



Bowls Alberta & Member Clubs



Discipline and Complaints Policy

* Indicates a definition or section that has been *adapted* from the UCCMS (Universal Code of Conduct to Prevent and Address Maltreatment in Sport); all capitalized words are defined in the Definitions section, the Appendix of the Safe Sport Manual.

Purpose

1. Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with Bowls Alberta (BA) and its Member Clubs' policies, Bylaws, rules and regulations, and *Code of Conduct and Ethics* as updated and amended from time to time. Non-compliance may result in sanctions pursuant to this Policy. Throughout this policy BA and its Member Clubs will be referred to as the Organizations.

Principles

2. *The following principles guide the findings and determinations under this Policy:
 - a) Any form of Maltreatment violates the integrity of Participants and undermines the values of Canadian sport.
 - b) The sanctions imposed will reflect the seriousness of the Maltreatment and the harm to those affected and the values of Canadian sport.
 - c) This Policy and its procedures will be:
 - i. Harmonized (applied to all Participants within the jurisdiction of the Organizations),
 - ii. Fair (procedural and substantive due process for all Participants),
 - iii. Comprehensive (all forms of Maltreatment addressed, and potential sanctions described),
 - iv. Expert-informed (the determination of Maltreatment and impositions of sanctions will be informed by those with expertise in such areas as sport, child abuse, and the law),
 - v. Trauma-informed (acknowledgement of the physical, psychological, and emotional effects of trauma, and avoidance of re-traumatization),
 - vi. Evidence-driven (evidence of Maltreatment required, where Evidence or "proof" of maltreatment may include the words/report of a complainant if found credible by the relevant authorities. Depending upon the nature of the Maltreatment, physical evidence, corroboration, or third-party verification may not be needed),
 - vii. Impartial administration (free from all conflicts of interest).

Application of this Policy

3. This Policy applies to all Participants.
4. This Policy applies to matters that may arise during the course of the Organizations' business, activities, and Events.

5. This Policy also applies to Participants' conduct outside of the Organizations' business, activities, and Events when such conduct adversely affects relationships within the Organizations (and its work and sport environment), or is detrimental to the image and reputation of the Organizations. Applicability will be determined by the Organizations at their sole discretion.
6. *This Policy applies to alleged breaches of the *Code of Conduct and Ethics* (herein referred to as the 'Code') by Participants who have retired from the sport where any claim regarding a potential breach of the *Code* occurred when the Participant was active in the sport. In addition, this Policy will apply to breaches of the *Code* that occurred when the Participants involved interacted due to their mutual involvement in the sport or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Participant(s).
7. This Policy does not prevent immediate discipline or sanction from being applied as reasonably required. Any infractions or complaints occurring within competitions 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. Additionally, the Participant may face further sanctions pursuant to the *Discipline and Complaints Policy*.
8. An employee of one of the Organizations who is a Respondent will be subject to appropriate disciplinary action per that Organization's *Human Resource Policy Manual*, as well as the employee's Employment Agreement, if applicable. Violations may result in a warning, reprimand, restrictions, suspension, or other disciplinary actions up to and including termination of employment.

Alignment

9. The Organizations recognize that Participants are registered with Bowls Canada Boulingrin (BCB) through BA and/or its Member Clubs. Pursuant to the *Reciprocation Policy* discipline decisions involving Participants must be reported to all levels of governance. BCB, BA and its Member Clubs may take further action at their discretion.
10. Similarly, pursuant to BCB's *Reciprocation Policy*, for discipline decisions provided to the Organizations by BCB involving any Participant(s), the Organizations will determine, in accordance with their own policies, whether to initiate action against the Participant(s) named in the decision.
11. Where the Organizations decide to act upon becoming aware of a Participant who has been disciplined by BCB, or by one of the Organizations, the Participant will be the Respondent to a complaint initiated under the terms of this Policy. In this case, one of the Organizations may act as the Complainant if the original Complainant is unwilling for justifiable reasons or is unavailable to participate in this process.
12. The Discipline Chair or Discipline Panel, as applicable, will review and consider the decision by BCB and/or the Organizations when deciding on the complaint per the terms of this Policy.

