

3.6 DISCIPLINE AND COMPLAINTS POLICY

PURPOSE

1. Organizational Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with all policies, bylaws, rules, and regulations of B.C. Ringette Association, doing business as Ringette BC (“RBC”), as updated and amended from time to time.
2. Non-compliance with any of RBC’s policies, bylaws, rules, or regulations, as applicable, may result in the imposition of sanctions pursuant to this policy and/or the bylaws of RBC or, as applicable, those of its Members.

APPLICATION

Application – General

3. This policy applies to all Organizational Participants and to any alleged breaches of RBC’s policies, bylaws, relevant documents (e.g., UCCMS) or rules or regulations that relate to Safe Sport, and/or abuse or maltreatment in sport.
4. In addition to being subject to disciplinary action pursuant to this policy, an employee of RBC who is a Respondent to a complaint may also be subject to consequences in accordance with the employee’s employment agreement or RBC’s human resources policies, if applicable.
5. Independent Third Party is made available, by RBC, primarily for complaints relating to abuse and maltreatment.

REPORTING

Reporting of a Complaint to the Independent Third Party

6. Complaints of alleged breaches of the aforementioned RBC governing documents and/or UCCMS will be made to the Independent Third Party by accessing the portal through the RBC website or on the website of the RBC Club Association.
7. For Code of Conduct matters that are normally dealt with through Club Association complaint processes, or complaint processes of other jurisdictions such as Leagues, other provinces, etc., the complaint should be made to the appropriate jurisdiction, rather than the Independent Third Party service. Further guidance on matters typically dealt with through Club Associations or the Leagues is provided in Appendix C. These matters should only be escalated and reported through the Independent Third Party if it cannot be managed within the organization.

8. For administrative matters normally dealt with through policies of the Organization or its Club Associations or the Leagues (examples in Appendix C), concerns or questions should be directed to the appropriate jurisdiction rather than through the Independent Third Party.
9. Complaints should be brought as soon as possible and no later than 21 Days from the occurrence of the incident. This timeline can be waived at the sole discretion of the Independent Third Party or RBC. Any such decision is not subject to appeal.¹
10. Notwithstanding any provision in this Policy, RBC may, at its discretion, or upon request by the Independent Third Party, act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, RBC will identify an individual to represent RBC.
11. An Organizational Participant who fears reprisal or who otherwise has sufficient reason to wish to keep their identity confidential may file a complaint with the Independent Third Party and request that their identity be kept confidential. The Independent Third Party may, where it considers appropriate, ask that the Organization act as the Complainant. Organizational Participants making the complaint may nevertheless be required to participate to some extent in the process; for example, providing evidence during the disciplinary process. Their identity will be kept in the strictest confidence, to the greatest extent possible but complete anonymity may not be possible. The confidentiality of the Complainant's identity may not be guaranteed and may not be maintained for the entirety of the complaint process. Anonymous complaint submissions are not accepted.
12. It is expected that all parties involved report events and issues honestly and authentically. False allegations are discussed further in Appendix A.

MINORS

13. Complaints may be brought by or against an Organizational Participant who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
14. Communication from the Independent Third Party-must be directed to the Minor's representative.
15. If the Minor's representative is not their parent/guardian, the representative must, when possible, have written permission to act in such a capacity from the Minor's parent/guardian.

¹ This timeline may be waived by RBC or the Independent Third Party on provision of an explanation from individual as to why they did not report their complaint within 21 days of the occurrence of the incident. Any such decision by the Independent Third Party is not subject to appeal.

16. A Minor is not required to attend or participate in an oral hearing, if held, or participate in an investigation if conducted. In such circumstances, no adverse inference can be drawn against the Minor.

ADMISSIBILITY OF COMPLAINTS

17. Upon receipt of a complaint, the Independent Third Party will determine whether the complaint falls within the jurisdiction of this Policy by considering, at minimum, the following:
- a) whether the incident occurred within the business, activities, or Events of RBC, or one of its Members or affiliated organizations;
 - b) whether the alleged incident(s) qualifies as an infraction under RBC documents (including the Code of Conduct) and/or the UCCMS;
 - c) Whether the complaint has been submitted within the required timeframe;
 - d) Whether the complaint already has a finding and/or resolution from another resolution process (including those from civil or criminal law). In such cases, the complaint will be deemed inadmissible except in situations of severe maltreatment under Process 2 if the Independent Third Party determines that the sanctions and disciplinary findings from the other resolution process did not adequately consider the severity of the maltreatment and/or the potential for further maltreatment to occur.
 - e) Whether the complaint is currently being reviewed through another process (for example, through a Member organization or other process)
 - f) Whether the matter is typically managed and/or can be effectively addressed by the Club Association or other jurisdiction. (Further guidance on matters typically dealt with through Club Associations is provided in Appendix C.)
 - g) Determine whether the complaint is frivolous, vexatious or if it has been made in bad faith. As indicated in the Sport Dispute Resolution Centre of Canada's Investigation Guidelines, a reported complaint shall not be characterized as vexatious if the evidence demonstrates that there was a reasonable basis for filing and pursuing it. For a complaint to be considered to have been made in bad faith, the Independent Third Party must consider that it was filed consciously for a dishonest purpose or due to the moral underhandedness of the Complainant and that there was an intention to mislead.
18. If a complaint is deemed to be inadmissible under this policy, then the Independent Third Party must provide reasons to the complainant in writing.

