



Squash Canada

Discipline and Complaints Policy

Approved by the Squash Canada Board of Directors, June 21, 2018

This Policy has been prepared by Squash Canada to be a Pan-Canadian Policy applicable to Squash Canada and its Member Provincial/Territorial Squash Associations that have approved the adoption of the Policy.

Definitions

1. The following terms have these meanings in this Policy:
 - a) *“Athletes Class”* - A Member of Squash Canada by virtue of being a member of the Squash Canada National Team
 - b) *“Case Manager”* – An individual appointed by the Discipline Chair to administer certain complaints under this *Discipline and Complaints Policy*, who may be any staff member, committee member, volunteer, Director, or independent third party.
 - c) *“Complainant”* – The Party alleging an infraction
 - d) *“Days”* – Days including weekends and holidays
 - e) *“Discipline Chair(s)”* – An individual or individuals appointed by the applicable Board or the Executive Director to be the first point-of-contact for all discipline and complaint matters reported to Squash Canada or a PTA
 - 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) *“Parties”* – The Complainant, Respondent, and any other Individuals or persons affected by the complaint
 - h) *“PTA”* – Provincial/Territorial Squash Association recognized by Squash Canada
 - i) *“Respondent”* – The alleged infracting Party
 - j) *“Organization”* - PTA and or Squash Canada

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 *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 the reputation of or 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 by the Class of Squash Canada Membership, or 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 or contractors, such as an applicable organization's policies for human resources or an employment/contractor agreement.
9. The PTA must advise Squash Canada of any complaint against a member of the Athletes Class.

Process

10. Any Individual may report an incident or complaint in writing as electronically transmitted, sent by courier or regular post within fourteen (14) days of the alleged incident to Squash Canada or the applicable PTA which will forward the complaint to its respective Discipline Chair(s), although this timeline can be waived or extended at the Discipline Chairs' discretion. At Squash Canada or the PTA's discretion, the Organization may (a) act as a Complainant and initiate the complaint process under the terms of this Policy, and/or (b) by mutual consent between the Organization and initial Complainant, assume the role of Complainant on behalf of the initial Complainant. In such cases, the Organization will identify an individual to represent the Organization.
11. Upon receipt of a complaint, the Discipline Chair(s) may request more information from any identified or affected party. The Discipline Chair(s) will review the submissions related to the complaint and determine one or more of the following sanctions or actions:
 - a) The complaint is not substantiated and no sanction
 - b) Written reprimand
 - c) Verbal or written apology
 - d) Service or other contribution
 - e) Removal of certain privileges
 - f) Suspension from certain teams, events, and/or activities
 - g) Suspension from all activities for a designated period of time
 - h) Payment of the cost of repairs for property damage
 - i) Suspension of funding
 - j) Expulsion
 - k) Any other sanction considered appropriate for the offense
12. The Discipline Chair(s) will inform the Complainant and the Respondent of the sanction, if any.
13. Records of all decisions and sanctions, if any, will be maintained by the organization maintaining jurisdiction.

Request for Reconsideration

14. Notwithstanding Section 10 - 12, 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:

- a) Why the sanction is inappropriate;
 - b) All evidence to support the party's position; and
 - c) What penalty or sanction (if any) would be appropriate
15. The sanction may not be appealed until the completion of a Request for Reconsideration.
16. Upon receiving a Request for Reconsideration, the Discipline Chair(s) will appoint a Case Manager to oversee management and administration of the complaint or incident. Such appointment is not appealable.
17. The Case Manager 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 *Alternate Dispute Resolution Policy*
 - c) Appoint the Discipline & Complaints Panel, if necessary
 - d) Coordinate all administrative aspects and set timelines
 - e) Provide administrative assistance and logistical support to the Discipline & Complaints Panel as required
 - f) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

Procedures

18. If the Case Manager determines the complaint is:
- a) Frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately
 - b) Not frivolous and within the jurisdiction of this Policy, the Case Manager will notify the Parties that the complaint is accepted and of the applicable next steps
19. The Case Manager's decision to accept or dismiss the complaint may not be appealed.
20. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
21. After notifying the Parties that the complaint has been accepted, the Case Manager may propose using the *Alternate 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 *Alternate Dispute Resolution Policy*, the Case Manager will appoint a Discipline & Complaints Panel, which shall consist of a single Adjudicator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a Discipline & Complaints Panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Discipline & Complaints Panel's members to serve as the Chair.
22. The Discipline Chair(s) may not be part of the Discipline & Complaints Panel.
23. The Case Manager, in cooperation with the Discipline & Complaints 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 a verbal in-person hearing, a verbal hearing by telephone, video conference or other communication medium, or 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 & Complaints Panel deem appropriate in the circumstances, provided that:
- a) The Parties will be given reasonable and appropriate notice of the day, time, and place of the hearing, in the case of verbal in-person hearing or a verbal hearing by telephone or other communication medium
 - b) Copies of any written documents which the parties wish to have the Discipline & Complaints 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 & Complaints Panel may request that any other individual participate and give evidence at

the hearing

- e) The Discipline & Complaints Panel may allow as evidence at the hearing any verbal evidence, document and other form of evidence digital or otherwise that is 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 & Complaints Panel

24. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Discipline & Complaints Panel will determine the appropriate sanction. The Discipline & Complaints Panel may still hold a hearing for the purpose of determining an appropriate sanction.

25. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.

26. 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.

27. In fulfilling its duties, the Discipline & Complaints Panel may obtain independent advice.

Decision

28. After hearing and/or reviewing the matter, the Discipline & Complaints 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 & Complaints Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and the applicable Organization. In extraordinary circumstances, the Discipline & Complaints 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 & Complaints Panel.

Sanctions

29. The Discipline & Complaints Panel may apply the following disciplinary sanctions, singularly or in combination:

- a) Verbal or written reprimand
- b) Require a verbal or written apology
- c) Require 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

30. Unless the Discipline & Complaints Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Discipline & Complaints Panel will result in an automatic suspension until such time as compliance occurs.

31. Records of all decisions will be maintained by the applicable Organization.

Appeals

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

Suspension Pending a Hearing

33. 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 & Complaints Panel.

Criminal Convictions

34. An Individual's conviction for a *Criminal Code* offense will be deemed an infraction under this Policy and as determined by Squash Canada or the applicable PTA, 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

Confidentiality

35. The discipline and complaints process is confidential and involves only the Parties, the Discipline Chair(s), the Case Manager, the Discipline & Complaints Panel, and any independent advisors to the Discipline & Complaints 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

36. 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 & Complaints Panel may direct that these timelines be revised.

Records and Distribution of Decisions

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