Discipline Chair or Discipline Panel

13. A Discipline Chair will be appointed by the Safe Sport Officer (SSO) or the SSO may choose to appoint three (3) individuals to serve as Discipline Panel and, in this case, decisions of the Discipline Panel will be by majority vote. The Discipline Chair and/or Panel may be comprised of SSO's of BA's Member Clubs.
14. The Discipline Chair or Discipline Panel members, as applicable, appointed to handle a complaint or incident, must be unbiased and not in a conflict-of-interest situation.

Adult Representative

15. Complaints may be brought for or against a Participant who is a minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
16. Communication from the Discipline Chair or SSO, as applicable, must be directed to the minor's representative.
17. A minor is not required to attend an oral hearing, if held.

Reporting a Complaint

18. Any Participant may report an incident or complaint in writing to the Organizations' Safe Sport Officer.
19. At the Organization's discretion, the Organization may act as the Complainant and initiate the complaint process under the terms of this Policy. In such case, the Organization will identify an individual to represent its Organization.

Third-Party Management and Investigation

20. The SSO may determine that the alleged incident requires investigation. In this case, the SSO may appoint an Investigator in accordance with the *Investigations Procedure* (included as an Appendix of this policy). The Organization and the Investigator will have additional responsibilities as described in that *Procedure*.
21. Upon receipt of a complaint, the SSO has a responsibility to:
 - a) Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy,
 - b) Propose the use of the *Dispute Resolution Policy*,
 - c) Determine if an investigation is required, and/or
 - d) Choose which process should be followed, and may use the following examples as a general guideline:

Process #1 is used if the Complaint alleges the following incidents:

- i. Disrespectful, abusive, racist, or sexist comments,
- ii. Disrespectful conduct,
- iii. Minor incidents of violence (e.g., tripping, pushing, elbowing),
- iv. Conduct contrary to the values of the Organizations,
- v. Non-compliance with the Organization's policies, procedures, rules, or regulations, and
- vi. Minor violations of the Organization's *Code of Conduct and Ethics*.

Process #2 is used if the Complaint alleges the following incidents:

- i. Repeated minor incidents,
- ii. Any incident of hazing,
- iii. Behaviour that constitutes harassment, sexual harassment, or sexual misconduct,
- iv. Major incidents of violence (e.g., fighting, attacking, sucker punching),
- v. Pranks, jokes, or other activities that endanger the safety of others,
- vi. Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition,
- vii. Conduct that intentionally damages the Organization's image, credibility, or reputation,

- viii. Consistent disregard for the Organization's bylaws, policies, rules, and regulations,
 - ix. Major or repeated violations of the Organizations' *Code of Conduct and Ethics*,
 - x. Intentionally damaging the Organization's property or improperly handling the Organization's monies,
 - xi. Abusive use of alcohol or cannabis, any use or possession of alcohol by minors, any illegal use or possession of cannabis, or use or possession of illicit drugs and narcotics,
 - xii. A conviction for any *Criminal Code* offense, and
 - xiii. Any possession or use of banned performance enhancing drugs or methods.
22. If the SSO determines the complaint is frivolous (21.a) or outside the jurisdiction of this Policy, the complaint will be dismissed immediately. The SSO's decision to accept or dismiss the complaint may not be appealed.
 23. If the *Dispute Resolution Policy* is the agreed upon process (21.b), then the complaint will be dealt with according to that Policy.
 24. If an Investigation is required (21.c), the SSO will appoint an Investigator and determine the process according to the *Investigation Procedure* (included as an Appendix of this policy).
 25. At the conclusion of the Investigation Procedure, the SSO, using the advice of the Investigator, will determine the appropriate jurisdiction to manage the complaint and determine whether the Complaint should proceed under Process #1 or Process #2 (21.d) as outlined below. A Discipline Chair and/or Discipline Panel will be appointed as appropriate.

Process #1: Handled by Safe Sport Officer (SSO)

26. Following the determination that the complaint or incident should be handled under Process #1, the SSO will work through the following steps:
 - a) Recommend mediation,
 - b) Ask the Complainant and the Respondent for either written or oral submissions regarding the complaint or incident, or
 - c) Convene the parties to a meeting, either in person or by way of video or teleconference in order to gain input from the Parties.
27. Thereafter the SSO shall determine if the incident is a breach of the Code 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 the Organizations,
 - d) Removal of certain privileges,
 - e) Suspension from certain teams, events, and/or activities,
 - f) Suspension from all the Organizations' Events for a designated period of time, and/or
 - g) Any other sanction considered appropriate for the offense.
28. The SSO will inform the Parties of the decision and/or sanction which would take effect immediately.
29. Records of all sanctions will be maintained by the Organizations.