AVAILABLE PROCESS

19. There are two different processes that may be used to hear and adjudicate admissible complaints. The Independent Third Party decides which process will be followed at their discretion.

Process #1

20. The complaint contains allegations involving the following behaviours:
- a) disrespectful conduct or comments;
 - b) minor acts of physical violence, unless the physical violence is between a Person in Authority and a Vulnerable Participant, in which case the matter will be addressed under Process #2;
 - c) conduct contrary to the values of RBC;
 - d) non-compliance or minor violations of the relevant policies, procedures, rules, applicable codes of conduct, or regulations of RBC;

*** The behaviours identified above are examples only and are not a definitive list of behaviours that may be addressed through Process #1.

Options for Resolution

Following the determination that the complaint or incident should be handled under Process #1, the Independent Third Party may engage in Investigative Procedures outlined in Appendix A and will implement one or more of the following processes for resolution:

- i) If the matter is normally managed by the Club Association or other jurisdiction (for example, such as another provincial ringette association or the League), send that complaint to the appropriate jurisdiction to determine any subsequent discipline and/or education actions that need to be taken according to that jurisdiction's own discipline and complaints policy. The Parties do not have to agree to this process. When the Independent Third Party refers to matter to the Club Association or other jurisdiction, the Independent Third Party may, at their discretion, offer suggestions to the Club Association or other jurisdiction for possible educational and/or awareness building activities to be undertaken by one or both Parties. (Examples are listed in Appendix C)
- ii) The Independent Third Party may elect to have an awareness-raising conversation with the respondent. The Parties do not have to agree to this action by the Independent Third Party.
- iii) Refer the complaint to a formal Alternative Dispute Resolution process (e.g. Mediation, conflict resolution facilitators, etc) with the cost covered by the Member or the Party(ies) to the complaint. The Parties must agree to this resolution process.

- iv) Appoint an External Hearing Panel of one person to hear the facts of the case and make a decision. The Parties do not have to agree to this process and the decision of the Independent Third Party to use this process is not appealable.
21. At any point in a Process 1 resolution process, the Independent Third Party can move the matter into Process 2 options.
22. At any point in the resolution process, the Independent Third Party or the Organization can report the matter to other appropriate authorities such as the police, government Children's Services, etc.

Process #2

23. The complaint contains allegations involving the following behaviours:
- a) repeated incidents described in Process #1;
 - b) hazing;
 - c) abusive, racist, or sexist comments, conduct or behaviour;
 - d) incidents that constitute Prohibited Behaviour under the applicable code(s) of conduct or the UCCMS;
 - e) major incidents of violence (e.g., fighting, attacking);
 - f) pranks, jokes, or other activities that endanger the safety of others;
 - g) conduct that intentionally interferes with a competition or with any Athlete's preparation for a competition;
 - h) conduct that intentionally damages the image, credibility, or reputation of RBC or that of one of its members or affiliated organizations;
 - i) consistent disregard for the bylaws, policies, rules, or regulations of RBC;
 - j) major or repeated violations of the applicable code(s) of conduct, or any other relevant policies, bylaws, rules or regulations that designate this Discipline and Complaints Policy as applicable to address such alleged breaches;
 - k) intentionally damaging the property of RBC, one of its members or affiliated organizations;
 - l) inappropriate or abusive use of alcohol, cannabis, or possession of illicit drugs and narcotics; any use or possession of alcohol, cannabis, illicit drugs or narcotics by Minors;
 - m) a conviction for any *Criminal Code* offense.

The behaviours identified above are examples only and are not a definitive list of behaviours that may be addressed through Process #2.

Options for Resolution

Following the determination that the complaint or incident should be handled under Process #2, the Independent Third Party the Independent Third Party may engage in Investigative Procedures outlined in Appendix A and will implement one or more of the following processes for resolution:

- i. Refer the complaint to a Formal Alternative Dispute Resolution Process (e.g. Mediation, conflict resolution facilitators, etc.) with the cost covered by the Member or the Party(ies) to the complaint. The Parties must agree to this process.
- ii. Appoint an External Hearing Panel of one to three people to hear the facts of the case and make a decision. The Parties do not have to agree to this process and the decision of the Independent Third Party to use this process is not appealable.
- iii. Report the matter to other appropriate authorities such as the police, government Children's Services, etc.

PROVISIONAL MEASURES

24. If it is considered appropriate or necessary on the basis of the circumstances, immediate discipline or the imposition of a Provisional Suspension or interim measures may be imposed against any Organizational Participant by the Independent Third Party after which further discipline or sanctions may be applied according to this policy.

