

DISCIPLINE AND COMPLAINTS POLICY

This policy is based upon the Volleyball Canada Pan-Canadian Discipline and Complaints Policy.

Definitions

1. The following terms have these meanings in this policy:
 - a) “Abuse” - Grooming, Child Abuse or Vulnerable Adult Abuse as described in the *Abuse Policy*.
 - b) “Board” – The Board of Directors of Volleyball BC
 - c) “Case Manager” An individual appointed by Volleyball BC who may be any staff member, committee member, volunteer, director, or an Independent Third Party, to oversee this policy. The Case Manager will have responsibilities that include, but are not limited to:
 - i. Ensuring procedural fairness;
 - ii. Respecting the applicable timelines; and
 - iii. Using decision making authority empowered by this policy.
 - d) “Complaint” - An expression of dissatisfaction made per Section 16 of this Policy
 - e) “Complainant” – The party making a Complaint
 - f) “Days” – Days refers to working days, not including weekends and holidays
 - g) “Discipline Chair” - will be a Director of the Board of Volleyball BC or a person designated to handle the duties of the Discipline Chair described in this policy.
 - h) “Discipline Panel” – The panel appointed by the Case Manager to decide the Complaint
 - i) “Discrimination” – Differential treatment of a person based on one or more prohibited grounds, which include race, citizenship, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, or disability.
 - j) “Harassment” – A course of vexatious comments or conduct against an Individual or Individuals, which is known or ought to reasonably be known to be unwelcome. Types of behaviour that constitute Harassment include, but are not limited to:
 - i. Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
 - ii. Deliberately excluding or socially isolating a person from a group or team;
 - iii. Hazing, which is any form of conduct which exhibits any potentially humiliating, degrading, abusive, or dangerous activity expected of a junior-ranking person by a more senior person, which does not contribute to either person’s positive development, but is required to be accepted as part of a team or group, regardless of the junior-ranking person’s willingness to participate. This includes, but is not limited to, any activity, that sets apart or alienates any person or persons;
 - iv. Leering or other suggestive or obscene gestures;
 - v. Persistent sexual flirtations, advances, requests, or invitations;
 - vi. Persistent unwelcome remarks, jokes, comments, innuendo, or taunts;
 - vii. Physical or sexual assault;
 - viii. Practical jokes that endanger a person’s safety, or may negatively affect performance;
 - ix. Racial harassment, which includes racial slurs, jokes, name calling, or insulting behaviour or terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin;

- x. Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
 - xi. Retaliation or threats of retaliation against a person who reports Harassment to Volleyball Canada or to a Provincial/Territorial Association; and
 - xii. Written or verbal abuse, threats, or outbursts.
- j) *“Individuals”* – refers to all categories of members and/or registrants defined in the bylaws of Volleyball BC as well as all people employed by, contracted by, or engaged in activities with or on behalf of Volleyball BC including, but not limited to, employees, contractors, athletes, volleyball clubs, coaches, mission staff, referees, volunteers, managers, administrators, committee members, parents or guardians, spectators, and directors and officers
- k) *“Independent Third Party”* – an independent individual or group with no professional or personal ties to Volleyball Canada or Volleyball BC
- l) *“Provincial/Territorial Associations”* – the provincial/territorial member governing bodies for volleyball in each province/territory
- m) *“Respondent”* – The Party responding to the Complaint
- n) *“Sexual Harassment”* – A course of vexatious comment or conduct against a person because of sex, sexual orientation, gender identify or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advance to the Individual and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. Types of behaviour that constitute Sexual Harassment include, but are not limited to:
- i. Bragging about sexual ability;
 - ii. Demanding hugs;
 - iii. Display of sexually offensive material;
 - iv. Distributing sexually explicit messages or attachments such as pictures or video files;
 - v. Sexist jokes;
 - vi. Inquiries or comments about an Individual’s sex life;
 - vii. Leering (persistent sexual staring);
 - viii. Offering a benefit in exchange for a sexual favour;
 - ix. Persistent, unwanted attention after a consensual relationship ends;
 - x. Persistent unwelcome sexual flirtations, advances, comments or propositions;
 - xi. Persistent unwanted contact;
 - xii. Sexual assault;
 - xiii. Sexually degrading words used to describe a person;
 - xiv. Threats, punishment, or denial of a benefit for refusing a sexual advance; and
 - xv. Unwelcome inquiries into or comments about a person’s gender identity or physical appearance;

Purpose

2. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with all policies, bylaws, rules and regulations, including the *Abuse Policy* and *Code of Conduct and Ethics*. 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 business, activities, and sanctioned events of Volleyball BC including, but not limited to, competitions, practices, tryouts, training camps, travel associated with organizational activities, and any meetings.
5. This policy also applies to Individuals' conduct outside of the business, activities, and sanctioned events of Volleyball BC when such conduct adversely affects Volleyball BC's relationships (and the work and sport environment) or is detrimental, or has the potential to be detrimental, to the image and reputation of Volleyball BC. Such applicability will be determined by Volleyball BC at its sole discretion.
6. 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 a sanctioned competition will be dealt with in accordance with the Volleyball BC *Protests and Event Discipline Procedure*. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only.
7. An employee of Volleyball BC who is a Respondent may also be subject to appropriate disciplinary action per the *Human Resources Policy*, as well as the employee's employment agreement, if applicable.

