



## TEAM NEW BRUNSWICK – CANADA GAMES DISCIPLINE AND COMPLAINTS POLICY

### **Purpose**

1. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the *Team New Brunswick Code of Conduct*. Non-compliance may result in the imposition of disciplinary sanctions pursuant to this Policy.

### **Application of this Policy**

2. This Policy applies to all athletes, coaches, managers, mission staff and support staff that travel with the team and receive Team New Brunswick (Team NB) official accreditation at the Canada Games.
3. This Policy applies whenever an athlete, coach, manager, mission staff or support staff member attends an official Team NB event. This includes, but is not limited to, the Team NB Rally, travelling to and from the Games and the Games themselves.
4. Individuals' conduct outside of official Team NB events is the responsibility of the Provincial Sport Organization /Lead Club) in accordance with its Code of Conduct. Accordingly, applicability of this Policy will be determined by the Organization upon its sole discretion.
5. Applicability of this Policy will be determined by Team NB at its sole discretion and shall not be subject to appeal.
6. In the event that it is considered appropriate or necessary on the basis of the circumstances, immediate discipline or the imposition of a sanction may be applied, after which further discipline or sanctions may be applied according to this Policy.

### **Minors**

7. Complaints may be brought for or against an Individual who is a Minor. Minors must have a coach or manager or where possible a parent/guardian as their representative during this process.
8. Communication from the Discipline Panel Chair must be directed to the Minor's representative.
9. A Minor is not required to attend an oral hearing, if held.

## Reporting a Complaint

10. Any person may report a complaint to the Chef de Mission who will act as the Case Manager.
11. The Chef de Mission may act as the Complainant and initiate the complaint process under the terms of this Policy.
12. Complaints or incident reports should be made in writing the [complaint form](#) and the person making the complaint may contact the Chef de Mission for direction. The Chef de Mission may accept any report, in writing or not, at their sole discretion.

## Case Manager Responsibilities

13. Upon receipt of a complaint, 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 dispute resolution techniques where appropriate
  - c) Choose which process should be followed, and may use the following examples as a general guideline:

### Process #1 - Minor Infractions:

- Use of tobacco products, including snuff and chewing tobacco, by minors
- use of tobacco products by adults in the Athletes' Village, at official Team NB activities or functions, or at competition sites
- a minor disturbance or disruption after quiet time in the Athletes' Village
- disrespectful behaviour (includes online activities)
- unsportsmanlike conduct such as arguing
- being late for or absent from Team NB activities or functions
- failing to follow the dress code for official functions
- Minor violations of the Code of Conduct and other similar misconduct

### Process #2 - Major Infractions:

- Repeated minor incidents
- curfew violations or major disruptions after "quiet time"
- Any incident of hazing
- Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
- Major incidents of violence (e.g., fighting, attacking, sucker punching)
- Pranks, jokes, or other activities that endanger the safety of others
- Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
- Conduct that intentionally damages the organization's image, credibility, or reputation
- Consistent disregard for the bylaws, policies, rules, and regulations
- Major or repeated violations of the *Code of Conduct*
- Intentionally damaging the organization's property or improperly handling the organization's monies

- Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
  - Any criminal activity
  - Any possession or use of banned performance enhancing drugs or methods
14. If the Case Manager determines the complaint is frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately and notified in writing to the complainant(s) with rationale.
15. If the Case Manager determines that the alleged incident may contain an element of maltreatment as defined in the UCCMS, the Case Manager may also appoint an Investigator to investigate the complaint.
16. The Case Manager's decision to accept or dismiss the complaint may not be appealed.

**Process #1: Handled by Assistant-Chef de Mission who will act as the Discipline Chair**

**Discipline Chair**

17. Following the determination that the complaint or incident should be handled under Process #1, the Discipline Chair may:
- a) Ask the Complainant and the Respondent for either written or oral submissions regarding the complaint or incident; or
  - b) Convene the parties to a meeting, either in person or by way of video or teleconference in order to ask the parties questions.
18. Thereafter, the Discipline Chair shall determine if a breach occurred, if so, one or more of the following sanctions should be applied:
- verbal or written reprimand
  - verbal apology or hand-delivered written apology
  - team service or other voluntary contribution to Team NB
  - removal of certain Team NB or Host Society privileges
  - earlier curfew or confined to residence or Village
  - suspension from Team NB activities (e.g. opening/closing ceremonies)
  - suspension from one or more competition(s)
  - suspension from competition for the remainder of the Games
  - letter to Provincial Sport Organization recommending additional suspensions
19. The Discipline Chair will inform the Parties of the decision, which will take effect immediately.
20. Records of all sanctions will be maintained by Team NB. The Discipline Chair will disclose all decisions to the Provincial Sport Organization, which may level additional sanctions and disclose such decisions at its discretion.