The Independent Third Party may determine if an interim suspension during the investigative process is warranted if any of the following criteria are met:

- The complaint involves abuse or harassment, as outlined in the UCCMS
- The complaint involves active programming and the safety of program participants, physical or psychological, is at risk

If the Independent Third Party determines an interim suspension is warranted, the following parties may be notified:

- The Respondent and the Complainant
- BC Ringette Board and Staff
- The leadership of ringette programs or organizations the Respondent is affiliated with Individuals involved in the complaint, if not the same party or parties as the Complainant
- Participants actively involved in programming involving the Respondent

25. The Independent Third Party may determine relevant parties in collaboration with the RBC Executive Director.

26. If an infraction occurs at a competition, it will be dealt with by the procedures specific to the competition, if applicable. Provisional measures may be imposed for the duration of a competition, training, activity, or Event only, or as otherwise determined appropriate by the Independent Third Party.²
27. Notwithstanding the above section, RBC may determine that an alleged incident at an Event is of such seriousness as to warrant the imposition of a Provisional Suspension of a Respondent pending completion of an investigation, assessment and/investigation by the Independent Third Party, criminal process, the hearing, or a decision of the External Hearing Panel. For the avoidance of doubt, the Independent Third Party and/or RBC shall have discretion to impose additional interim measures or a Provisional Suspension in addition to any measures imposed.
28. Any Respondent against whom a Provisional Suspension or interim measure is imposed may make a request to the Independent Third Party or External Hearing Panel (if appointed) to have the Provisional Suspension or interim measure lifted. In such circumstances, RBC shall be provided with an opportunity to make submissions, orally or in writing, regarding the Respondent's request to have their Provisional Suspension lifted. Provisional Suspensions or interim measures shall only be lifted in circumstances where the Respondent establishes that it would be manifestly unfair to maintain the Provisional Suspension or interim measures against them.
29. All organizations are expected to follow the Ringette Canada *Reciprocation Policy*.
30. Provisional Suspensions or interim measures may be appealed, as outlined in this policy.

PROCEDURAL STEPS

31. Once the Independent Third Party determines whether the complaint will be resolved according to a Process 1 or a Process 2 resolution, then the Independent Third Party will determine which resolution option is most appropriate. Once the resolution option is chosen, then the Independent Third Party will inform the Parties to the complaint.

Depending on which resolution options is chosen, the Independent Third Party will ask the Complainant and the Respondent for written and/or oral submission regarding the complaint or incident. Both Parties have the right to submit any relevant evidence, including but not limited to witness statement, media sources such as recordings, photos, etc. Both Parties have the right to receive the other Party's submissions and evidence, including details of the Complainant's complaint.

² In-competition discipline or sanction imposed by the applicable official or authority does not prevent an Organizational Participant from facing additional disciplinary proceedings under the Code.'

Procedures for complaints referred to Club Association or League

32. If the Independent Third Party has assigned hearing and resolution of the complaint to a Club Association or League, then the Club Association or League will proceed according to their own policies and will provide written confirmation of their findings and discipline, if any, to both Parties in the complaint. The Club Association has the authority to request further information submissions beyond those gathered by the Independent Third Party.

Procedures for Alternative Dispute Resolution (ADR) expert if appointed by the Independent Third Party

33. Following the determination that the complaint or incident will be handled through Alternative Dispute Resolution, the Independent Third Party will appoint an expert in ADR to hear and facilitate the complaint. The ADR expert may then:
 - a) Ask the Complainant and the Respondent for either written or oral submissions regarding the complaint/incident. Both Parties shall also have the right to submit any relevant evidence, including, but not limited to witness statements, documentary evidence or evidence from other media (i.e., photos, screenshots, videos or other recordings). Each Party shall have the right to receive the other Party's submissions and evidence, including the Complainant's complaint. In the case of oral submissions, each Party shall be present when such submissions are made (unless waived by a Party); and/or,
 - b) Following receipt of the Parties' submissions, the ADR expert may ask to convene the Parties to a meeting, either in person or by way of video or teleconference, to ask the Parties questions and possibly allow the Parties to ask questions of one another.
34. Following their review of the submissions and evidence related to the complaint, the ADR expert shall determine if the alleged breach has been substantiated and, if so, what appropriate sanction, if any, will be imposed (see the **Sanctions** section). If, after hearing the Parties and reviewing their submissions, the ADR expert considers that the alleged breach has not been substantiated, they shall dismiss the complaint.
35. The Independent Third Party will inform the Parties of the ADR expert's decision, which shall be in writing and include reasons. The ADR expert's decision will take effect immediately, unless specified otherwise. Should the circumstances require a decision to be rendered immediately or within a short timeline, the ADR expert may render a short decision, either orally or in writing, followed by a written reasoned decision.
36. Any decision rendered by the ADR expert shall be provided to and maintained in the records of RBC, and any other organization with which the parties are affiliated with (i.e., Club Association or League).

