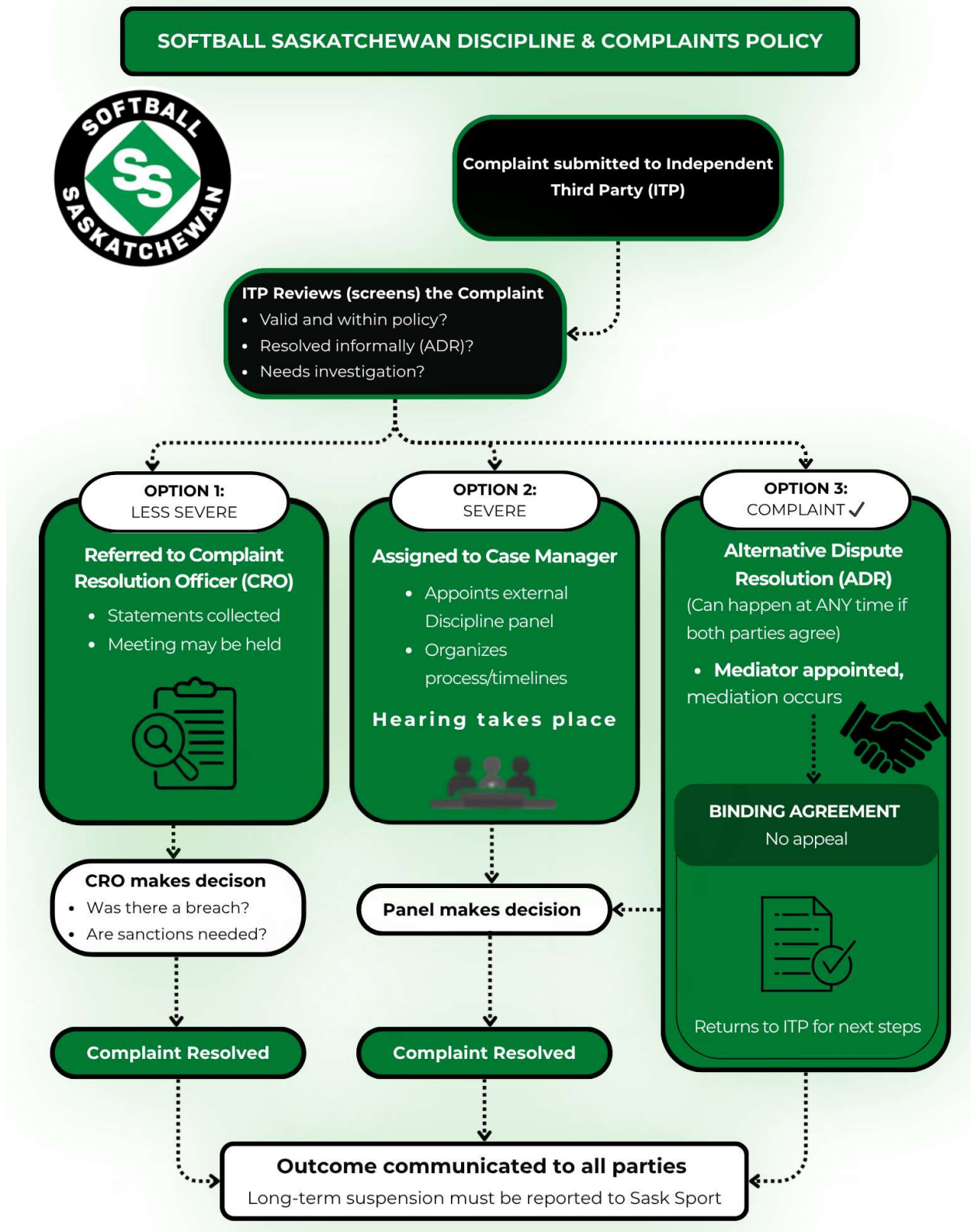


# SOFTBALL SASKATCHEWAN

## DISCIPLINE AND COMPLAINTS POLICY FLOWCHART



<p><b>SOFTBALL SASKATCHEWAN</b></p> <p><b>DISCIPLINE AND COMPLAINTS POLICY</b></p>
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Effective date	April 1 <sup>st</sup> , 2024
Archived date	N/A
Date last reviewed	January 1, 2026
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Replaces and/or amends	N/A
Approved by and date	Softball Saskatchewan Board of Directors, January 12, 2026
Appendix(-ces) to this Policy	N/A
Safe Sport approval date	

**Purpose**

1. Individuals are expected to uphold their responsibilities and obligations including, but not limited to, complying with the policies, bylaws, rules and regulations of Softball Saskatchewan and its Members, as applicable and as amended from time to time. Failure to comply may result in sanctions under this Policy.

