

## DISCIPLINE AND COMPLAINTS POLICY

*This is a Pan-Canadian Policy that has been amended by Volleyball Canada in order to be consistent with the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS)*

### Definitions

1. The following terms have these meanings in this policy:
  - a) “Abuse” – Maltreatment as defined below;
  - b) “Board” – The Board of Directors of Volleyball Canada and/or a Provincial/Territorial Association, as applicable;
  - c) “Boundary Transgressions” – as defined in the UCCMS, namely interactions or communications that breach objectively reasonable boundaries of an individual and are inconsistent with duties/responsibilities of the Participant (s. 5.7);
  - d) “Case Manager” – A person appointed by Volleyball Canada or a Provincial/Territorial Association (as applicable) to administer certain Complaints under this Policy and that person may be an Independent Third Party in certain situations;
  - e) “Complaint” - An expression of dissatisfaction made per Section 16 of this Policy;
  - f) “Complainant” – The party making a Complaint;
  - g) “Days” – Days refers to working days, not including weekends and holidays;
  - h) “Discipline Chair” - will be a Director of the Board of Volleyball Canada or a Provincial/Territorial Association, as applicable, or a person appointed to handle the duties of the Discipline Chair described in this policy;
  - i) “Discipline Panel” – The panel appointed by the Case Manager to decide the Complaint;
  - j) “Individuals” – refers to all categories of members and/or registrants defined in the Bylaws of Volleyball Canada and in the Bylaws of a Provincial/Territorial Association, as applicable, (Participants as defined in the UCCMS), as well as all people employed by, contracted by, or engaged in activities with or on behalf of, Volleyball Canada or a Provincial/Territorial Association including, but not limited to, employees, contractors, athletes, volleyball clubs, coaches, mission staff, referees, volunteers, managers, administrators, committee members, parents or guardians, spectators, and directors and officers;
  - k) “Independent Third Party” – an independent individual or group with no professional or personal ties to Volleyball Canada or a Provincial/Territorial Association;
  - l) “Maltreatment” - as defined in the UCCMS, namely a volitional act or omission described in sections 5.2 – 5.6 of the UCCMS that results in harm or has the potential for physical or psychological harm and includes Psychological Maltreatment (s. 5.2), Physical Maltreatment (s.5.3), Neglect (s.5.4), Sexual Maltreatment (s.5.5), and Grooming (s.5.6);
  - m) “Minor” as defined in the UCCMS, namely an individual under the age of 19;
  - n) “Prohibited Behaviour” as defined in the UCCMS, namely any conduct described in section 5 of the UCCMS, including Maltreatment (s. 5.2-5.6), Boundary Transgressions (s.5.7) and Discrimination (s.5.8);
  - o) “Provincial/Territorial Associations” – the provincial/territorial member governing bodies for volleyball in each province/territory; and
  - p) “Respondent” – The Party responding to the Comp

## **Purpose**

2. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with all policies, Bylaws, rules, and regulations, including the UCCMS, *the Abuse Policy*, and the *Code of Conduct and Ethics*. Non-compliance may result in sanctions pursuant to this policy.

## **Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS)**

3. The Universal Code of Conduct to Prevent and Address Maltreatment in Sport ([UCCMS](#)) is the core document that sets harmonized rules to be adopted by sport organizations that receive funding from the Government of Canada to advance a respectful sport culture that delivers quality, inclusive, accessible, welcoming, and safe, sport experiences.
4. Volleyball Canada formally adopted the UCCMS as a policy of Volleyball Canada in June 2022. The definition in the UCCMS (Appendix 1 Definitions) apply to this and all other Volleyball Canada policies as applicable.
5. Volleyball Canada entered into an agreement with the Sport Dispute Resolution Centre of Canada (SDRCC) in June 2022, for the enforcement of the UCCMS, including using the services of the Office of the Sport Integrity Commissioner (OSIC) and the Director of Sanctions and Outcomes (DSO) (the SDRCC Agreement)
6. If there is a conflict between a provision of the UCCMS and a provision of any other VC Policy, the UCCMS prevails to the extent of the conflict.