## **Process #2: Handled by Case Manager**

### **Case Manager**

21. Following the determination that the complaint or incident should be handled under Process #2, the Case Manager has a responsibility to:
  - a) Propose the use of dispute resolution techniques
  - b) Appoint the Discipline Panel, if necessary
  - c) Coordinate all administrative aspects and set timelines
  - d) Provide administrative assistance and logistical support to the Discipline Panel as required
  - e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding
  
22. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
  
23. The Case Manager may propose using dispute resolution with the objective of resolving the dispute. If applicable, and if the dispute is not resolved, or if the parties refuse to attempt dispute resolution (such as mediation) the Case Manager will appoint a Discipline Panel. The Discipline Panel is usually chaired by the Assistant Chef-de-Mission and includes the Head Coach for the sport/team, and the Mission Staff assigned to the sport. The Assistant Chef de Mission may choose to replace any member of the committee including himself/herself with another Team NB member to avoid any potential perception of bias against the person facing disciplinary action.
  
24. The Case Manager, in cooperation with the Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in-person hearing or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Discipline Panel deem appropriate in the circumstances, provided that:
  - a) The Parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing or other communication medium
  - b) Copies of any written documents which the parties wish to have the Discipline Panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing
  - c) The Parties may engage a representative, advisor, or legal counsel at their own expense
  - d) The Discipline Panel may request that any other individual participate and give evidence at the hearing
  - e) The Discipline Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious, and shall place such weight on the evidence as it deems appropriate
  - f) The decision will be by a majority vote of the Discipline Panel

25. 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.
26. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
27. 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.
28. In fulfilling its duties, the Discipline Panel may obtain independent advice.

### **Decision**

29. After hearing the matter, the Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within twenty-four (24) hours of the hearing's conclusion, the Discipline Panel's written decision, with reasons, will be distributed to all parties and the Case Manager. 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 twenty-four (24) hour period.

### **Sanctions**

30. The Discipline Panel may apply the following disciplinary sanctions, singularly or in combination:
  - Verbal or written reprimand
  - Verbal or written apology
  - Service or other contribution to the Organization or a Member
  - Removal of certain Team NB or Host Society privileges
  - earlier curfew or confined to residence or Village
  - suspension from Team NB activities (e.g. opening/closing ceremonies)
  - suspension from one or more competition(s)
  - suspension from competition for the remainder of the Games
  - letter to Provincial Sport Organization recommending additional suspensions
  - take away Team uniform
  - send home at individuals expense
  - notify authorities (e.g. Host Society, police) of infraction and guilty person(s)
  - Payment of the cost of repairs for property damage
  - Expulsion from the organization
  - Any other sanction considered appropriate for the offense
31. Unless the Discipline Panel decides otherwise, any 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.

32. Records of all decisions will be maintained by Team NB and shared with Provincial Sport Organizations.

### **Appeals**

33. The decision of the Discipline Panel may be appealed in accordance with the *Team New Brunswick Appeal Policy*.

### **Suspension Pending a Hearing**

34. Team NB may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending completion of an investigation, criminal process, the hearing, or a decision of the Discipline Panel.

### **Criminal Convictions**

35. Team NB may determine in its sole discretion that an Individual's conviction for a *Criminal Code* offense will be deemed an infraction under this Policy and will result in expulsion from Team NB.

### **Confidentiality**

36. The discipline and complaints process is confidential and involves only Team NB, the parties, the Case Manager, 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.

37. Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the Discipline Chair or Discipline Panel (as applicable).

### **Timelines**

38. 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 Case Manager may direct that these timelines be revised.

### **Records and Distribution of Decisions**

39. 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.

<b>Policy History</b>	
Approved	10 June 2022
Next Review Date	
Revision Approval Dates	