

Saskatchewan Amateur Speed Skating Association

Conduct Review Policy

1. OBJECTIVE

1.1. To establish mechanisms and procedures to review the conduct or actions of SASSA members, which are alleged to contravene the policies, rules and/or regulations of SASSA, including but not limited to the Code of Conduct Policy.

2. FIELD OF APPLICATION

2.1. This policy applies to SASSA members, including employees, volunteers, and athletes, in any SASSA activity, and as those activities relate to SASSA and/or its individual members.

2.2. Conduct matters arising within the business, activities or events of associations, clubs or affiliated organizations of SASSA shall be dealt with using the conduct review and discipline policies and mechanisms of such organisations.

3. DEFINITIONS

3.1. **Code of Conduct:** Basic rules and regulations, as set out in SASSA's Code of Conduct Policy, which reflect the standard of behaviour that is expected of all SASSA members.

3.2. **Conduct Sanctions:** Penalties or sanctions identified within this policy which are applied to SASSA members who do not meet the standard of behaviour contained within the policies, rules and/or regulations of SASSA, including but not limited to the Code of Conduct Policy.

4. PRINCIPLES

4.1. SASSA is committed to providing a sport environment characterized by values of excellence, fairness, integrity, open communications and mutual respect.

4.2. SASSA believes that these values and ideals should guide all our communications and actions, and that such conduct is in the best interest of all who participate in the sport of speed skating.

4.3. SASSA believes that membership comes with certain responsibilities and obligations, including but not limited to, complying with the Code of Conduct, policies, rules and regulations of SASSA.

4.4. SASSA is committed to providing a safe environment for the members and employees of the Association.

4.5. SASSA believes the expected standard of behaviour must be clearly communicated to all SASSA members and sanctions must fit the degree of inappropriate behaviour.

5. POLICY STATEMENT

5.1. SASSA members will at all times conduct themselves in a manner that reflects the highest standard of behaviour arising within the business, activities or events of SASSA. Members who fail to meet these standards will be subject to a conduct review, which may include conduct sanctions.

6. PROVISIONS

Reporting

6.1. Any person who witnesses or is advised of conduct by a Member which they view to be in breach of SASSA Code of Conduct, policies, rules or regulations may report the incident to SASSA by completing an Incident Report in the form attached as Appendix B.

6.2. The Incident Report must be delivered to the President of SASSA within 21 days of becoming aware of the incident.

Screening a Complaint

6.3. Within 7 days of receiving the Incident Report, the President, in consultation with the V.P. – Technical, shall determine whether the incident is better dealt with as a minor infraction, or if a hearing is required to address the incident as a major infraction. In the absence of the V.P. - Technical or the President, a designate shall perform the function. If the incident is deemed a potential minor infraction, then procedures starting at clause 6.10 should be followed.

6.4. If the incident is deemed a potential major infraction, or in the event the classification of the incident is disputed in any way, then the process carries on to the investigation stage as described in clauses 6.5 thru 6.9.

Investigation

6.5. Depending on the nature of the complaint in the Incident Report, the President may appoint an independent individual to conduct an investigation in order to confirm the background and context of the complaint and to ascertain the facts. If an investigation is ordered, the Investigator shall immediately upon appointment carry out the task in a timely manner and not later than 30 days after appointment submit a written report to the President.

6.6. The Investigator shall:

6.6.1. Review the complaint or incident.

6.6.2. Make such inquiries as necessary to determine the circumstances of the complaint or incident, which may include:

a) Sending a summary of the complaint to those named in the complaint, those making the complaint, or to any witnesses with a request that they respond in writing to the allegations by a date set by the Investigator;

b) Communicating with or interviewing persons involved in the incident or whose conduct is subject of the complaint; and

c) Communicating with or interviewing other persons who may have relevant information.

6.6.3. Extend the investigation to include misconduct in any other incident that comes to the attention of the Investigator in the course of the investigation.

6.7. On completion of the investigation, the investigator shall make a written report to the President recommending:

6.7.1. That, where practical to do so, the parties be encouraged to resolve the dispute directly;

6.7.2. That, with agreement of the parties, mediation of the dispute be arranged;

6.7.3. That the President appoint a hearing panel to hear and resolve the dispute or to hear the charges as the case may be; or

6.7.4. That no further action be taken with respect to the matter investigated because:

a) The matter has been resolved between the parties,

b) No further action is warranted based on the facts of the case.

6.8. The charges set out in a written report may relate to any matter disclosed during the investigation.

6.9. A report signed by the Investigator is a decision of the Investigator.

Minor Infractions

6.10 All conduct situations involving minor infractions (see Appendix A), occurring within the jurisdiction of SASSA, will be dealt with by the appropriate person having authority over the situation (this may include, but is not restricted to, a board member, committee chair, coach, team manager or head of a delegation) and the individual involved. Sanctions shall be imposed as appropriate to the level of the infraction.

