



## Squash Canada

# Discipline and Complaints Policy

(Amended, September 27, 2019)

**This Policy has been prepared by Squash Canada to be a Pan-Canadian Policy applicable to Squash Canada and its PTAs that have approved the adoption of the Policy.**

### Definitions

1. The following terms have these meanings in this Policy:
  - a) *"Case Manager"* – An individual appointed by the Discipline Chair to implement certain complaints under this *Discipline and Complaints Policy*, who may be any staff member, committee member, volunteer, Director, or independent third party.
  - b) *"Complainant"* – The Party alleging an infraction
  - c) *"Days"* – Days including weekends and holidays
  - d) *"Discipline Chair(s)"* – An individual or individuals appointed by the applicable Board or the Executive Director of the respective organization to be the first point-of-contact for all discipline and complaint matters reported to Squash Canada or a PTA
  - e) *"Designated Safe Sport Officer"* – An individual appointed by Squash Canada or its PTAs to serve as an independent third party to address complaints relating to abuse, discrimination and harassment.
  - f) *"Individuals"* – All categories of membership defined in the Squash Canada Bylaws or PTA Bylaws, as well as all individuals engaged in activities with Squash Canada or its PTAs including, but not limited to, athletes, coaches, mission staff, chefs de mission, officials, volunteers, committee members, parents or guardians, and Directors and Officers.
  - g) *"Organization"* – The squash organization to which the policy applies, Squash Canada or a Provincial/Territorial Association.
  - h) *"Parties"* – The Complainant, Respondent, and any other Individuals or persons affected by the complaint
  - i) *"PTA"* – Provincial/Territorial Squash Association recognized by Squash Canada
  - j) *"Respondent"* – The alleged infracting Party

### Purpose

2. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with Squash Canada and PTA policies, Bylaws, rules and regulations, and the *Code of Conduct*. Non-compliance may result in sanctions pursuant to this Policy.

### Application of this Policy

3. This Policy applies to all Individuals.
4. This Policy applies to matters that may arise during the course of Squash Canada or PTA business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with Squash Canada or PTA activities, and any meetings.
5. This Policy also applies to Individuals' conduct outside of Squash Canada or PTA business, activities, and events when such conduct adversely affects relationships within Squash Canada or the PTA (and its work and sport

environment), is detrimental to the image and reputation of Squash Canada or the PTA, or upon the acceptance of Squash Canada or the PTA.

6. Jurisdiction of complaints between Squash Canada and its applicable PTA will be determined based upon where and when the conduct occurred, as determined by Squash Canada and the applicable PTA.
7. This Policy does not prevent immediate discipline or sanction from being applied as reasonably required. Further discipline may be applied according to this Policy. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only.
8. This Policy does not apply to any Squash Canada or PTA employees or contractors as such matters are governed by policies that expressly apply to employees, such as an applicable organization's policies for human resources or an employment/contractor agreement.

#### **Adult Representative**

9. 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.
10. Communication from the Designated Safe Sport Officer, Discipline Chair, or Case Manager, as applicable, must be directed to the minor's representative.