**Application of this Policy**

2. This Policy applies to all Individuals and to any alleged breaches of Softball Saskatchewan policies, bylaws, rules or regulations.
3. This Policy applies to matters that may arise during the business, activities, and Events of Softball Saskatchewan including, but not limited to, competitions, practices and training, evaluations, treatment or consultations (e.g., massage therapy), training camps, travel associated with Softball Saskatchewan activities, and any meetings.
4. This Policy also applies to Individuals' conduct outside of the business, activities, and Events of Softball Saskatchewan when such conduct adversely affects Softball Saskatchewan's relationships (and the work and sport environment) or is detrimental to the image and reputation of Softball Saskatchewan, or upon the acceptance of Softball Saskatchewan.
5. Without limiting the generality of the foregoing, this Policy applies to alleged breaches of the *Code of Conduct and Ethics* by Individuals who have retired from the sport of softball where the conduct in question occurred while the Individual was active in the sport. In addition, this Policy will apply to breaches of the *Code of Conduct and Ethics* that occurred due to interactions between Individuals arising from their mutual involvement in the sport of softball or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Individual(s).

If an Individual makes a complaint or Reports an incident that occurred at a time during which a different Softball Saskatchewan policy was in force (i.e., *Code of Conduct and Ethics, Discipline and Complaints Policy*), the matter will be governed by the substantive rules in the policy in force at the time that the incident occurred to determine whether an offense or breach of the policy has occurred,

unless the panel hearing the matter determines that the principle of *lex mitior*<sup>1</sup> applies to the circumstances of the case; however, for such cases, this *Discipline and Complaints Policy* will apply retroactively, prior to its approval date, as it relates to procedural matters.

Applicability of this Policy will be determined by the Independent Third Party at their sole discretion and shall not be subject to appeal.

6. In addition to being subject to disciplinary action pursuant to this Discipline and Complaints Policy, an employee of Softball Saskatchewan who is a Respondent to a Report may also be subject to consequences in accordance with the employee's employment agreement or as determined by Softball Saskatchewan's President and Executive Committee
7. Softball Saskatchewan will comply with all disclosure and reporting obligations required by any government entity, local police, or child protection agency. This includes promptly reporting any such concerns or incidents, if required, where Athletes or Vulnerable Participants are involved, and ensuring such reports are handled confidentially and in accordance with the best interests of those involved.

### **Minors**

8. Complaints may be brought for or against an Individual who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process. Any Individual who Reports or brings a complaint on behalf of a Minor that involves known or suspected abuse or neglect of a Minor that is not Reported to Sport Integrity Canada pursuant to Section 12 below must also Report this to local child welfare services, the applicable provincial or territorial social service ministries or departments, or local police.
9. Communication from the Independent Third Party, the Case Manager, Complaint Resolution Officer or discipline panel, as applicable, must be directed to the Minor's representative.
10. 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.
11. A Minor is not required to attend a verbal hearing, if held, or participate in an investigation if conducted. In such circumstances, no adverse inference can be drawn against the Minor.

### **Reporting a Complaint**

#### CSSP Participants

12. Incidents that involve alleged Prohibited Behaviour involving a CSSP Participant must be reported to Sport Integrity Canada and will be addressed pursuant to the CSSP Rules and any related policies and procedures.

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<sup>1</sup> The principle of *lex mitior* means that, if the rule relevant to a breach of any policy has been amended, the less severe rule will apply.

13. Sport Integrity Canada shall determine the admissibility of such complaints in accordance with the CSSP Rules and any related policies and procedures.
14. If the Independent Third Party receives a complaint that they consider would otherwise fall within the above sections, they shall refer the matter to Sport Integrity Canada and notify the Individual(s) that made the complaint of such action within seven days of referring the matter to Sport Integrity Canada.

### Individuals

15. Any complaints involving alleged breaches of Softball Saskatchewan's policies that do not fall within Section 12 above must be Reported in writing by an Individual (or Individuals) to the Independent Third Party within twenty-one (21) days of the occurrence of the incident through the online form on the [Sask Sport website](#)

For clarity, this includes complaints that Sport Integrity Canada has referred to the Independent Third Party after determining that a complaint initially reported to it does not fall within its jurisdiction. Sport Integrity Canada is not required to comply with the deadline specified in this Section 15.