6.11 Procedures for dealing with minor infractions shall be informal as compared to those for major infractions and shall be determined at the discretion of the person responsible for discipline of such infractions, provided the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident.

6.12 The following conduct sanctions may be applied, singly or in combination, for minor infractions:

a. verbal reprimand

b. written reprimand to be sent to the individual and placed in individual's file

c. verbal apology

- d. hand delivered written apology
- e. team service or other voluntary contribution to SASSA
- f. suspension from the current competition
- g. other sanctions as may be considered appropriate for the offence

6.13 Minor infractions, which result in conduct sanctions, shall be recorded using the Incident Report form in Appendix B.

Major Infractions

6.14 If the incident is to be dealt with as a major infraction (see Appendix A) and a hearing is required, the offender shall be notified as quickly as possible and in any event no later than 3 working days from date of receipt of the Investigator's report, and shall be advised of the procedures outlined in this policy.

6.15 If the President in consultation with the V.P. - Technical, or designates, are satisfied that this process applies, then within 14 days of having received the Incident Report or within 14 days of having received the written report of the Investigator (if an investigation was carried out), the President shall establish a Hearing Panel (the "Panel").
Hearing

6.16 The Panel shall conduct a fair hearing of the charge or dispute as reported in the Incident Report and in addition use the Investigator's report as supplementary information (if an investigation was carried out).

6.17 The Panel shall:

- a) Be made up of one of the Chairs from the Committees, one member of the Board of Directors both to be picked on a rotational basis, and one Panel member shall be selected from the peer group of the alleged offender as mutually agreed upon between the parties;
- b) Consist of individuals who have no personal or professional involvement in the matter under review; and
- c) Where possible the composition of the Panel should respect the language of the parties involved.

6.18 The hearing shall be held within 21 days of the Panel's appointment.

6.19 The Panel shall govern the hearing in accordance with Hearing Guidelines (as set out in clauses 6.23 and 6.24 of this policy) provided that:

- a) the alleged offender shall be given 10 days written notice (by courier or fax) of the day, time and place of the hearing. The Panel may decide to conduct the hearing in person or by telephone or video conference;
- b) the alleged offender shall receive a copy of the Incident Report and if available a copy of the Investigation Report;
- c) members of the Panel shall select from among themselves a Chair;
- d) a quorum shall be all 3 Panel members;
- e) decisions shall be by a majority vote; the Chair carries a vote;
- f) the alleged offender may be accompanied by a representative;

- g) the alleged offender shall have the right to present evidence and argument;
- h) the hearing shall be held in private;
- i) the Panel may request that witnesses to the incident be present or submit written evidence;
- j) once appointed, the Panel shall have the authority to abridge or extend time lines associated with all aspects of the hearing when it is reasonably required.

6.20 Where the alleged offender acknowledges the facts of the incident, he or she may waive the hearing, in which case the Panel shall determine the appropriate conduct sanction. The Panel may hold a hearing for the purpose of determining an appropriate sanction.

6.21 If the alleged offender chooses not to participate in the hearing, the hearing shall proceed in any event.

6.22 After hearing the evidence presented the Hearing Panel shall determine:

- a) that the complaint is without merit;
- b) that the complaint was brought forward in a vexatious manner; or
- c) that the complaint is valid and apply appropriate conduct sanctions.

Hearing Guidelines

6.23 The Centre for Sport and Law – Administrative Appeals: A Handbook for Sports Organizations is to be used as the procedural guidelines for a Hearing Panel. Each Hearing Panel can modify these as needed and should modify them if necessary to maintain a balance of fairness for both parties.

6.24 The Hearing Panel will decide which procedures will be used to address the hearing. This can include but is not limited to:

- a) document review;
- b) meeting by teleconference;
- c) face to face meeting; and
- d) hearing of witnesses and or experts

Major Infraction Sanctions

6.25 Actions:

- a) the complaint is without merit, no sanctions
- b) the complaint was brought forward in a vexatious manner; this is considered a major infraction and the individual bringing the complaint forward will be subject to sanctions.
- c) the complaint is valid; the Panel may apply the following conduct sanctions singly or in combination, for major infractions:
 - i. written reprimand to be sent to the individual and placed in individual's file;
 - ii. hand delivered written apology;
 - iii. suspension from certain SASSA events which may include suspension from the current competition or from future teams or competitions;
 - iv. withholding of prize money;
 - v. suspension of all SASSA or SaskSport funding;

- vi. suspension from certain SASSA activities (i.e. competing, coaching or officiating) for a designated period of time;
- vii. suspension from all SASSA activities for a designated period of time;
- viii. expulsion from SASSA
- ix. other sanctions as may be considered appropriate for the offence