#### **Reporting a Complaint**

11. Any Individual may:
  - a) Contact the Canadian Sports Helpline for advice, guidance and resources on how to proceed/intervene appropriately in the circumstances. 1-888-837-7678 – [info@abuse-free-sport.ca](mailto:info@abuse-free-sport.ca) – <http://abuse-free-sport.ca/en/>
  - b) Contact the Designated Safe Sport Officer at [safesport@squash.ca](mailto:safesport@squash.ca) for information and/or to initiate a complaint. This person is an independent third party who can guide an Individual through the complaints process and/or explore other options. The Designated Safe Sport Officer is empowered to supersede internal Squash Canada decision making and apply appropriate policies as required. Contact with the Designated Safe Sport Officer is confidential, subject to certain limits which will be explained by the Designated Safe Sport Officer.
  - c) Report an incident or complaint in writing within fourteen (14) days of the alleged incident to Squash Canada or the applicable PTA which will forward the complaint to the Discipline Chair, or Squash Canada Designated Safe Sport Officer, although this timeline can be waived or extended at the Designated Safe Sport Officer/Discipline Chair's discretion (as applicable). At Squash Canada or the PTA's discretion, the organization may 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 Squash Canada or the PTA
12. Receipt of a Complaint Upon receipt of an incident report or complaint, the Organization will forward the report or complaint to its Designated Safe Sport Officer or in the case of a PTA, their Discipline Chair. Upon receipt, the designated Safe Sport Officer/Discipline Chair shall:
  - a. Receive and acknowledge receipt of the complaint to the Complainant.
  - b. Determine if the alleged incident or complaint contains an element of discrimination, harassment, workplace harassment, workplace violence, sexual harassment, or abuse
  - c. Determine if the complaint is within the jurisdiction of the policies and procedures of the Organization.
  - d. Determine the jurisdiction of complaints between Squash Canada and its applicable PTA.
  - e. Determine an investigation is required; and/or

f. Choose which process should be followed, Process #1 or Process #2.

13. If the Designated Safe Sport Officer or PTA Discipline Chair (as applicable) determines the complaint is frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately. This decision may not be appealed.

**Third-Party Management and Investigation – Abuse and Harassment Complaints**

14. The Designated Safe Sport Officer or PTA Discipline Chair may determine that the alleged incident may contain an element of discrimination, harassment, workplace harassment, workplace violence, sexual harassment, or abuse. In such circumstances:

- a) If Squash Canada has jurisdiction, then the Designated Safe Sport Officer may appoint an independent and qualified third party to investigate the complaint. Squash Canada shall adhere to any reporting requirements mandated by the federal government.
- b) If a PTA has jurisdiction, then, while adhering to applicable provincial/territorial legislation the PTA:
  - i. May, at its own cost, appoint an independent third party to investigate the complaint; or
  - ii. Elect to have the complaint process managed by the Discipline Chair pursuant to this policy.

15. If Squash Canada’s Designated Safe Sport Officer has determined that the alleged incident does not contain an element of discrimination, harassment, workplace harassment, workplace violence, sexual harassment, or abuse and that the complaint is admissible and is within the jurisdiction of this Policy, Squash Canada will appoint a Discipline Chair.

16. If Squash Canada’s Designated Safe Sport Officer has determined that the alleged incident is within the jurisdiction of a PTA, the PTA will appoint a Discipline Chair

**Process #1:**

***Managed by Discipline Chair***

17. Upon appointment and receipt of a complaint and a copy of the investigation report, if any, the Discipline Chair may request more information from any identified or affected party. The Discipline Chair will review the submissions related to the complaint and determine one or more of the following sanctions:

- a) The complaint is not substantiated and no sanction
- b) Move the matter directly to Process #2
- c) Verbal or written reprimand
- d) Verbal or written apology
- e) Service or other contribution
- f) Removal of certain privileges
- g) Suspension from certain teams, events, and/or activities
- h) Suspension from all activities for a designated period of time
- i) Payment of the cost of repairs for property damage
- j) Suspension of funding
- k) Expulsion
- l) Any other sanction considered appropriate for the offense

18. The Discipline Chair will inform the Complainant and the Respondent of the sanction, if any.

19. Records of all decisions and sanctions, if any, will be maintained by the organization maintaining jurisdiction.

Request for Reconsideration

20. The Complainant or the Respondent may contest the sanction by submitting a Request for Reconsideration within five (5) days of receiving the decision of the Discipline Chair. In the Request for Reconsideration, the Complainant or Respondent must indicate:
- Why the sanction is inappropriate;
  - All evidence to support the party's position; and
  - What penalty or sanction (if any) would be appropriate
21. The sanction may not be appealed until the completion of a Request for Reconsideration.
22. Upon receiving a Request for Reconsideration, the Discipline Chair may decide to amend the decision or reject the Request for Reconsideration.
23. Should the Discipline Chair not accept the suggestion for reconsideration, the matter will be handled under Process #2 of this Policy.