Alignment

8. Volleyball BC recognizes that Individuals may be registered with both Volleyball BC and Volleyball Canada. Volleyball BC, Volleyball Canada and the Provincial/Territorial Associations are required, pursuant to the *Reciprocation Policy*, to submit discipline decisions involving Individuals to the other organization with which the Individual may be registered, which may take further action at its discretion.
9. Volleyball BC and/or Volleyball Canada may decide to take further action upon becoming aware of an Individual who has been disciplined by Volleyball BC or Volleyball Canada and if so, the Individual will be the Respondent to a Complaint initiated under the terms of this policy. Volleyball BC or Volleyball Canada may act as the Complainant if the original Complainant is unwilling or unavailable to participate in this process.
10. The Discipline Chair or Discipline Panel, as applicable, will review and consider the decision by Volleyball Canada or a Provincial/Territorial Association, if applicable, when deciding on the Complaint per the terms of this policy.

Minor's Representative

11. Complaints may be brought for or against an Individual who is a minor (a person under the age of majority). Minors must have a parent/guardian or other adult serve as their representative during this process.

12. All communications, as applicable, must be directed to the minor's representative.

13. A minor is not required to attend an oral hearing, if held.

Reporting a Complaint

14.1 Any Individual may report a Complaint, including a Complaint contemplated by section 18, to Volleyball BC or the Discipline Chair.

14.2 Any Individual may report a Complaint contemplated under section 18 to the Independent Third Party.

15. Any Individual may 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 – <http://abuse-free-sport.ca/en/>

16. A Complaint made to Volleyball BC will be forwarded to the Discipline Chair who will be a Board member or designate.

17. The Discipline Chair will determine the jurisdiction under which the Complaint will be addressed and notify the Complainant and Volleyball Canada, if applicable.

18. Any Complaint that deals with Discrimination, Harassment, Sexual Harassment, violence, or Abuse (as defined in the *Code of Conduct and Ethics*) will be referred to an Independent Third Party who will assume the responsibilities as defined in this policy and who may appoint an investigator who will investigate the Complaint.

19. The Individual making the Complaint may contact Volleyball Canada's Discipline Chair or Volleyball BC's Discipline Chair. The Discipline Chair or Independent Third Party (for Complaints contemplated by section 18,) may accept any Complaint at his or her sole discretion.

20. Volleyball BC at its sole discretion, may act as the Complainant and initiate the Complaint process under the terms of this policy.

Complaint Process

21.1 After receiving the Complaint, the Discipline Chair or Independent Third Party will:

- a) Determine whether the Complaint is frivolous and/or within the jurisdiction of this policy;
- b) Propose the use of alternate dispute resolution techniques, if appropriate; and
- c) Determine which process should be followed, and may use the following examples as a general guideline:

Process #1 (Minor Infractions) - the Complaint alleges the following incidents:

- i. Disrespectful, abusive, racist, or sexist comments or behaviour of a minor nature
- ii. Disrespectful conduct
- iii. Minor incidents of violence (e.g., tripping, pushing, elbowing)

- iv. Non-compliance with Volleyball Canada's and/or a Provincial/Territorial Association Bylaws, policies, procedures, rules, or regulations
- v. Minor violations of the *Code of Conduct and Ethics*

Process #2 (Major Infractions) - the Complaint alleges the following incidents:

- i. Disrespectful, abusive, racist, or sexist comments or behaviour of a serious nature
- ii. Repeated minor incidents
- iii. Any incident of hazing
- iv. Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
- v. Major incidents of violence (e.g., fighting, attacking, sucker punching)
- vi. Pranks, jokes, or other activities that endanger the safety of others
- vii. Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
- viii. Conduct that intentionally damages the image, credibility, or reputation of Volleyball Canada and/or a Provincial/Territorial Association
- ix. Consistent disregard for the bylaws, policies, rules, and regulations
- x. Major or repeated violations of the *Code of Conduct and Ethics*
- xi. Intentionally damaging the property or improperly handling the organization's monies of Volleyball Canada and/or a Provincial/Territorial Association
- xii. Abusive use of alcohol or cannabis, any use or possession of alcohol or cannabis by minors, or use or possession of illicit drugs
- xiii. Any possession or use of banned performance enhancing drugs or methods
- xiv. A conviction for any *Criminal Code* offense

21.2 In making a determination under Section 21.1, the Discipline Chair or Independent Third Party may consider any preliminary investigations in respect of the Complaint.

22. If the Discipline Chair or Independent Third Party determines the Complaint is frivolous or outside the jurisdiction of this policy, the Discipline Chair or the Independent Third Party will dismiss the Complaint immediately.