Procedures for External Hearing Panel if appointed by the Independent Third Party

37. Following the determination that the complaint should be handled by an External Hearing Panel, the Independent Third Party shall have the following responsibilities:
 - a) Coordinate all administrative aspects of the process and set reasonable timelines;
 - b) Provide administrative assistance and logistical support to the External Hearing Panel as required, including providing the External Hearing Panel with any information related to previously imposed disciplinary sanctions against the Respondent(s) of the policies of the Organization, any Member or any other sport organization that had authority over the Respondent; and,
 - c) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
38. The Independent Third Party will establish timelines and address the complaint in a timely fashion and in a manner that respects procedural fairness.
39. The Independent Third Party, in cooperation with the External Hearing 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, virtually, 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.
40. The hearing will be governed by the procedures that the Independent Third Party and the External Hearing Panel deem appropriate for the circumstances. The following procedural directions will apply:
 - a) The determination of procedures and timelines, as well as the hearing duration, shall be as expedient and cost-efficient as possible to ensure reasonable resolution.
 - b) The Parties will be given appropriate notice of the day, time, and place of the hearing.
 - c) Copies of any written documents which any of the Parties wishes to have the External Hearing Panel consider will be provided to all Parties, through the Independent Third Party, in advance of the hearing and in accordance with the timelines set by the Independent Third Party.
 - d) The Parties may engage a representative, advisor, translator, transcription services or legal counsel at their own expense.
 - e) The External Hearing Panel may request that any other individual participate and give evidence at the hearing.
 - f) If not a Party to the complaint, the Organization shall be allowed to attend the hearing as an observer and will be provided with access to any documents submitted. With the permission of the External Hearing Panel, the Organization and/or the relevant Member may make submissions at the hearing or may provide the External Hearing Panel with clarifying information that may be required for the External Hearing Panel to render its decision.
 - g) The External Hearing Panel shall allow any evidence at the hearing filed by the Parties and may exclude any evidence that is unduly repetitious or otherwise an

abuse of process. The External Hearing Panel shall otherwise apply relevant and applicable evidentiary rules in relation to the admissibility and weight given to evidence filed by the Parties.

- h) The decision will be by a majority vote of the External Hearing Panel when the Panel consists of more than one person.

41. If the Respondent admits to the alleged breach or acknowledges key facts as alleged, the Respondent may waive the hearing, in which case the External Hearing Panel will determine the appropriate sanction. The External Hearing Panel may still hold a hearing for the purpose of determining an appropriate sanction.
42. The process will still proceed even if a Party chooses not to participate in a hearing.
43. If a decision may affect another Party to the extent that the other Party would have recourse to a complaint or an appeal, that Party will become a Party to the complaint, shall be permitted to participate in the proceedings as determined by the External Hearing Panel, and will be bound by the decision.
44. In fulfilling its duties, the External Hearing Panel may obtain independent advice.

Decision

45. The aforementioned processes will determine whether an infraction has occurred and, if so, the sanctions to be imposed. If the processes consider that an infraction has not occurred, the complaint will be dismissed.
46. Within fourteen (14) days of the conclusion of the process, a written decision, with reasons, will be distributed to all Parties by the Independent Third Party, including to RBC and the relevant member(s) (i.e., Leagues, Club Associations). The Independent Third Party may consult with the Executive Director of RBC to determine relevant members.
47. In extraordinary circumstances, the Independent Third Party may first issue a verbal or summary decision soon after the conclusion of the process, with the full written decision to be issued before the end of the fourteen (14) day period.
48. The decision will come into effect as of the date that it is rendered, unless decided otherwise. The decision will apply automatically to RBC and all of its members and associated organizations, and according to the terms of the Reciprocation Policy with Ringette Canada.
49. Decisions will be published by RBC, as per the Publication Guidelines outlined in Appendix B.
50. If the complaint is dismissed, the information referred to above may only be published with the Respondent's consent. If the Respondent does not provide such consent, the information will be kept confidential by the Parties, the Independent Third Party, RBC and the member (including the Respondent's relevant Club Association and/or league) and

shall be retained and discarded in accordance with the relevant and applicable privacy legislation. Failure to respect this provision may result in disciplinary action being taken against the Party who breaches confidentiality pursuant to this policy.

51. Other individuals or organizations, including but not limited to, Members, provincial/territorial sport organizations, sport clubs, etc., shall be advised of the outcome of any decisions rendered in accordance with this policy and Appendix B.
52. Records of all decisions will be maintained by RBC in accordance with the relevant and applicable privacy legislation.
53. When a sanction has been imposed, the decision shall include, at a minimum, the following details:
 - a) jurisdiction;
 - b) summary of the facts and relevant evidence;
 - c) where applicable, the specific provision(s) of RBC's policies, bylaws, rules, Codes of Conduct, or regulations that have been breached;
 - d) which Party or Organization (e.g., Club Association, League, RBC) is responsible for the costs of implementing any sanction;
 - e) which Organization is responsible for monitoring that the sanctioned individual respects the terms of the sanction;
 - f) any reinstatement conditions that the Respondent must satisfy (if any);
 - g) which Organization is responsible for ensuring that the conditions have been satisfied; and
 - h) any other guidance that will assist the Parties to implement the External Hearing Panel's decision.