## **Application of this Policy**

7. This policy applies to all Individuals.
8. This policy applies to matters that may arise during the business, activities, and sanctioned events of Volleyball Canada and the Provincial/Territorial Associations, as applicable, including, but not limited to, competitions, practices, tryouts, training camps, travel associated with organizational activities, and any meetings.
9. This policy also applies to Individuals' conduct outside of the business, activities, and sanctioned events of Volleyball Canada and the Provincial/Territorial Associations when such conduct adversely affects the relationships or is detrimental, or has the potential to be detrimental, to the image and reputation of Volleyball Canada or a Provincial/Territorial Association. Such applicability will be determined by Volleyball Canada or a Provincial/Territorial Association, as applicable, at its sole discretion.
10. This policy does not prevent immediate discipline or sanction from being applied as reasonably required. Any infractions or Complaints occurring within a sanctioned 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. Further discipline may be applied in accordance with this policy.
11. An employee of Volleyball Canada or a Provincial/Territorial Association who is a Respondent may also be subject to appropriate disciplinary action per the applicable *Human Resources Policy*, as well as the employee's employment agreement, if applicable.

## **Alignment**

12. Volleyball Canada and the Provincial/Territorial Associations recognize that Individuals may also be registered with both Volleyball Canada and a Provincial/Territorial Association. Volleyball Canada and the Provincial/Territorial Associations are required, pursuant to the *Reciprocation Policy*, to submit discipline decisions involving Individuals to the other organization with which the Individual may be registered, which may take further action at its discretion.
13. Volleyball Canada and/or a Provincial/Territorial Association may decide to take further action upon becoming aware of an Individual who has been disciplined by Volleyball Canada or a Provincial/Territorial Association, and if so, the Individual will be the Respondent to a Complaint initiated under the terms of this policy. Volleyball Canada or a Provincial/Territorial Association may act as the Complainant if the original Complainant is unwilling or unavailable to participate in this process.
14. The Discipline Chair or Discipline Panel, as applicable, will review and consider the decision by the Provincial/Territorial Association when deciding on the Complaint per the terms of this policy.

## **Minor's Representative**

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

## **Reporting a Complaint**

18. Any Individual may report a Complaint to Volleyball Canada or to a Provincial/Territorial Association, or the applicable Discipline Chair, however if a Complaint concerns the application of the UCCMS (e.g., a matter involving a Prohibited Behaviour, including Abuse/Maltreatment, the complaint must be made in accordance with section 22.
19. Any Individual may contact the Canadian Sports Helpline for advice, guidance, and resources on how to proceed/intervene appropriately in the circumstances. 1-888-837-7678 – [info@abuse-free-sport.ca](mailto:info@abuse-free-sport.ca) – <http://abuse-free-sport.ca/en/>
20. A Complaint made to the Chief Executive Officer / Executive Director will be forwarded to the Discipline Chair of Volleyball Canada or Provincial/Territorial Association, as appropriate.
21. The Discipline Chair will determine the jurisdiction under which the Complaint (other than those reported pursuant to section 22) will be addressed and notify the Complainant and Volleyball Canada or the Provincial/Territorial Association, as applicable.
22. Any Complaint arising from the application of the UCCMC (e.g., matters concerning Prohibited Behaviours, including Abuse/Maltreatment) must be directed to the Office of the Sport Integrity Commissioner (OSIC). All processes required for the administration of the UCCMS will be addressed in accordance with the policies and procedures of the OSIC and the DSO.

23. If the OSIC refers a Complaint made pursuant to section 22 to Volleyball Canada or a Provincial/Territorial Association, as the case may be, the Discipline Chair will deal with that Complaint in accordance with this policy.
24. Volleyball Canada's and/or a Provincial/Territorial Association's Discipline Chair or the OSIC, as applicable, may accept any Complaint at their sole discretion, as applicable.
25. Volleyball Canada and/or a Provincial/Territorial Association, as applicable, at its sole discretion, may act as the Complainant and initiate the Complaint process under the terms of this policy.

