posted for two years.
 - c) If a sanction or discipline involves a period of ineligibility, the decision will be posted for the period of ineligibility plus two years, except in the case of a sanction of permanent ineligibility. A sanction of permanent ineligibility will be posted indefinitely.
 - d) If a sanction or discipline is conditional on the completion of training, education or other conditions, the decision will be posted until the Organizational Participant has completed the required conditions to the satisfaction of Ringette Alberta, plus two years.
 - e) All publications shall take place following the completion of the complaint process. In exceptional circumstances, publication will take place to protect the public and/or if the integrity of Ringette Alberta will be affected by not publishing the decision.
 - f) The publishing of interim suspensions and/or provisional measures will only take place in exceptional circumstances described above in subsection (e).
 - g) Publication bans are standard while a complaint is in progress with Ringette Alberta. All information except for information already publicly available or released is subject to a publication ban and kept confidential until the process is completed.
7. Prior to publishing the disciplinary decision, Ringette Alberta will remove any confidential or sensitive material from the disciplinary decision, including any identifying information about Organizational Participants or other individuals named, unless these Organizational Participants are subject to a sanction and/or discipline in the disciplinary decision.
8. Matters which are resolved prior to a decision of a panel being issued will not be subject to publication, though Ringette Alberta may notify any relevant organization of any settlement and resulting restrictions on the participation rights of an Organizational Participant within the sanctioned activities of Ringette Alberta.

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9. Ringette Alberta will publish a summary of the disciplinary decision. This summary will include the name of the Respondent(s), the nature of the breach or breaches, the policies, bylaws, rules, or regulations that have been breached, the outcome and any sanction imposed, as well as the date of decision.
10. Identifying information regarding Minor or Vulnerable Organizational Participants will never be published by Ringette Alberta.
11. Disciplinary decisions involving sanctions imposed by the OSIC will be published according to the guidelines established by the OSIC.
12. Nothing in the above prohibits Ringette Alberta from notifying relevant sport organizations of any disciplinary decision imposing a sanction and/or discipline on an Organizational Participant, including Minor or Vulnerable Organizational Participant, as required by the *Reciprocation Policy*. If a Minor or Vulnerable Organizational Participant is sanctioned and/or disciplined under a disciplinary decision, any organization who receives notification of this disciplinary decision must keep the decision confidential, except as reasonably necessary to implement the terms of the disciplinary decision.
13. Records of all decisions will be maintained by Ringette Alberta in accordance with the *Privacy Policy*.

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Appendix C

The Independent Third Party service provided by Ringette Alberta is primarily for the use of complaints relating to abuse and maltreatment of athletes.

Examples of Code of Complaints that are typically managed by the Leagues or Member Associations

This is a non-inclusive list of examples related to Code of Conduct:

- Conflict between spectators
- Abusive or harassing behavior by Organizational Participants towards team staff or officials
- Abusive or harassing behavior by Team staff towards officials
- Coach disagreements about team practices, game rosters, etc.
- Athlete comments or behavior about their own team play or one-time comments to other athletes that breach the UCCMS and/or are unsportsmanlike
- Accidental breaches of the Rule of Two
- Inappropriate or profane language by spectators or team staff or other Organizational Participants either in person, online, or on a video feed

During games, the official has the authority, including through the Game Suspension Policy, to address Code of Conduct violations by Organizational Participants including by athletes, team staff, and spectators.

Examples of matters that are administrative)in nature and typically resolved by the Organization, the Member Associations and/or the Leagues applying their related operational policies

This is a non-inclusive list:

- Athlete placement on a team
- Practice time or game scheduling
- Ice Scheduling
- Assignment of Team staff
- Assignments of Officials
- Athlete registration
- Athlete evaluation results
- Athlete residency and tiering
- Approval process for Over-age athletes
- Emergency Goalie Replacement
- Team Staff Qualification requirements

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Non-inclusive list of examples of possible educational and/or awareness-building subjects and activities

The cost of educational and/or awareness-building activities is typically covered by the respondent in the complaint.

Examples of Potential Learning Subjects

Respect in sport, safe sport, anti-bullying, gender-based violence, anti racism, empowerment against bullying, defusing conflict situations, anger management, use of social media, dangers of social media, sexual assault, workplace harassment, social media dangers, etc,

Examples of Potential Learning Activities

- In person or online courses
- One on One meeting(s) with an individual or group that has knowledge on specific subjects
- Community Service volunteering with a specific group(s)
- Developmental sessions with coach or official Master Trainers provided by the Organization, etc)