If Softball Saskatchewan receives a complaint directly, it must immediately forward it to the Independent Third Party. Where Softball Saskatchewan receives a complaint from one of its members through its dispute process, rather than through the Independent Third Party, it shall report the complaint to the Independent Third Party in a timely manner.

16. A Complainant who fears retribution or reprisal or who otherwise considers that their identity must remain confidential may Report a complaint to the Independent Third Party and request that their identity be kept confidential. If the Independent Third Party considers that the Complainant's identity must remain confidential, the Independent Third Party may ask that Softball Saskatchewan take carriage of the complaint and act as the Complainant pursuant to Section 22 below.<sup>2</sup>
17. If the Independent Third Party considers that it is unnecessary to keep the Complainant's identity confidential, they shall inform the Complainant, who may decide whether or not to pursue the Reported complaint. However, the Independent Third Party may not reveal the identity of the Complainant unless the Complainant expressly informs them of their desire to pursue the complaint and has indicated, in writing, their approval to have their identity divulged.

### **Independent Third-Party Responsibilities**

18. Upon receipt of a Reported complaint from an Individual (or Individuals) or Sport Integrity Canada, the Independent Third Party shall:
  - a) determine whether the complaint falls within the jurisdiction of this Policy.
  - b) if it can be accepted pursuant to Section 15 above; and
  - c) whether it is either a frivolous or vexatious complaint, or if it has been made in bad faith.<sup>3</sup>

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<sup>2</sup> In such circumstances, the Complainant(s) may be required to provide evidence during the disciplinary process.

<sup>3</sup> 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 must consider that it was filed

If the Reported complaint is not accepted by the Independent Third Party for any of the reasons, the Independent Third Party shall inform the Complainant and provide the reasons for which the complaint was not accepted. If the Reported complaint is not accepted because it does not fall within the jurisdiction of this Policy but may fall within the jurisdiction of another sport organisation's policy(ies), the Independent Third Party shall inform the Complainant(s) so that they may Report their complaint to the appropriate organization. If the Reported complaint is accepted by the Independent Third Party, the Independent Third Party shall proceed to make the determinations indicated in Sections 19-23 below and notify the Parties and Softball Saskatchewan<sup>4</sup> accordingly that the Reported complaint has been accepted.

19. In cases where the Independent Third Party receives a complaint or Report involving known or suspected abuse, neglect or Maltreatment of a Minor that is not reported to Sport Integrity Canada pursuant to Section 12, they shall Report this to local child welfare services, the applicable social service ministries or departments, or local police. The Independent Third Party shall not be responsible for fulfilling the obligation if the Individual making the complaint or filing the Report confirms in writing that they have already Reported to any such authorities.
20. The Independent Third Party shall direct a Reported complaint to be managed by the Complaint Resolution Officer appointed by Softball Saskatchewan if the Complainant alleges that any of the following incidents have occurred:
  - a) Disrespectful conduct or behaviour toward any Individual involved in Softball Saskatchewan programs, activities, or Events.
  - b) Minor acts of physical violence (i.e., pinching, shoving, intentionally blocking another person from their desired path, throwing an object at another person), unless the physical violence is between a Person in Authority and a Vulnerable Participant, in which case the matter will fall under Section 21 below
  - c) Conduct contrary to the values of Softball Saskatchewan, including behaviours that undermine respect, integrity, fairness, or sportsmanship.
  - d) Conduct that intentionally interferes with a competition or with any Athlete's preparation for a competition
  - e) Non-compliance with Softball Saskatchewan's policies, procedures, rules, or regulations including, but not limited to, operational, competition, and safety requirements.
  - f) Minor violations of the *Code of Conduct and Ethics*, the *UCCMS*, *Social Media Policy*, or the *Athlete Protection Policy*

Where any of the above-mentioned incidents occur on the field of play, they shall be addressed through the policy/process applicable to the field of play incident, and by the individual with appropriate authority under that policy/process/ Softball Canada Official Guide and Rule Book, subject to an Individual's right to file a Report regarding the incident pursuant to this Policy.

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consciously for a dishonest purpose or due to the moral underhandedness of the Complainant and that there was an intention to mislead. Generally, a frivolous complaint will have no serious purpose or value.

<sup>4</sup> For the avoidance of doubt, Softball Saskatchewan will not be provided with the Report. However, it will be notified that a complaint has been received, as well as the identity of the Respondent, unless the Independent Third Party determines, in its sole discretion, that Softball Saskatchewan should not receive such notification.