If necessary, a Party – or the organization that is responsible for implementing or monitoring a sanction – may seek clarifications from the Independent Third Party the order so that it can be implemented or monitored appropriately.

Sanctions

54. When determining the appropriate sanction, the following factors will be considered (where applicable):
 - 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 misconduct, Prohibited Behaviour or Maltreatment;
 - c) the respective 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 misconduct, Prohibited Behaviour or Maltreatment, and/or cooperation in the investigative and/or disciplinary process of RBC;
 - f) real or perceived impact of the incident on the Complainant, sport organization or the sporting community;
 - g) circumstances specific to the Respondent being sanctioned (e.g., lack of appropriate knowledge or training regarding the requirements in the relevant Codes of Conduct; 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 or aggravating circumstances.
55. Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required, and a single incident of Prohibited Behaviour, Maltreatment or other misconduct may justify elevated or combined sanctions.
56. The following disciplinary sanctions, singularly or in combination:
- a) **Verbal or Written Warning** - a verbal reprimand or an official written notice that an Organizational Participant(s) has violated the relevant Codes of Conduct and that more severe sanctions will result should the Organizational Participant(s) be involved in other violations
 - b) **Education** - the requirement that an Organizational Participant(s) undertake specified educational or similar remedial measures to address the violation(s) of the relevant Codes of Conduct or the UCCMS
 - c) **Probation** - a specified amount of time within which certain terms and conditions must be met by the Participant, such as remaining in good standing and remaining in compliance with the relevant Codes of Conduct and UCCMS. Should any further violations of the relevant Codes of Conduct or the UCCMS occur during the probationary period, this may result in additional disciplinary measures, including, without limitation, 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** - either for a set time or until further notice, from participation, in any capacity, in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of RBC. A suspended Organizational Participant(s) may be eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Organizational Participant(s) 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** - ineligibility to participate in any capacity in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of RBC.
 - 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. The UCCMS may be used as a guide.
57. The External Hearing Panel, 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, or a Complainant who was a Minor at the time of the incidents complained of, 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 allegations of a crime against a person, if justified by the seriousness of the offence, the presumptive sanction shall be a period of suspension until a final determination is made by the applicable process.
58. An Organizational Participant(s)'s conviction for certain *Criminal Code* offenses involving harmful conduct shall carry a presumptive sanction of permanent ineligibility from participating with RBC. Such *Criminal Code* offences may include, but are not limited to:
- a) any child pornography offences;
 - b) any sexual offences; and
 - c) any offence of physical violence.
59. Failure to comply with a sanction will result in an automatic suspension until such time as compliance occurs.

INDEPENDENT THIRD PARTY SANCTION

60. RBC will ensure that any sanctions or measures imposed by the Independent Third Party through any of the above processes against an Organizational Participant will be implemented and respected within RBC's jurisdiction once RBC receives appropriate notice of any sanction or measure from the Independent Third Party.

APPEALS

Grounds for Appeal

61. A decision cannot be appealed on its merits alone. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include one or more of following, as reviewed by the designates appointed by Independent Third Party:

- a) made a decision that it did not have the authority or jurisdiction (as set out in the applicable governing documents) to make;
- b) failed to follow its own procedures (as set out in the applicable governing documents);
- c) made a decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that the decision-maker appears not to have considered other views); or

Appeal Process

- 62. Appeals may only be submitted by the Respondent or the Complainant of a case, directly to the case manager.
- 63. Appeals must be submitted within seven days from the date on which they received notice of the decision. This includes a payment of \$1000.00, which may or may not be refundable, as outlined in RBC's Fees and Fines Policy. This payment must be transferred to the Executive Director of RBC, noting the appeal.
- 64. The appeal must be submitted directly to the Independent Third Party, including:
 - a) The name of the individual filing the appeal and their role (i.e., respondent/complainant)
 - b) Grounds for the appeal
 - c) Detailed reasons for the appeal
 - d) all evidence that supports these grounds, and
 - e) requested remedy or remedies
- 65. An Organizational Participant who wishes to initiate an appeal beyond the seven day period must provide a written request stating the reasons for an exemption. The decision to allow, or not allow an appeal outside of the seven day period will be at the sole discretion of the Case Manager and may not be appealed.
- 66. The submitted appeal will be reviewed by an Appeal Manager assigned by the Independent Third Party, who shall be a different individual than who initially reviewed the case.
- 67. If the Appeal Manager denies the appeal because of insufficient grounds because it was not submitted in a timely manner, or because it did not fall under the scope of this policy, the Appellant will be notified, in writing, of the reasons for this decision. This decision may not be appealed.
- 68. If the Appeal Manager is satisfied there are sufficient grounds for an appeal, the Appeal Manager will appoint an Appeal Panel which shall consist of a single Arbitrator, to hear the appeal.
- 69. In extraordinary circumstances, and at the discretion of the Appeal Manager, an Appeal Panel composed of three persons may be appointed to hear the appeal. In this event, the Appeal Manager will appoint one of the Panel's members to serve as the Chair.