23. The Discipline Chair or Independent Third Party's decision to accept or dismiss the Complaint may not be appealed.

Process #1 (Minor Infraction): Handled by Discipline Chair or designate

24. All incidents under Process 1 will be dealt with by the Discipline Chair or designate, which designate will usually be the person having authority over the person and situation

25. Under Process 1, the Discipline Chair or designate will advise the Respondent of the Complaint and provide them with an opportunity to answer the allegations in the Complaint.

26. The Discipline Chair or designate may:

- a) Ask the Complainant and the Respondent for either written or oral submissions regarding the Complaint or incident.
- b) Convene the parties to a meeting, either in person or by way of video or teleconference in order to ask the parties questions.

- c) Propose alternative dispute resolution techniques, if appropriate.
27. Thereafter, if alternative dispute resolutions techniques are not utilised or do not resolve the matter, the Discipline Chair shall determine if a breach occurred, and then, 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 Volleyball BC
 - d) Removal of certain privileges
 - e) Suspension from certain teams, events, and/or activities
 - f) Suspension from all the activities of Volleyball BC for a designated period
 - g) Any other sanction considered appropriate for the offense
28. The Discipline Chair or designate will inform the parties of the decision, which will take effect immediately.

Process #2 (Major Infraction): Handled by Case Manager

29. If the Discipline Chair or Independent Third Party, as applicable, determines that that the Complaint should be dealt with under Process #2, an Case Manager will be appointed and the Case Manager will:
- a) Propose the use of alternate dispute resolution techniques, if appropriate
 - 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, and
 - e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding
30. The Case Manager will establish timelines that ensure procedural fairness and that the matter is heard. The Case Manager may agree to an extension with notice and reasoning to both the Complainant and Respondent.
31. If the Case Manager proposes the use of alternate dispute resolution (such as facilitation, mediation or a negotiated settlement to the Complaint, and if the dispute is not resolved, or if the Complainant and the Respondent refuse to attempt alternate dispute resolution, the Case Manager will appoint a Discipline Panel, which will 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.
32. 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.
33. 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:

- a) 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
- b) 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 will place such weight on the evidence as it deems appropriate
- f) The decision will be by a majority vote of the Discipline Panel, if there are three persons on the Discipline Panel.

34. 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.
35. If a party chooses not to participate in the hearing, the hearing will proceed in any event.
36. 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.
37. In fulfilling its duties, the Discipline Panel may obtain independent advice.

Decision

38. 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 14 days of the hearing's conclusion, the Discipline Panel's written decision, with reasons, will be distributed to all Parties, the Independent Case Manager, to Volleyball BC, and to Volleyball Canada. 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 14- day period. The Discipline Panel and Independent Case Manager may agree to an extension with notice to the Complainant and Respondent.
39. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

Sanctions

40. The Discipline Panel may apply the following disciplinary sanctions, singularly or in combination:
 - a) Verbal or written reprimand
 - b) Verbal or written apology
 - c) Service or other contribution to Volleyball BC or Volleyball Canada if applicable

- d) Removal of privileges
- e) Suspension from teams, events, and/or activities
- f) Suspension from activities for a designated period
- g) Payment of the cost of repairs for property damage
- h) Suspension of funding from the organization or from other sources
- i) Expulsion from the organization
- j) Any other sanction considered appropriate for the offense

41. Unless the Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. If the Respondent fails to comply with a sanction as determined by the Discipline Panel, the Respondent will be automatically suspended until such time as compliance occurs.

Record of Decisions

42. Records of all decisions will be maintained by Volleyball BC. Volleyball BC will submit all record of all decisions to Volleyball Canada, which will maintain a national record of all decisions made. All records will be maintained in accordance with Volleyball BC's *Privacy Policy*.

Appeals

43. Either party may appeal the final decision of the Discipline Chair or designate, or of the Disciplinary Panel in accordance with the *Appeal Policy*.

Suspension Pending a Hearing

44. Volleyball BC may determine that a Complaint is of such seriousness as to warrant suspension of an Individual pending completion of an investigation, criminal process, the hearing, or a decision of the Discipline Panel.

Criminal Convictions

45. An Individual's conviction for a *Criminal Code* offense or other serious offenses, as determined by Volleyball BC, will be deemed an infraction under this policy and will result in expulsion from Volleyball BC. *Criminal Code* offences and other serious offences may include, but are not limited to:

- a) Any child pornography offences
- b) Any sexual offences
- c) Any offence of assault
- d) Any offence involving trafficking of illegal drugs and/or performance enhancing drugs

Confidentiality

46. The discipline and Complaints process is confidential and involves only Volleyball BC, the parties, the Case Manager, the Discipline Chair (or designate if applicable), the Independent Third Party (if applicable), 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.

Communication

47. Volleyball BC will identify those persons within their respective organizations who will be responsible for implementing this policy.

Review and Amendment

48. This policy will be reviewed from time to time and any significant policy amendments will be approved by the Board.

49. As this policy is based upon the *Pan-Canadian Discipline and Complaints policy*, Volleyball BC will forward a copy of any significant amendments to Volleyball Canada.

Approval

50. This policy was approved by the Volleyball BC Board of Directors on September 22, 2021.