21. Subject to Section 14, the Independent Third Party shall direct a Reported complaint to be managed by a Case Manager appointed by Softball Saskatchewan if the Complainant alleges that any of the following incidents have occurred:

- a) Repeated incidents pursuant to Section 20
- b) Abusive, racist, or sexist comments, conduct or behaviour
- c) Any incident of hazing
- d) Behaviour that constitutes Prohibited Behaviour, Workplace Harassment or Harassment
- e) Major incidents of physical violence (e.g., fighting, attacking)
- f) Pranks, jokes, or other activities that endanger the safety of others
- g) Conduct that intentionally damages Softball Saskatchewan's image, credibility, or reputation
- h) Consistent disregard for Softball Saskatchewan's bylaws, policies, rules, and regulations
- i) Major or repeated violations of the *Code of Conduct and Ethics*, the *UCCMS*, *Social Media Policy*, or *Athlete Protection Policy*
- j) Intentionally damaging Softball Saskatchewan's property or improperly handling the organization's monies
- k) Abusive use of alcohol or any other intoxicating substance, any use or possession of alcohol or any other intoxicating substance by Minors, or use or possession of illicit drugs and narcotics
- l) A conviction for any *Criminal Code* offense

22. Notwithstanding any provision in this Policy, Softball Saskatchewan may, at its discretion, or upon request by the Independent Third Party in accordance with Section 16, act as the Complainant and initiate the complaint Reporting process under the terms of this Policy. In such cases, Softball Saskatchewan will identify an individual to represent the organization, unless Softball Saskatchewan is acting as the Complainant pursuant to Section 16.

23. If multiple Individuals file a complaint against the same Respondent that include allegations regarding the same incident(s), the Independent Third Party may, with the consent of all Parties, consolidate the complaints into a single procedure.

24. In circumstances where a member organization of Softball Saskatchewan fails to conduct disciplinary proceedings within a reasonable timeline in relation to a complaint that falls within its jurisdiction, is otherwise unable to manage the complaint for valid and justifiable reasons, such as a conflict of interest, due to a lack of capacity or where the member organization does not have policies in place (or adequate policies in place) to address the complaint, Softball Saskatchewan may, at its discretion, take jurisdiction over the matter and conduct the necessary proceedings in accordance with the policies in this Safe Sport Policy Manual.

### **Investigations and Assessments**

25. In exceptional circumstances, and only when the Independent Third Party considers that the conditions indicated in this section have been satisfied, the Independent Third Party may determine that a Reported incident requires further investigation by an independent third-party investigator. The Independent Third Party will direct that an investigation be conducted:

- a) Only if the Reported incident falls within Section 21 above.

- b) In accordance with and by an independent investigator appointed pursuant to the *Investigations Policy – Discrimination, Harassment and Prohibited Behaviour*.
- c) Where the Independent Third Party considers that there is a need for an independent assessment to determine whether an allegation (or, where there are several allegations, which allegations) should be heard by a discipline panel pursuant to this Policy because they constitute, if found to be true, a likely breach of the *Code of Conduct and Ethics*, the UCCMS, the *Social Media Policy*, the *Athlete Protection Policy*, or any other relevant and applicable Softball Saskatchewan policy, or whether the allegations are frivolous, vexatious or made in bad faith;<sup>5</sup> and
- d) For the purpose of making non-binding recommendations to the Independent Third Party so that they may discharge their responsibilities pursuant to this Policy.

If the Independent Third Party considers that an independent investigation or assessment must be conducted for the reasons mentioned above, the investigation shall be conducted before any disciplinary procedures are commenced pursuant to this Policy; however, when an investigation is conducted and where it is necessary in the circumstances, a Provisional Suspension or interim measures may be imposed in accordance with Sections 26-28 below.

Upon receipt of the investigator's report, the Independent Third Party shall determine whether the matter will proceed pursuant to Sections 40 and following below and shall inform the Parties and Softball Saskatchewan.

If the Independent Third Party does not consider that an independent investigation is necessary and the Reported complaint has been accepted pursuant to Section 18, the matter shall proceed pursuant to Sections 39 and following below.