Determination of Affected Parties

70. To confirm the identification of any Affected Parties, the Appeal Manager will engage RBC. The Appeal Manager may determine whether a Party is an Affected Party in their sole discretion.

Procedure for Appeal Hearing

71. The Appeal Manager shall notify the Parties that the appeal will be heard. The Appeal Manager shall then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Appeal Manager and may not be appealed.
72. If a Party chooses not to participate in the hearing, the hearing will proceed. The Appeals Manager may proceed without further notice or opportunity to participate or provide submissions for the Party refusing to participate.
73. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone or other electronic means, 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 Appeal Manager and the Appeal Panel deem appropriate in the circumstances. The following guidelines will apply to the hearing:
74. The hearing will be held within a timeline determined by the Appeal Manager;
75. The Parties will be given reasonable notice of the day, time, and place of an oral, in-person hearing or oral hearing by telephone or electronic communications;
76. Copies of any written documents which any of the Parties wish to have the Panel consider will be provided to all Parties in advance of the hearing;
77. The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense;
78. The Appeal Panel may request that any other individual participate and give evidence at an oral in-person hearing or oral hearing by telephone or electronic communications;
79. The Appeal Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the appeal but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate;
80. If a decision in the appeal may affect another Party to the extent that the other Party would have recourse to an appeal in their own right under this policy, that Party will become an Affected Party to the appeal in question and will be bound by its outcome; and
81. The decision to uphold or reject the appeal will be by a majority vote of Appeal Panel members.
82. In fulfilling its duties, the Appeal Panel may obtain independent advice.

Appeal Decision

83. The Appellant must demonstrate, on a balance of probabilities, that the Respondent has made a procedural error as described in the Grounds for Appeal section of this policy and that this error had a material effect on the decision or decision-maker.
84. The Appeal Panel shall issue its decision, in writing and with reasons, within 14 days after the hearing's conclusion. In making its decision, the Appeal Panel will have no greater authority than that of the original decision-maker. The Appeal Panel may decide to:
 - a) reject the appeal and confirm the decision being appealed;
 - b) uphold the appeal and refer the matter back to the initial decision-maker for a new decision; or
 - c) uphold the appeal and vary the decision.
85. The Appeal Panel's written decision, with reasons, will be distributed to all parties, the Appeal Manager, and RBC. 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 thereafter. The decision will be considered a matter of public record and published according to the Publication Guidelines unless decided otherwise by the Appeal Panel.

Timelines

86. If the circumstances of the appeal are such that adhering to the timelines outlined by this policy will not allow a timely resolution to the appeal, the Appeal Manager and/or Appeal Panel may direct that these timelines be revised.

Confidentiality

87. The appeals process is confidential and involves only the parties, RBC, the Appeal Manager, the Appeal Panel, and any independent advisors to the Appeal Panel. Once initiated and until a decision is released, none of the Parties (or their representatives or witnesses) will disclose confidential information relating to the appeal to any person not involved in the proceedings, unless RBC is required to notify an organization such as an international federation, Sport Canada or other sport organization (i.e., where a Provisional Suspension or interim measures have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law.
88. None of the Parties (or their representatives or witnesses) or organizations referred to will disclose confidential information relating to the appeal to any person not involved in the proceedings, unless RBC is required to notify an organization such as an international federation, NSO, Sport Canada or other sport organization (i.e., where a Provisional Suspension or interim measures have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law.
89. Any failure to respect the confidentiality requirement may result in further sanctions or discipline by the Appeal Panel.

Final and Binding

90. The decision of the Panel shall be binding on the Parties.
91. No action or legal proceeding will be commenced against RBC or Organizational Participants in respect of a dispute, unless RBC refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in governing documents.

CONFIDENTIALITY

92. The disciplinary process is confidential and involves only RBC, the Member (where applicable) the Parties, the Independent Third Party, the External Hearing Panel (as appropriate), and any independent advisors to the External Hearing Panel.
93. None of the Parties (or their representatives or witnesses) or organizations involved with the application of this policy will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings, unless RBC is required to notify an organization such as an international federation, Sport Canada or other sport organization (i.e., where a Provisional Suspension or interim measures have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law.
94. Any failure to respect the confidentiality requirement may result in further sanctions or discipline by the Independent Third Party or External Hearing Panel (as applicable).

TIMELINES

95. 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 Independent Third Party may direct that these timelines be revised.