6.26 In applying sanctions, the Panel may have regard to the following aggravating or mitigating circumstances:

- a) the nature and severity of the offence;
- b) whether the incident is a first offence or has occurred repeatedly;
- c) the individual's acknowledgement of responsibility;
- d) the individual's extent of remorse;
- e) the age, maturity or experience of the individual;
- f) the individual's prospects for rehabilitation; and
- g) the impact on the victim

Criminal Charges and Offences

6.27 Notwithstanding the procedures set out in this policy, any member of Saskatchewan Amateur Speed Skating Association who is convicted of a criminal offence under the Criminal Code of Canada, as amended from time to time, shall face automatic suspension from participating in any activities of SASSA for a period of time corresponding to the length of the criminal sentence imposed by the Court, and may face further conduct action by Saskatchewan Amateur Speed Skating Association in accordance with this policy.

6.28 The Board of Directors may impose interim measures pending the disposition of criminal charges, if the Board is of the view that the imposition of such measures is in the best interest of Speed Skating Canada. Interim measures are not sanctions, and may take the form of, including but not limited to, imposition of conditions upon continued participation, suspension or security arrangements.

Decision

6.29 The Panel shall give written reasons for its decisions and for any discipline imposed.

- a) The Panel will provide its decision and reasons no later than seven (7) days after the hearing;
- b) Copies shall be provided to the parties; and
- c) The decision of the Panel must include reference to the next procedural step available to the affected party (e.g. SASSA's Appeal Policy) and the timeframe applicable to respond.

6.30 Unless the Panel decides otherwise, any conduct sanctions applied shall take effect immediately.

6.31 A copy of the report will be forwarded to Speed Skating Canada who will keep a record of all Panel decisions.

Administrative & Procedural Recommendations

6.32 After each hearing, the Panel should provide any administrative and procedural recommendations it deems necessary to SASSA.

6.33 Recommendations made by the Hearing Panel to Saskatchewan Amateur Speed Skating Association shall be acknowledged by the President to the Hearing Panel, within seven days of receipt.

6.34 The President would forward the recommendations to the appropriate body for action.

6.35 Within 30 days of receipt of the recommendations the appropriate body would respond to the President with its plan and timeline to deal with recommendations. The President shall communicate this information to the Conduct Review Panel members.

Non-Compliance

6.36 The President shall confirm that any sanction imposed on the offender is carried out in a timely manner.

6.37 In the event the offender fails to comply with the sanction imposed, this will be considered a breach in SASSA's Code of Conduct and will be referred back to the original Panel to be dealt in the manner as provided for in this policy.

Appeal Procedures

6.38 Except where otherwise provided, an appeal of any conduct matter will be done according to the Appeals Policy of SASSA.

7 REVIEW AND APPROVAL

7.1 The Saskatchewan Amateur Speed Skating Association Board of Directors shall review this policy every two years.

APPENDIX A

Examples of minor infractions

- a) a single incident of disrespectful, offensive, abusive, racist or sexist comments or behaviour directed towards others, including but not limited to peers, opponents, athletes, coaches, officials, administrators, spectators and sponsors
- b) unsportsman-like conduct such as angry outbursts or arguing
- c) a single incident of being late or absent from SASSA events and activities at which attendance is expected or required
- d) non-compliance with the rules and regulations under which SASSA events are conducted, whether at local, provincial, national or international level

Examples of major infractions

- a) repeated incidents of disrespectful, offensive, abusive, racist or sexist comments or behaviour directed towards others, including but not limited to peers, opponents, athletes, coaches, officials, administrators, spectators and sponsors
- b) repeated unsportsmanlike conduct such as angry outbursts or arguing
- c) repeated incidents of being late for or absent from SASSA events and activities at which attendance is expected or required
- d) activities or behaviour which interfere with a competition or with any athlete's preparation for a competition
- e) pranks, jokes or other activities which endanger the safety of others
- f) deliberate disregard for the rules and regulations under which SASSA events are conducted, whether at the local, provincial, national or international level
- g) abusive use of alcohol where abuse means a level of consumption which impairs the individual's ability to speak, walk or drive; causes the individual to behave in a disruptive manner; or interferes with the individual's ability to perform effectively and safely
- h) any use of alcohol by minors
- i) use of illicit drugs and narcotics
- j) use of banned performance enhancing drugs or methods

APPENDIX B
INCIDENT REPORT

Date and time of incident:

Name of writer: _____

Position: _____

Location of incident:

Individual(s) involved in the incident:

Objective description of the incident (please be thorough, accurate, complete and non-judgmental):

Names of individuals who observed the incident:

Conduct action which was taken (if applicable):

Signature of writer:

Date: _____