Process #2: Handled by Discipline Chair and/or Discipline Panel

30. Following the determination that the complaint or incident should be handled under Process #2, the SSO has a responsibility to:

- a) Propose the use of the BA and its Member Clubs' *Dispute Resolution Policy*,
- b) Appoint the Discipline Panel, as necessary,
- c) Coordinate all administrative aspects and set timelines than ensure procedural fairness and that the matter is heard in a timely fashion,
- 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.

Procedures

31. After notifying the Parties that the complaint has been accepted, the Discipline Chair may propose using the Organizations' *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 SSO will appoint a Discipline Chair (a single Arbitrator) or a Discipline Panel, to hear the complaint. In extraordinary circumstances, and at the discretion of the SSO, a Discipline Panel of three persons may be appointed to hear the complaint. In this event, the SSO will appoint one of the Discipline Panel's members to serve as the Chair. In certain circumstances the SSO may recommend hiring an Independent Third Party who will take over the procedures.
32. The SSO, 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 SSO 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 SSO, 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, and
 - f) The decision will be by a majority vote of the Discipline Panel.
33. 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.
34. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
35. 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.
36. In fulfilling its duties, the Discipline Panel may obtain independent advice.

Decision

37. 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, the Discipline Panel's written decision, with reasons, will be distributed to all Parties, the SSO, and Organizations. 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. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

Sanctions

38. *Prior to determining sanctions, the Discipline Chair or Discipline Panel, as applicable, will consider factors relevant to determining appropriate sanctions which include:
- 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 inappropriate behaviour or Maltreatment,
 - c) The 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 Maltreatment, and/or cooperation in the process of the Organization,
 - f) Real or perceived impact of the incident on the Complainant and the Organizations,
 - g) Circumstances specific to the Respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the *Code*; 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 and aggravating circumstances.
39. *Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required, and a single incident of Maltreatment or other Prohibited Behavior may justify elevated or combined sanctions.
40. *The Discipline Chair or Discipline Panel, as applicable, may apply the following disciplinary sanctions, singularly or in combination:
- a) **Verbal or Written Warning** - A verbal reprimand or an official, written notice and formal admonition that a Participant has violated the *Code* and that more severe sanctions will result should the Participant be involved in other violations.
 - b) **Education** - The requirement that a Participant undertake specified educational or similar remedial measures to address the violation(s) of the *Code*.
 - c) **Probation** - Should any further violations of the *Code* occur during the probationary period, it will result in additional disciplinary measures, likely including a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period.
 - d) **Suspension** - Suspension, either for a set time or until further notice, from participation, in any capacity, in any Event, sponsored by, organized by, or under the auspices of all or one of the Organizations. A suspended Participant is eligible to return to participation,

but reinstatement may be subject to certain restrictions or contingent upon the 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** - Permanent ineligibility to participate, in any sport, in any capacity, in Event, sponsored by, organized by, or under the auspices of the Organizations.
 - 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.
41. *The Discipline Chair or Discipline Panel, as applicable, 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 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 dispositions in violation of the criminal law, the presumptive sanction shall be a period of suspension.
42. A Participant's conviction for a *Criminal Code* offense shall carry a presumptive sanction of permanent ineligibility from participating within the Organizations. *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, or
 - e) Any offence involving trafficking of illegal drugs.
43. Unless the Discipline Panel decides otherwise, disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Discipline Panel will result in an automatic suspension until such time as compliance occurs.
44. Records of all decisions will be maintained by the Organizations.

Appeals

45. The decision of the Discipline Panel may be appealed in accordance with the Organizations' *Appeal Policy*.

Suspension Pending a Hearing

46. Upon recommendation by the SSO, the Organizations may determine that an alleged incident is of such seriousness as to warrant interim suspension of a Participant.

