



PACIFICSPORT FRASER VALLEY (“PSFV”) DISCIPLINE, COMPLAINTS AND DISPUTE RESOLUTION POLICY

Reviewed and Approved by PSFV Board – [September 2023]

PURPOSE

1. PSFV believes in the fair and equitable treatment of all members, athletes, staff and volunteers and non-adversarial dispute resolution. In cases where mediation is unsuccessful, supported complaints, disagreements or challenges between athletes, staff and volunteers must be settled through a fair, effective, and peaceful dispute resolution.
2. The following terms have these meanings in this Policy:
 - a) **Clients** - Users of PSFV services, including on-site services, such as athletes, coaches, and other personnel connected to a team or athlete.
 - b) **Complainant** - The Party alleging an infraction.
 - c) **Days** - Days including weekends and holidays;
 - d) **Director** - An individual who is a member of the Board of PSFV.
 - e) **Respondent** - The alleged infracting Party.
 - f) **Parties** - The Complainant, Respondent, and any other Individuals or persons affected by the complaint.
 - g) **Staff** - Any individual employed by, or engaged in activities on behalf of, PSFV including employees, contract personnel, practicum students, volunteers, researchers, and administrators.
 - h) **Stakeholders** – Directors, Volunteers, and Staff.
 - i) **Volunteer** - A person who freely offers to take part in an enterprise or undertake a task for PSFV.

APPLICATION

3. PSFV will provide an environment in which all Stakeholders involved with PSFV are treated with respect. Association with PSFV, as well as participation in its activities, brings many benefits and privileges. At the same time, Stakeholders are expected to fulfill certain responsibilities and obligations including complying with PSFV policies, bylaws, rules and regulations, and the *Code of Conduct and Ethics*. Irresponsible behaviour can result in severe damage to the integrity of PSFV. Conduct that breaches these values may be subject to sanctions pursuant to this Policy. Since discipline may be applied, PSFV provides Stakeholders with the mechanism outlined in this Policy so that complaints are handled fairly, expeditiously, and affordably.
4. This Policy applies to all Stakeholders. This policy applies to discipline matters that may arise during the course of PSFV business, activities, and events including but not limited to, contact with clients, travel associated with PSFV activities, the PSFV office environment, and any meetings.
5. In addition to being subject to disciplinary action pursuant to this Policy, an employee of PSFV who is a Respondent to a complaint may also be subject to consequences in accordance with the employee’s Employment Agreement or policies for human resources, if applicable.





6. Discipline matters and complaints arising within the business, activities, or events organized by entities other than PSFV will be dealt with pursuant to the policies of these other entities unless requested and accepted by PSFV at its sole discretion.

PROCEDURES

Reporting a Complaint

7. Any individual may report any complaint to the PSFV office. Such a complaint must be in writing and signed and must be filed within fourteen days of the alleged incident. Anonymous complaints may be accepted at the discretion of PSFV.
8. Individuals may only report complaints directed at Stakeholders. Complaints against Clients should be directed to the Client's National or Provincial sport organization.
9. A Complainant wishing to file a complaint outside of the fourteen-day period must provide a written statement giving reasons for an exemption from this limitation. The decision to accept, or not accept, the complaint outside of the fourteen-day period will be at the sole discretion of the Executive Director and/or Designate of PSFV. This decision may not be appealed.

Dispute Resolution and Mediation

10. Before any complaint proceeds to the formal stage, the dispute will first be referred to PSFV's Executive Director (or designate) for review, with the objective of resolving the dispute via alternate dispute resolution (ADR) and/or mediation in accordance with the procedures noted below.
11. PSFV supports the principles of Alternate Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes. Alternate Dispute Resolution also avoids the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints, or with litigation.
12. PSFV encourages all Stakeholders and Clients to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. PSFV believes that negotiated settlements are usually preferable to outcomes resolved through other dispute resolution techniques. Negotiated resolutions to disputes with and among Stakeholders and Clients are strongly encouraged.
13. Opportunities for Alternate Dispute Resolution may be pursued at any point in a dispute within PSFV when all parties to the dispute agree that such a course of action would be mutually beneficial.

CASE MANAGER

14. Should the review by PSFV's Executive Director (or designate) not resolve the dispute, PSFV Executive Director or President of the Board will appoint an impartial Case Manager to oversee management and administration of complaints submitted in accordance with this Policy and such appointment is not appealable.





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15. The Case Manager is not required to be associated with PSFV. The Case Manager has an overall responsibility to ensure procedural fairness, and to implement this Policy in a timely manner. More specifically, the Case Manager has a responsibility to:
 - a) Determine whether the complaint is frivolous or vexatious and within the jurisdiction of this Policy. If the Case Manager determines the complaint is frivolous or vexatious or outside the jurisdiction of this Policy, the complaint will be dismissed immediately. The Case Manager's decision to accept or dismiss the complaint may not be appealed;
 - b) Determine if the complaint is a minor or major infraction;
 - c) Appoint the Panel, if necessary, in accordance with this Policy;
 - d) Coordinate all administrative aspects of the complaint;
 - e) Provide administrative assistance and logistical support to the Panel as required; and
 - f) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
 16. The Case Manager will inform the Parties if the incident is to be dealt with as a minor infraction or major infraction and the matter will be dealt with according to the applicable section relating to the minor or major infraction.
 17. This Policy does not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behavior that constitutes either a minor or major infraction. Further sanctions may be applied in accordance with the procedures set out in this Policy.