STATISTICAL REPORTING

96. RBC may publish a general statistical report of the activity that has been conducted pursuant to this *Discipline and Complaints Policy*. This report shall not contain any information that is confidential under this policy, or that has been ordered to be kept confidential by a discipline or appeal panel, but may include the number of complaints reported to the Independent Third Party (for RBC and members), and statistics regarding the number of cases that were resolved through alternate dispute resolution, and/or other data that can inform future RBC initiatives to better support members.

PRIVACY

97. The collection, use and disclosure of any personal information pursuant to this policy is subject to the relevant and applicable privacy legislation.

98. RBC, its members, or any of their delegates pursuant to this policy (i.e., Independent Third Party, External Hearing Panel), shall comply with the relevant and applicable privacy legislation in the performance of their services under this policy.

Appendix A – Investigation Procedure

Determination

1. When a complaint is submitted pursuant to the Policy and is accepted by the Independent Third Party, the Independent Third Party will determine if the incident(s) should be investigated.

Investigation

2. If the Independent Third Party considers that an investigation is necessary, they will appoint an Investigator. The Investigator must be independent of the Independent Third Party and RBC with experience in investigating. The Investigator must not be in a conflict-of-interest situation and should also have no connection to either Party.
3. Federal and/or Provincial legislation related to Workplace Harassment may apply to the investigation if Harassment was directed toward an employee in a Workplace. The Investigator should review workplace safety legislation, the Organization’s policies for human resources, and/or consult independent experts to determine whether legislation applies to the complaint.
4. The investigation may take any form as decided by the Investigator, guided by any applicable provincial legislation. The investigation may include:
 - a) interviews with the Complainant;
 - b) witness interviews;
 - c) statement of facts (Complainant’s perspective) prepared by the Investigator, acknowledged by the Complainant and provided to the Respondent;
 - d) interviews with the Respondent; and
 - e) statement of facts (Respondent’s perspective) prepared by Investigator, acknowledged by the Respondent and provided to the Complainant.

Investigator’s Report

5. Upon completion of their investigation, the Investigator shall prepare a written report that shall include a summary of evidence from the Parties and any witnesses interviewed. The report shall also include a non-binding recommendation from the Investigator regarding whether an allegation or, where there are several allegations, which allegations, should be heard by an External Hearing Panel pursuant to the *Discipline and Complaints Policy* because they constitute a likely breach of the applicable Codes of Conduct, the UCCMS or any other relevant and applicable RBC policy. The Investigator may also make non-

binding recommendations regarding the appropriate next steps (i.e., mediation, disciplinary procedures, further review, or investigation).

6. The Investigator's Report will be provided to the Independent Third Party who will disclose it, at their discretion, all or part of the investigation report to RBC and the relevant members (if applicable). The Independent Third Party may also disclose the Investigator's Report – or a redacted version to protect the identity of witnesses – to the Parties, at their discretion, with any necessary redactions. Alternatively, and only if necessary, other relevant Organizational Participants may be provided with an executive summary of the Investigator's findings by the Independent Third Party.
7. Should the Investigator find that there are possible *Criminal Code* offences, the Investigator shall advise the Parties, RBC and, where applicable, the member, and the matter shall be referred by the Independent Third Party to the police.
8. The Investigator must also inform RBC or the Member (as applicable) of any findings of criminal activity. RBC or the member (as applicable) may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of prohibited substances or methods (as indicated in the version of the World Anti-Doping Agency's Prohibited List currently in force), any crime involving Minors, fraud against the Organization or any member(s) (as applicable), or other offences where the lack of reporting would bring the Organization or the member (as applicable) into disrepute.

Reprisal and Retaliation

9. An [Organizational Participant/Individual/Registered Participant] who submits a complaint to the Independent Third Party 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 Prohibited Behaviour be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy* or, as applicable, the policies and procedures.

False Allegations

10. An Organizational Participant who submits allegations that the Investigator determines to be malicious, false, or for the purpose of retribution, retaliation or vengeance may be subject to a complaint under the terms of the *Discipline and Complaints Policy* and may be required to pay for the costs of any investigation that comes to this conclusion. The Investigator may recommend to RBC or the member (as applicable) that the Organizational Participant be required to pay for the costs of any investigation that comes to this conclusion. Any Organizational Participant who is liable to pay for such costs shall be automatically deemed to be not in good standing until the costs are paid in full and shall be prohibited from participating in any member and RBC Events, activities or business. RBC or any member(s) (as applicable), or the Organizational Participant against whom the allegations were submitted, may act as the Complainant with respect to making a complaint pursuant to this section.

Confidentiality

11. The Investigator will make reasonable efforts to preserve the anonymity of RBC, Respondent, and any other party. However, RBC and its members recognize that maintaining full anonymity during an investigation may not be feasible. The Investigator must inform any witness or participant in the investigation of this limitation.