**Process #2:**

***Managed by Designated Safe Sport Officer/Case Manager***

24. Following the determination that the complaint or incident should be handled under Process #2, the Designated Safe Sport Officer on behalf of Squash Canada or Case Manager on behalf of a PTO (hereinafter "Case Manager"), has a responsibility to:
- Propose the use of the *Dispute Resolution Policy*
  - Appoint the Discipline Panel, if necessary
  - Coordinate all administrative aspects and set timelines
  - Provide administrative assistance and logistical support to the Discipline Panel as required
  - Provide any other service or support that may be necessary to ensure a fair and timely proceeding
25. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
26. The Case Manager may propose using the *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 *Dispute Resolution Policy*, the Case Manager will appoint a Discipline Panel, which shall consist of a single Arbitrator, to hear the complaint. 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.
27. The Discipline Chair may not be part of the Discipline Panel.
28. The Case Manager, in cooperation with the Discipline 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 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:
- The Parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing or an oral hearing by telephone or other communication medium
  - 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

- c) The Parties may engage a representative, advisor, or legal counsel at their own expense
  - d) The Discipline Panel may request that any other individual participate and give evidence at the hearing
  - e) The Discipline Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious, and shall place such weight on the evidence as it deems appropriate
  - f) The decision will be by a majority vote of the Discipline Panel
29. 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.
30. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
31. 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 current complaint and will be bound by the decision.
32. In fulfilling its duties, the Discipline Panel may obtain independent advice.

#### Decision

33. 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. Within fourteen (14) days of the hearing's conclusion (when held), a written decision, with reasons, will be distributed to all Parties, the Case Manager, and the applicable organization. In extraordinary circumstances, a verbal or summary decision may be issued soon after the hearing's conclusion, with the full written decision to be issued within fourteen (14) days of the hearing's conclusion, if held. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

#### Sanctions

34. The Discipline Panel may apply the following disciplinary sanctions may be applied, singularly or in combination:
- a) Verbal or written reprimand
  - b) Verbal or written apology
  - c) Service or other contribution
  - d) Removal of certain privileges
  - e) Suspension from certain teams, events, and/or activities
  - f) Suspension from all Squash Canada or PTA activities for a designated period of time
  - g) Payment of the cost of repairs for property damage
  - h) Suspension of funding
  - i) Expulsion
  - j) Any other sanction considered appropriate for the offense
35. Unless the Discipline Panel or Discipline Chair decided otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction will result in an automatic suspension until such time as compliance occurs.
36. Records of all decisions will be maintained by the applicable organization.

#### Appeals

37. The decision of the Discipline Panel may be appealed in accordance with Squash Canada's or the PTA's *Appeal Policy*.

### **Suspension Pending a Hearing**

38. Squash Canada or the applicable PTA may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending completion of a criminal process, the hearing, or a decision of the Discipline Panel.

### **Criminal Convictions**

39. An Individual's conviction for a *Criminal Code* offense, as determined by Squash Canada or the applicable PTA, will be deemed an infraction under this Policy and may result in expulsion from Squash Canada and its PTAs. *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
- d) Any offence of assault
- e) Any offence involving trafficking of illegal drugs
- f) Any offence involving illegal trafficking of legal substances or drugs

### **Confidentiality**

40. The discipline and complaints process is confidential and involves only the Parties, the Discipline Chair, the Case Manager, the Designated Safe Sport Officer, the Discipline Panel, and any independent advisors to the Discipline Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.

### **Timelines**

41. 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 Discipline Panel may direct that these timelines be revised.

### **Records and Distribution of Decisions**

42. Other individuals or organizations, including but not limited to, national sport organizations, provincial sport organizations, sport clubs, federal or provincial governments, applicable registries, etc., may be advised of any decisions rendered in accordance with this Policy.



# Squash Canada Complaints Flow Chart

For illustrative purposes. In the event of inconsistency with the policy narrative, the policy shall prevail.