### **Provisional Suspensions**

- 26. If it is considered appropriate or necessary on the basis of the circumstances, immediate discipline or the imposition of a Provisional Suspension or interim measures may be imposed against any Individual by the Executive Director of Softball Saskatchewan (or their designate)<sup>6</sup> upon the recommendation of the Independent Third Party (except where there are time constraints)<sup>7</sup> after which further discipline or sanctions may be applied according to this Policy. Softball Saskatchewan will communicate any decision to impose a Provisional Suspension or interim measures to the Parties involved and to any other Individual or organization that is required to receive such information in order to ensure that the Provisional Suspension or interim measure can be implemented as directed.
- 27. 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

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<sup>5</sup> Please see Footnote 7, modified accordingly for the circumstances of an investigation.

<sup>6</sup> The term 'designate' includes the person with authority to impose a Provisional Suspension according to the situation.

<sup>7</sup> Where there are time constraints, the Executive Director may impose a Provisional Suspension or interim measures against an Individual without seeking a recommendation from the Independent Third Party.

duration of a competition, training, activity, or Event only, or as otherwise determined appropriate by the Executive Director of Softball Saskatchewan.<sup>8</sup>

28. Notwithstanding the above, Softball Saskatchewan may determine that an alleged incident is of such seriousness as to warrant the imposition of a Provisional Suspension of a Respondent pending completion of an investigation, assessment and/investigation by Sport Integrity Canada, criminal process, the hearing, or a decision of the discipline panel.
29. Any Respondent against whom a Provisional Suspension or interim measure is imposed may make a request to the Independent Third Party or the discipline panel (if appointed) to have the Provisional Suspension or interim measure lifted. In such circumstances, Softball Saskatchewan shall be provided with an opportunity to make submissions, verbal 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 measure against them.
30. Any decision not to lift a Provisional Suspension or interim measure shall not be subject to appeal.

#### **Complaint Handled by Complaints Resolution Officer**

31. Following the Independent Third Party's determination that the Reported complaint or incident shall be managed by a Complaint Resolution Officer appointed pursuant to Section 20 above, the Independent Third Party shall encourage the Parties to attempt to resolve the matter through mediation pursuant to the *Alternative Dispute Resolution Policy*.<sup>9</sup> If the Parties do not agree to pursue mediation, or if mediation is attempted but is unsuccessful, the Independent Third Party, in collaboration with the Safe Sport Liaison, will appoint a Complaint Resolution Officer.<sup>10</sup> The Complaint Resolution Officer appointed to handle a Reported complaint or incident must be unbiased and not in a conflict of interest situation with any of the Parties.
32. The Complaint Resolution Officer will request written submissions from both the Complainant and the Respondent regarding the Reported complaint or incident. Any accessibility needs of the parties will be taken into account to ensure they can fully participate in the process. Both Parties shall also have the right to submit to the Complaint Resolution Officer any relevant evidence, including, but not limited to:
  - a) witness statements,
  - b) documentary evidence or
  - c) evidence from other media (i.e., photos, screenshots, videos or other recordings).

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<sup>8</sup> In-competition discipline or sanction imposed by the applicable official or authority does not prevent an Individual from facing additional disciplinary proceedings under the *Code of Conduct and Ethics* or other applicable policy.

<sup>9</sup> If mediation is not attempted, or is initially unsuccessful, the Parties are still permitted to resolve the dispute amicably through mediation at any time prior to a final decision being rendered by the Complaint Resolution Officer.

<sup>10</sup> In order to ensure that the process advances in a timely manner, the Independent Third Party may proceed with the appointment of a Complaint Resolution Officer without collaborating with the Safe Sport Liaison if the matter is urgent or they are unable to obtain a recommendation from the Safe Sport Liaison within five (5) days of making the decision that the matter will be heard through the Complaint Resolution Officer process.

33. Each Party shall have the right to receive the other Party's submissions and evidence, including the Complainant's complaint. If the matter before the Complaint Resolution Officer involves a Complainant who wishes to keep their identity confidential, the Complaint Resolution Officer may redact documents as they consider reasonably necessary to protect the confidentiality of the Individual, but only to the extent that any redactions do not compromise the Respondent's procedural fairness rights. In the case of oral submissions, each Party shall have the right to be present when such submissions are made.
34. Following receipt of the Parties' submissions, the Complaint Resolution Officer may (but is not required to) convene the Parties to a meeting, either in person or by way of video or teleconference, in order to ask the Parties questions and/or, if permitted by the Complaint Resolution Officer, to allow the Parties to ask questions of one another.
35. Following their review of the submissions and evidence related to the Reported complaint or incident, the Complaint Resolution Officer shall determine if any of the incidents listed in Section 20 above have occurred and, if so, if one or more of the following sanctions should be applied:
  - a) Verbal or written reprimand
  - b) Verbal or written apology
  - c) Service or other contribution to Softball Saskatchewan
  - d) Removal or restrictions of certain privileges
  - e) Suspension from certain teams, Events, and/or activities
  - f) Temporary suspension from designated activities for a set period
  - g) Any other sanction considered appropriate for the offense
  - h) Mandatory education or training opportunities

If, after hearing the Parties and reviewing their submissions, the Complaint Resolution Officer considers that none of the incidents listed in Section 20 above have occurred, they shall dismiss the Reported complaint.