Confidentiality

47. The discipline and complaints process is confidential and involves only the Parties, the SSO, the Discipline Chair, 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

48. 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 SSO may direct that these timelines be revised.

Records and Distribution of Decisions

49. Other individuals including but not limited to BCB and the Organizations, or other national or provincial sports, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.
 50. *The Organizations recognize that a publicly available searchable database or registry of Respondents who have been sanctioned, or whose eligibility to participate in sport has in some way been restricted, may be maintained and may be subject to provisions in the UCCMS.
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Appendix

Investigations Procedure

* Indicates a definition or section that has been adapted from the UCCMS (Universal Code of Conduct to Prevent and Address Maltreatment in Sport); all capitalized words are defined in the Definitions section found in Appendix A.

Determination and Disclosure

1. When a complaint is submitted per Bowls Alberta (BA) or its Member Club's *Discipline and Complaints Policy*, the Organization's SSO will determine if the complaint should be investigated.
2. BA and its Member Clubs (referred to hereafter as the Organizations) will adhere to all disclosure and reporting responsibilities required by law and will contact the local police service or child protection agency if and as required.

Investigation

3. Complaints that are investigated will continue to be addressed by the process(es) described in the *Discipline and Complaints Policy*. However, the SSO may also appoint an Investigator to investigate the allegations.
4. The Investigator may be an Organization's representative or Director or may be an independent third-party skilled in investigating claims of harassment. The Investigator must not be in a conflict-of-interest situation and should have no connection to either party.
5. The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial legislation. The investigation may include:
 - a) Interviews with the Complainant,
 - b) Interviews with witnesses,
 - c) Statement of facts (Complainant's perspective) prepared by the Investigator and acknowledged by the Complainant and provided to the Respondent,
 - d) Interviews with the Respondent,
 - e) Statement of facts (Respondent's perspective) prepared by Investigator, acknowledged by the Respondent, and provided to the Complainant.

Investigator's Report

6. Upon completion of the investigation, the Investigator will prepare and submit a report that should include a summary of evidence from the parties (including both statements of facts, if applicable) and recommendations from the Investigator of whether or not, on a balance of probabilities, an incident occurred that breached the *Code*.
7. *The Investigator must be aware that sport-specific differences exist with respect to such aspects as acceptable levels of touch, physical contact, and aggression during training or competition and will consider such differences during the investigative process.
8. The Investigator's Report will be provided to the SSO who will determine whether the report, or a summary of the report, will be distributed to the Parties and/or the individual(s) making the decision on the complaint.
9. Should the Investigator find that there are possible instances of offence under the *Criminal Code*, particularly related to Criminal Harassment (or Stalking), Uttering Threats, Assault, Sexual Interference, or Sexual Exploitation, the Investigator shall advise the Complainant to refer the

matter to police. The Investigator will further inform the appropriate Organization that the matter should be directed to the police.

10. The Investigator must also inform the appropriate Organization of any findings of criminal activity. The Organizations may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of doping drugs or materials, any sexual crime involving minors, fraud against one of the Organizations, or other offences where the lack of reporting would bring one of the Organizations into disrepute.
11. The Discipline Chair or the Discipline Panel, as applicable, may consider the Investigator's Report, in addition to submissions from the parties, prior to making a decision on the complaint.

Reprisal and Retaliation

12. *A Participant who submits a complaint to an Organization or who gives evidence in an investigation may not be subject to reprisal or retaliation from any individual or group. Any such conduct may constitute Maltreatment and will be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy*.

False Allegations

13. A Participant who submits allegations that the Investigator determines to be false or without merit may be subject to a complaint under the terms of the Organizations' *Discipline and Complaints Policy* with the Organization or the individual against whom the false allegations were submitted, acting as the Complainant. The Participant may be required to pay the cost of the Investigation that comes to this conclusion.

Confidentiality

14. The Investigator will make every effort to preserve the confidentiality of the complainant, respondent, and any other party. However, the Organizations recognize that maintaining anonymity of any party may be difficult for the Investigator during the investigation.

Privacy

15. The collection, use and disclosure of any personal information pursuant to this Procedure is subject to the Organizations' *Privacy Policy*.
16. The Investigator will comply with the Organizations' *Privacy Policy* in the performance of their services under this Procedure.