MINOR INFRACTIONS

18. Minor infractions are single incidents of failing to achieve expected standards of conduct that generally do not result in harm to others or to PSFV. Examples of minor infractions can include, but are not limited to, a single incident of:
 - a) Disrespectful, offensive, abusive, racist, or sexist comments or behavior;
 - b) Disrespectful conduct such as outbursts of anger or argument;
 - c) Conduct contrary to the values of PSFV;
 - d) Being late for, or absent from, PSFV events and activities at which attendance is expected or required;
 - e) Non-compliance with PSFV's policies, procedures, rules, or regulations; and
 - f) Minor violations of PSFV's *Code of Conduct and Ethics*.
19. All disciplinary situations involving minor infractions will be dealt with by the appropriate person who has authority over both the situation and the individual involved. The person in authority can be, but is not restricted to being, staff, organizers, or PSFV decision-makers.
20. Provided that the Stakeholder being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident, procedures for dealing with minor infractions will be informal (compared to the procedures for major infractions) and will be determined at the discretion of the person responsible for discipline of such infractions (as noted above).
21. Penalties for minor infractions, which may be applied singularly or in combination, include the following:





- a) Verbal or written reprimand from PSFV to one of the Parties;
- b) Verbal or written apology from one Party to the other Party;
- c) Any other sanction considered appropriate for the offense.

22. Minor infractions that result in discipline will be recorded and records will be maintained by PSFV. Repeat minor infractions may result in further such incidents being considered a major infraction.

MAJOR INFRACTIONS

23. Major infractions are instances of failing to achieve the expected standards of conduct that result, or have the potential to result, in harm to other persons or to PSFV. Examples of major infractions include, but are not limited to:

- a) Repeated minor infractions;
- b) Any incident of hazing;
- c) Incidents of physical abuse;
- d) Behaviour that constitutes harassment, sexual harassment, or sexual misconduct;
- e) Pranks, jokes, or other activities that endanger the safety of others;
- f) Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition;
- g) Conduct that intentionally damages PSFV's image, credibility, or reputation;
- h) Disregard for PSFV's bylaws, policies, rules, and regulations;
- i) Major or repeated violations of PSFV's *Code of Conduct and Ethics*;
- j) Intentionally damaging PSFV property;
- k) Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics; and
- l) Any possession or use of banned performance enhancing drugs or methods.

24. Major infractions occurring within competition may be dealt with immediately, if necessary, by an appropriate person having authority. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this policy. This review does not replace the appeal provisions of this policy.

25. Major infractions will be handled using the Procedure for Major Infraction Hearing set out in this policy, except where a dispute resolution procedure contained within a contract, employee agreement, or other formal written agreement takes precedence.

PROCEDURE FOR MAJOR INFRACTION HEARING

26. The Case Manager shall notify the Parties that the complaint is potentially legitimate, and the incident shall be dealt with as a major infraction. The Case Manager shall then decide the format under which the complaint will be heard. This decision is at the sole discretion of the Case Manager and may not be appealed.

27. The Case Manager will appoint a Discipline Panel, which shall consist of a single Adjudicator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the panel's members to serve as the Chair.





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28. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing in which case the Panel will determine the appropriate disciplinary sanction. The Panel may still hold a hearing for the purpose of determining an appropriate sanction.
 29. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
 30. The Case Manager will determine the format of the hearing, which may involve an oral in-person hearing, an oral hearing by telephone, 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 deems appropriate in the circumstances, provided that:
 - a) The Parties will be given appropriate notice of the date, time, and place of the hearing;
 - b) Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing;
 - c) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense;
 - d) The Panel may request that any other individual participate and give evidence at the hearing;
 - e) The 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 Panel members.
 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 complaint in question and will be bound by the decision.
 32. In fulfilling its duties, the Panel may obtain independent advice.

DECISION

33. After hearing the matter, the 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 Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and PSFV. In extraordinary circumstances, the 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 Panel.

SANCTIONS

34. The Panel may apply the following disciplinary sanctions, singularly or in combination, for major infractions:
 - a) Verbal or written reprimand from PSFV to one of the Parties;
 - b) Verbal or written apology from one Party to the other Party;
 - c) Service or other voluntary contribution to PSFV;
 - d) Expulsion or dismissal from PSFV;
 - e) Payment of the cost of repairs for property damage;





- f) Any other sanction in accordance with PSFV's HR Policy (if applicable); and
- g) Any other sanction considered appropriate for the offense.

35. Unless the Panel decides otherwise, any disciplinary sanctions will begin immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension until such time as compliance occurs.

36. Major infractions that result in discipline will be recorded and records will be maintained by PSFV.

SUSPENSION PENDING A HEARING

37. PSFV may determine that an alleged incident is of such seriousness as to warrant suspension of a Stakeholder pending a hearing and a decision of the Panel and/or completion of the criminal process.

CRIMINAL CONVICTIONS

38. A Stakeholder conviction for a *Criminal Code* offense shall carry a presumptive sanction of permanent ineligibility from participating with PSFV. *Criminal Code* offences may include, but are not limited to:

- a) Any child pornography offences;
- b) Any sexual offences;
- c) Any offence of physical or psychological violence;
- d) Any offence of assault; and
- e) Any offence involving trafficking of illegal drugs.

CONFIDENTIALITY

39. The discipline and complaints process is confidential and involves only the Parties, the Case Manager, the Panel, and any independent advisors to the 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

40. 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 Panel may direct that these timelines be revised.

RECORDS AND DISTRIBUTION OF DECISIONS

41. Minor and major infractions that result in discipline shall be recorded and maintained by PSFV. PSFV may advise other organizations of any decisions. Decisions are matters of public interest and PSFV may share decisions publicly with the names of the individuals redacted. Names of persons disciplined may be disclosed to the extent necessary to give effect to any sanction imposed.