36. The Complaint Resolution Officer will inform the Parties of their decision, in writing and with reasons. Any sanction imposed shall take effect upon the Parties' receipt of the decision. Should the circumstances require a decision to be rendered immediately or within a short timeline, the Complaint Resolution Officer may render a short decision, either orally or in writing, followed by a written reasoned decision.
37. Any decision rendered by the Complaint Resolution Officer shall be provided to and maintained in the records of Softball Saskatchewan and Softball Canada. Decisions will be kept confidential by the parties and the organizations and shall be retained and discarded in accordance with the relevant and applicable privacy legislation.

Notwithstanding the foregoing, to ensure that any sanction(s) determined by the Complaint Resolution Officer which involve the removal of certain privileges, a suspension, or any other restriction on full participation in Softball Saskatchewan and Member activities are respected by all Members, Softball Saskatchewan shall communicate directly to its Members the name of the Respondent(s), the provision(s) of the relevant policies that have been violated, and the sanction(s) imposed.

38. Any decision rendered by a Complaint Resolution Officer is final and not subject to appeal.

#### **Complaint Handled by Case Manager and Discipline Panel**

39. If the Independent Third Party determines that the Reported complaint or incident falls within Section 21 above, Softball Saskatchewan shall appoint an independent Case Manager to fulfil the responsibilities listed in Sections 40 and following. The Case Manager shall not be in a conflict of interest or have a direct relationship with any of the Parties.

40. The appointed Case Manager will have the responsibility to:

- a) Propose and, where appropriate based on the circumstances, encourage the use of the *Alternative Dispute Resolution Policy*
- b) Appoint the discipline panel, if necessary
- c) Coordinate all administrative aspects and set timelines
- d) Provide administrative assistance and logistical support to the discipline panel as required, including providing the discipline panel with any information related to previously established infractions committed by the Respondent(s) of the policies of Softball Saskatchewan, Softball Canada, any other Member, or any other sport organization that had authority over the Respondent
- e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

#### **Procedures**

41. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.

42. The Case Manager will propose and, if appropriate in the circumstances, encourage that the Parties use the *Alternative Dispute Resolution Policy* with the objective of resolving the dispute. If applicable, and if the dispute is not resolved, or if the Parties refuse to use the *Alternative Dispute Resolution Policy*, the Case Manager will appoint a discipline panel, which shall consist of a single arbitrator, to hear the Reported complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a discipline panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the discipline panel's members to serve as the Chair.

43. The Case Manager, in cooperation with the discipline panel, will then decide the format under which the Reported complaint will be heard. This decision may not be appealed.

44. The format of the hearing may be a verbal in-person hearing, a verbal hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the discipline panel deem appropriate in the circumstances, provided that:

- a) The discipline panel determines procedures and timelines, as well as a hearing duration, that is as expedient and cost-efficient as possible in order to ensure that costs to the Parties and Softball Saskatchewan are reasonable

- b) The Parties will be given appropriate notice of the day, time, and place of the hearing, in the case of a verbal in-person hearing or a verbal hearing by telephone or other communication medium
- c) Copies of any written documents which the Parties wish to have the discipline panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing
- d) The Parties may engage a representative, advisor, translator, transcription services, or legal counsel at their own expense
- e) The discipline panel may request that any other individual participate and give evidence at the hearing
- f) If not a Party, Softball Saskatchewan 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 discipline panel, Softball Saskatchewan may make submissions at the hearing or may provide the discipline panel with clarifying information that may be required for the panel to render its decision.<sup>11</sup>
- g) The discipline panel may exclude any evidence filed by the Parties that is unduly repetitious or otherwise an abuse of process. The discipline panel shall otherwise apply relevant and applicable evidentiary rules in relation to the admissibility and weight given to any evidence filed by the Parties.
- h) 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; or
  - ii. is inadmissible by any statute.
- i) Where a discipline panel composed of three members is appointed, the decision will be by a majority vote

45. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the discipline panel will determine the appropriate sanction. The discipline panel may still hold a hearing for the purpose of determining an appropriate sanction.