Privacy

12. The collection, use and disclosure of any personal information pursuant to this policy is subject to the relevant and applicable privacy legislation.
13. RBC, its members, or any of their delegates pursuant to this policy (i.e., Independent Third Party, Internal Discipline Chair, External Hearing Panel), shall comply with the relevant and applicable privacy legislation in the performance of their services under this policy.

Appendix B - Publication Guidelines

1. Subject to RBC's *Discipline and Complaints Policy*, summaries of disciplinary decisions pertaining to a Process 1 and Process 2 matters, may be published, at the sole discretion of the Organization, in exceptional circumstances and/or if publication is necessary to ensuring the safety of the public, the protection of athletes or minors, and/or if publication will benefit the education of the broader ringette community, the whole subject to the restrictions set out herein.
2. Publication means the communication of information by making it known or accessible to the general public through any means, including print, telecommunication or electronic means.
3. Notification means providing a written copy of any disciplinary decision or provisional measure to an organization as required by the *Reciprocation Policy*. Parties who receive a copy of a disciplinary decision or provisional measure may not publicly disclose this information, except as reasonably necessary to implement the terms of the decision and any sanction or provisional measure.
4. Publication of any decision will not take place until the disciplinary process undertaken by RBC is complete. Decisions pertaining to provisional measures may be published under exceptional circumstances as determined by the Independent Third Party, External Hearing Panel and/or the Executive Director of RBC.
5. Subject to Section 1, summaries of decisions will be posted in accordance with the following:
 - a) Where a sanction or discipline is imposed for a set period where an Organizational Participant is restricted in their involvement with the sanctioned activities of the RBC, such as a suspension or a probationary period, the decision will be posted for the duration of the sanction. It will be removed at once the identified time has passed plus two years.
 - b) Where a sanction or discipline involves a verbal or written warning or other reprimand, the decision will be posted for two years.
 - c) If a sanction or discipline involves a period of ineligibility, the decision will be posted for the period of ineligibility plus two years, except in the case of a sanction of permanent ineligibility. A sanction of permanent ineligibility will be posted indefinitely.
 - d) If a sanction or discipline is conditional on the completion of training, education or other conditions, the decision will be posted until the Organizational Participant has completed the required conditions to the satisfaction of RBC, plus two years.
 - e) All publications shall take place following the completion of the complaint process. In exceptional circumstances, publication will take place to protect the public and/or

if the integrity of RBC will be affected by not publishing the decision.

- f) The publishing of interim suspensions and/or provisional measures will only take place in exceptional circumstances as described herein.
- 6. Prior to publishing the disciplinary decision summary, RBC will make reasonable efforts to remove any confidential or sensitive material from the disciplinary decision, including but not limited to any identifying information about Organizational Participants or other individuals named, unless these Organizational Participants are subject to a sanction and/or discipline in the disciplinary decision.
- 7. The disciplinary decision summary will include the name of the Respondent(s), the nature of the breach or breaches, the policies, bylaws, rules, or regulations that have been breached, the outcome and any sanction imposed, as well as the date of decision.
- 8. Matters which are resolved prior to a final decision being issued will not be subject to publication, though RBC may notify any relevant organization of any settlement and resulting restrictions on the participation rights of an Organizational Participant within the sanctioned activities of RBC.
- 9. Identifying information regarding Minor or Vulnerable Organizational Participants will never be published by RBC.
- 10. Nothing in the above prohibits RBC from notifying relevant sport organizations of any disciplinary decision imposing a sanction and/or discipline on an Organizational Participant, including Minor or Vulnerable Organizational Participant, as required by the *Reciprocation Policy*. If a Minor or Vulnerable Organizational Participant is sanctioned and/or disciplined under a disciplinary decision, any organization who receives notification of this disciplinary decision must keep the decision confidential, except as reasonably necessary to implement the terms of the disciplinary decision.
- 11. Records of all decisions will be maintained by RBC in accordance with the relevant and applicable privacy legislation.

Appendix C – Minor Issue or Administrative Jurisdiction

The Independent Third Party service provided by RBC is primarily for the use of complaints relating to abuse and maltreatment.

The following issues are typically managed by the Leagues or Club Associations and should not be submitted to the Independent Third Party as a complaint.

This is a non-inclusive list of examples related to Code of Conduct:

- Intraclub conflict between spectators or behavior by spectators towards team staff or officials
- Coach disagreements about team practices, game rosters, etc.
- Athlete comments or behavior about their own team play or one-time comments to other athletes that breach the UCCMS and/or are unsportsmanlike
- Accidental breaches of the Rule of Two
- Inappropriate or profane language by spectators or team staff or other Organizational Participants either in person, online, or on a live video feed

The following non-inclusive list of administrative issues are governed by the administrative and/or operational policies of RBC, the Club Associations and/or the Leagues

- Athlete registration
- Athlete evaluation or team selection
- Athlete placement on a team
- Practice time or game scheduling
- Assignment of Team staff
- Athlete residency and tiering
- Approval process for over or under-age athletes
- Emergency Goalie Replacement
- Team Staff Qualification requirements
- Game Suspension Policy