### **Complaint Process**

26. Upon receipt of a Complaint, the Discipline Chair will:
  - a) Determine whether the Complaint is frivolous and/or within the jurisdiction of this policy;
  - b) Propose the use of alternate dispute resolution techniques, if appropriate; and
  - c) Choose which process should be followed, and may use the following examples as a general guideline:
    - c.1) Process #1 - the Complaint alleges the following incidents:
      - i. Disrespectful comments or behaviour of a minor nature,
      - ii. Disrespectful conduct,
      - iii. Minor incidents of physical contact (e.g., tripping, pushing, elbowing),
      - iv. Non-compliance with Volleyball Canada's and/or a Provincial/Territorial Association Bylaws, policies, procedures, rules, or regulations, or
      - v. Minor violations of the *Code of Conduct and Ethics*;
    - c.2) Process #2 - the Complaint alleges the following incidents:
      - i. Disrespectful comments (including racism or behaviour of a serious nature),
      - ii. Repeated minor incidents,
      - iii. Any incident of hazing,
      - iv. Major incidents of physical contact (e.g., fighting, attacking, sucker punching),
      - v. Pranks, jokes, or other activities that endanger the safety of others,
      - vi. Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition,
      - vii. Conduct that intentionally damages the image, credibility, or reputation of Volleyball Canada and/or a Provincial/Territorial Association,
      - viii. Consistent disregard for, or major violations of, the bylaws, policies, rules, and regulations, including the *Code of Conduct and Ethics*,
      - ix. Intentionally damaging the property or improperly handling monies of Volleyball Canada and/or a Provincial/Territorial Association,
      - x. Abusive use of alcohol or cannabis, any use or possession of alcohol or cannabis by minors, or use or possession of illicit drugs,
      - xi. Any possession or use of banned performance enhancing drugs or methods, or
      - xii. A conviction for any *Criminal Code* offense.
27. If the Discipline Chair determines the Complaint is frivolous or outside the jurisdiction of this policy, the Discipline Chair will dismiss the Complaint immediately.
28. The Discipline Chair's decision to accept or dismiss the Complaint may not be appealed.

29. In carrying out their duties, the Discipline Chair may obtain advice and/or assistance from staff or other individuals.

**Process #1: Handled by Discipline Chair**

30. The Discipline Chair may:

- a) Ask the Complainant and the Respondent for either written or oral submissions regarding the Complaint or incident;
- b) Convene the parties to a meeting, either in person or by way of video or teleconference in order to ask the parties questions;
- c) Carry out further investigations as necessary; or
- d) The Discipline Chair may move a matter to Process 2 if circumstances warrant.

31. If the Respondent acknowledges the allegations in the complaint, or does not provide a response to the allegations, the Discipline Chair will make the determinations set out in section 30.

32. Thereafter, the Discipline Chair will determine if a breach occurred, and, if so, if may apply one or more of the following sanctions:

- a) Verbal or written reprimand;
- b) Verbal or written apology;
- c) Service or other contribution to the Volleyball Canada or to a Provincial/Territorial Association;
- d) Removal of certain privileges;
- e) Suspension from certain teams, events, and/or activities;
- f) Suspension from all the activities of Volleyball Canada or a Provincial/Territorial Association for a designated period; or
- g) Any other sanction considered appropriate for the offense.

33. The Discipline Chair will inform the parties of the decision, which will take effect immediately.

**Process #2: Handled by Case Manager and Discipline Panel**

34. If the Discipline Chair determines that that the Complaint should be dealt with under Process #2 a Case Manager will be appointed. If the Complaint involves Volleyball Canada, or is of a very serious nature, the Case Manager will be an Independent Third Party. The Case Manager will:

- a) Propose the use of alternate dispute resolution techniques, if appropriate;
- 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; and
- e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

35. The Case Manager will establish timelines that ensure procedural fairness and that the matter is heard. The Case Manager may agree to an extension with notice and reasoning to both the Complainant and Respondent.