46. The hearing may proceed if a Party chooses not to participate in the hearing.

47. If a decision may affect another Party to the extent that the other Party would have recourse to a complaint or an appeal in their own right, that Party will become a Party to the complaint, shall be permitted to participate in the proceedings as determined by the discipline panel and will be bound by the decision.

48. In fulfilling its duties, the discipline panel may obtain independent advice.

49. Facts established by a criminal court, by a civil court or by a professional disciplinary tribunal of competent jurisdiction shall be admissible as evidence within the disciplinary process, as allowable by applicable law.

## Decision

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<sup>11</sup> The purpose of this provision is not to provide Softball Saskatchewan or a Member with the possibility to try to influence whether a sanction is imposed and, if so, the duration or nature of the sanction. Instead, this provision is intended to provide Softball Saskatchewan or a Member with the possibility to provide the discipline panel with clarifying information when the parties have sought a particular sanction against an Individual, but they have misunderstood or misrepresented fundamental elements of the programming or membership structure (or other similar issues) and, if left unaddressed, could result in the discipline panel imposing a sanction that is unenforceable.

50. After hearing and/or reviewing the matter, the discipline panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. If the discipline panel considers that an infraction has not occurred, the Reported complaint will be dismissed.
51. Within fourteen (14) days of the hearing's conclusion, the discipline panel's written decision, with reasons, will be distributed by the Case Manager to all Parties, the Independent Third Party, Softball Saskatchewan's Safe Sport Liaison, Softball Canada and Sask Sport's Dispute Resolution Office. In extraordinary circumstances, the discipline panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period.
52. Subject to Section 53 below, once the appeal deadline in the *Appeal Policy* has expired, Sask Sport shall publish the outcome of the case on its website. sh the outcome of the case on its own website, at its sole discretion. Publication shall be limited to the provision(s) of the relevant policies that have been violated, the name of the Respondent(s) and the sanction(s) imposed, if any. If the matter is appealed, the publication provisions in the *Appeal Policy* shall apply. Outcomes and identifying information regarding Minors or Vulnerable Participants will never be published by Softball Saskatchewan or Sask Sport.

To ensure that any sanction(s) determined by the discipline panel are respected by all Members, and regardless of whether Softball Saskatchewan or Sask Sport publishes the outcome of the case on their websites, once the appeal deadline in the *Appeal Policy* has expired Softball Saskatchewan shall communicate the information referred to above directly to its Members, which shall be bound by the terms of this Section 52.

53. If the discipline panel dismisses the Reported complaint, its decision may be published with the Respondent's consent. If the Respondent does not provide such consent, the decision will be kept confidential by the Parties, the Case Manager, Softball Saskatchewan, Softball Canada and Sask Sport, 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 pursuant to this Policy.
54. Sask Sport will publish the information provided for in Sections 52 or 53, as applicable, by placing the required information on its website and shall leave the information up for the longer of one (1) month or the duration of the sanction. In addition, any decision in which an Individual is suspended for a period of one year or longer will be added to the Sask Sport long-term suspension registry.<sup>12</sup>
55. The discipline panel's decision will come into effect as of the date that it is rendered, unless decided otherwise by the discipline panel. The discipline panel's decision will apply automatically to and must be respected by Softball Saskatchewan and its Members and any Individuals involved.
56. The Case Manager shall communicate decisions rendered pursuant to this Policy to the Member's association, Safe Sport Liaison, the Parties, the Independent Third Party, to Softball Canada and to

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<sup>12</sup> The Sask Sport long-term suspension registry is a password protected site that is accessible by provincial sport organizations in Saskatchewan only. The following information is included in the registry: first and last name of suspended Individual; the date of suspension, duration of suspension, expiry date of suspension, any other sanctions imposed, and name of the Individual's provincial sport organization.

Sask Sport. Except where a decision is published in accordance with Section 52 or 53, decisions shall be considered confidential. Records of all decisions will be maintained by Softball Saskatchewan and Softball Canada in accordance with their respective privacy policies.

57. When the 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 Softball Saskatchewan'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) Any 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 discipline panel's decision.

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

## **Sanctions**

58. When determining the appropriate sanction, the Complaint Resolution Officer or discipline panel (as applicable) will consider the following factors (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 or Prohibited Behaviour.
- 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.
- f) Real or perceived impact of the incident on the Complainant, Softball Saskatchewan, Softball Canada or the softball community.
- g) Circumstances specific to the Respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in the *Code of Conduct and Ethics*; 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.

59. Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required, and a single incident of Prohibited Behaviour or other misconduct may justify elevated or combined sanctions.

60. The discipline panel 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 Individual has violated the *Code of Conduct and Ethics* or other policy and that more severe sanctions will result should the Individual be involved in other violations<sup>13</sup>
- b) **Education** – The mandatory requirement that an Individual undertake specified educational or similar remedial measures to address the violation(s) of the *Code of Conduct and Ethics* or the UCCMS or other policy
- c) **Probation** - Should any further violations of the *Code of Conduct and Ethics* or the UCCMS or other policy 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** - 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 auspices of Softball Saskatchewan and its Members. A suspended Individual may be eligible to return to participation, but reinstatement may be subject to certain restrictions

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<sup>13</sup> For greater clarity, where an Individual is given a warning, this information will be kept on their disciplinary record for as long as permitted by Softball Saskatchewan's policies and practices regarding private and/or confidential information and it shall be disclosed on any screening disclosure form when requested.

or contingent upon the Individual 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 Softball Saskatchewan and its Members
- 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

61. The 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 related to 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 Individual's conviction for certain *Criminal Code* offenses involving harmful conduct shall carry a presumptive sanction of permanent ineligibility from participating in the activities of Softball Saskatchewan and its Members. Such *Criminal Code* offences may include, but are not limited to:

- a) Any child pornography offences
- b) Any sexual offences
- c) Any offence of physical violence

63. When imposing sanctions under this Policy, the discipline panel may take into account any previously established infractions committed by the Respondent(s) of the disciplinary policies of Softball Saskatchewan, Softball Canada, any other Member, or any other sport organization that had authority over the Respondent.

64. Failure to comply with a sanction as determined by Softball Saskatchewan will result in an automatic suspension from participation in the activities of Softball Saskatchewan and its Members until such time as compliance occurs.

65. Records of all decisions will be maintained by Softball Saskatchewan. Softball Saskatchewan will submit all records to Softball Canada. Such records shall be retained and discarded in accordance with the relevant and applicable privacy legislation.

### **OSIC and/or CSSP Sanction**

66. Softball Saskatchewan acknowledges the obligation of Softball Canada, as a Program Signatory to the Office of the Sport Integrity Commissioner (OSIC) until March 31, 2025, and a Signatory to the CSSP as of April 1, 2025, to ensure that any sanctions or measures imposed by the OSIC's Director of Sanctions and Outcomes and/or Sport Integrity Canada (as applicable) will be implemented and respected within Softball Canada's jurisdiction (including at the provincial, territorial and club level), once Softball Canada receives appropriate notice of any sanction or measure from the OSIC and/or Sport Integrity Canada and communicates the same to Softball Saskatchewan. The Safe Sport Liaison shall communicate any OSIC and/or Sport Integrity Canada sanctions or measures resulting in a suspension of one year or longer, received from Softball Canada to Sask Sport.

### **Appeals**

67. The decision of the discipline panel may be appealed in accordance with the *Appeal Policy*.

### **Confidentiality**

68. The discipline and complaints process is confidential and involves only the Softball Saskatchewan Safe Sport Liaison and relevant employees as determined by the Safe Sport Liaison, the Parties, the Independent Third Party, the investigator (if one is appointed), the Case Manager, the Complaint Resolution Officer, the discipline panel, Sask Sport and any independent advisors to the discipline panel, as well as Softball Canada (as applicable).

69. None of the Parties (or their representatives or witnesses) or organizations referred to in Section 68 will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings, unless Softball Saskatchewan or Softball Canada, as applicable is required to notify an organization such as an international federation, Sport Canada, Sask Sport 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.

70. Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the Complaint Resolution Officer or discipline panel (as applicable) against the Party(ies) in breach.

### **Timelines**

71. If the circumstances of the Reported complaint are such that adhering to the timelines outlined by this Policy will not allow a just resolution to the complaint, the discipline panel may direct that these timelines be revised.

## **Privacy**

72. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Softball Saskatchewan's usual policies and practices regarding private and/or confidential information.
73. Softball Saskatchewan, or any of its delegates pursuant to this Policy (i.e., the Independent Third Party, Complaints Resolution Officer, Case Manager, discipline panel), shall comply with Softball Saskatchewan's usual policies and practices regarding private and/or confidential information in the performance of their services under