36. If the Case Manager proposes the use of alternate dispute resolution to the Complaint, and if the dispute is not resolved, or if the Complainant and the Respondent refuse to attempt alternate dispute resolution (such as mediation or a negotiated settlement) the Case Manager will appoint a Discipline Panel, which will consist of a single Arbitrator, to hear the Complaint. At the discretion of the Case Manager, a Discipline Panel of three persons may be appointed to hear the Complaint. In this event, the Case Manager will appoint one of the Discipline Panel's members to serve as the chair.

37. 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.
38. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the 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 an oral hearing by telephone or other communication medium.
  - b) Copies of any written documents which the parties wish to have the Discipline Panel consider will be provided to all parties, through the 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 will place such weight on the evidence as it deems appropriate.
  - f) The decision will be by a majority vote of the Discipline Panel, if there are three persons on the Discipline Panel.
39. 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.
40. If a party chooses not to participate in the hearing, the hearing will proceed in any event.
41. 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.
42. In fulfilling its duties, the Discipline Panel may obtain independent advice.

#### **Decision**

43. After hearing and/or reviewing the matter, the Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within 14 days of the hearing's conclusion, the Discipline Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and to Volleyball Canada and the Provincial/Territorial Association (as applicable). 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 14- day period. The Discipline Panel and Independent Case Manager may agree to an extension with notice to the Complainant and Respondent.
44. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

## **Sanctions**

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

- a) Verbal or written reprimand;
- b) Verbal or written apology;
- c) Service or other contribution to Volleyball Canada or a Provincial/Territorial Association;
- d) Removal of privileges;
- e) Suspension from teams, events, and/or activities;
- f) Suspension from activities for a designated period;
- g) Payment of the cost of repairs for property damage;
- h) Suspension of funding and/or programs;
- i) Expulsion from Volleyball Canada and/or a Provincial or territorial Association; or
- j) Any other sanction considered appropriate for the offense.

46. Unless the Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. If the Respondent fails to comply with a sanction as determined by the Discipline Panel, the Respondent will be automatically suspended until such time as compliance occurs.

## **Record of Decisions**

47. Records of all decisions will be maintained by Volleyball Canada and applicable Provincial/Territorial Associations. Provincial/Territorial Associations will submit all records to Volleyball Canada, which will maintain a national record of all decisions made. All records will be maintained in accordance with Volleyball Canada's and/or a Provincial/Territorial Associations' Privacy Policy.

## **Appeals**

48. Either party may appeal a decision of the Discipline Chair in accordance with the [Appeal Policy](#).

49. Either party may appeal the decision of the Discipline Panel in accordance with the *Appeal Policy*.

## **Suspension Pending a Hearing**

50. Volleyball Canada or a Provincial/Territorial Association, as applicable, may determine that a Complaint 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**

51. An Individual's conviction for a *Criminal Code* offense, as determined by Volleyball Canada or a Provincial/Territorial Association (as applicable), will be deemed an infraction under this policy and will result in expulsion from Volleyball Canada or a Provincial/Territorial Association (as applicable). *Criminal Code* offences may include, but are not limited to:

- a) Any child pornography offences;
- b) Any sexual offences;
- c) Any offence of assault; or
- d) Any offence involving trafficking of illegal drugs and/or performance enhancing drugs.

**Confidentiality**

52. The discipline and Complaints process is confidential and involves only Volleyball Canada, the applicable Provincial/Territorial Association(s), the parties, the Case Manager, 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.

**Communication**

53. Volleyball Canada and the Provincial/Territorial Associations will identify those persons within their respective organizations who will be responsible for implementing this policy.

**Review and Amendment**

54. All significant amendments to this policy will be submitted to Volleyball Canada for review by its ad hoc committee on policies.

55. This policy will be reviewed every two years. Any significant policy amendments require approval by the Volleyball Canada and the Provincial/Territorial Associations who chose to adopt this policy.

**Approval**

56. This policy was approved by Volleyball Canada and its Board of Directors on October 11, 2022.