

## **DISCIPLINE POLICY FOR BFC POLICY VIOLATION**

### **PROCEDURES AND HEARINGS**

#### **Receiving Reports**

All BFC participants are encouraged to report suspected breach of BFC policy. Such reports may be made to the CEO or the President of the BFC, or to any other person in authority.

All such reports shall be brought promptly to the attention of the CEO or the President, by whoever receives the report.

#### **Assistance to Complainants**

A complainant may request the assistance of a BFC resource person in understanding these guidelines, in pursuing resolution short of lodging a complaint if appropriate, and in formulating the written complaint. The BFC resource person shall refer the complainant to counseling upon request, and may explore the possibility of alternative forms of dispute resolution with the complainant following the complaint, if appropriate.

Should a complainant choose to retain legal counsel at any stage of a complaint or appeal, it shall be at the complainant's own expense.

#### **Complaint Filing Procedures**

##### **The Complaint**

Although anyone may report a breach of policy, a complaint may be made only by persons affected by the alleged breach, or by the CEO on behalf of the BFC.

A complaint shall be in writing, and signed by the complainant or by the CEO if the complaint is brought on behalf of the BFC. The complaint shall be submitted to the President or the CEO of the BFC.

The complaint should include particulars of the breach, including details of the incident or incidents, including dates, times, locations, description of action, account of dialogue, the name of the involved parties and any witnesses or names of other individuals who may have been affected by the breach. The complaint should detail any corrective action taken to date.

The parties to a complaint are the BFC, the respondent(s) and the complainant(s), if any. The complainant may withdraw the complaint at any time. However, such a complaint may be continued as a complaint by the CEO on behalf of the BFC, if the BFC does not consent to the withdrawal.

#### **Processing the Complaint**

The person responsible for processing the complaint (hereinafter the "BFC Official") may vary, as follows:

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- a) where a complaint involves conduct by an employee of, or person under contract to, BFC other than the CEO, the BFC Official shall be the CEO.
- b) in all other cases, the BFC Official shall be the President (or where a complaint involves conduct by the President, an alternate appointed by the BFC board of directors to perform the President's functions under these guidelines). However, the President (or alternate) may delegate part or all of the President's (or alternate's) responsibilities under these guidelines to the CEO, except where a complaint is by or against the CEO.

### **Complaint Investigation**

The BFC Official may decide not to deal with a complaint:

- a) if in the opinion of the BFC Official, the facts alleged in the complaint would be insufficient, if proven, to establish a breach under the BFC policy; or
- b) if in the opinion of the BFC Official, the investigation of the complaint would not advance the purpose of the BFC policy in the circumstances, because of a significant delay between the alleged events and the time of the complaint; or
- c) if the complaint is one which falls within the jurisdiction of the Canadian Olympic Committee and the COC has agreed to deal with the complaint under the COC policy Statement and Guidelines involving Discrimination and Harassment.

In all other cases, the BFC Official shall investigate the complaint or appoint and provide terms of reference to an investigator who shall investigate the complaint and make findings of fact.

Before the investigation begins, the BFC Official shall advise each respondent of the complaint and shall provide each complainant and respondent a copy of the written complaint, of the BFC policy and these guidelines, and of the investigator's terms of reference, if any.

Before the investigation report is issued, each respondent shall have a reasonable opportunity to respond to the allegations. If a respondent declines to do so, or does not respond within the time-frame provided, the investigator's report may nonetheless be issued.

All BFC participants, including the respondent(s), must co-operate fully in any investigation under these guidelines.

The BFC Official may consult with the investigator during the course of the investigation, may review the investigation report in draft and may provide additional terms of reference to, or request clarification from, the investigator.

A copy of the investigation report shall be provided to the complainant(s) and the respondent(s).

### **Assistance to Respondents**

A respondent may request the assistance of a BFC resource person without previous involvement in the complaint in understanding these guidelines. The BFC resource person shall refer the respondent to counseling upon request, and may explore the possibility of alternative forms of dispute resolution with the respondent.

Should a respondent choose to retain legal counsel at any stage of a complaint or appeal, it shall be at the respondent's own expense.

## **Determinations Following Investigation**

The BFC Official shall determine whether a breach of policy has been established in light of the findings of fact contained in the investigation report, and if so, the nature and particulars of the alleged breach. The BFC Official's determinations shall be communicated to the complainant(s) and the respondent(s).

## **Settlement**

A complaint may be settled at any stage. A resolution agreement should be in writing and signed by all parties.

## **Mediation**

The BFC may provide a mediator, if the BFC Official views mediation as appropriate and if the complainant and respondent are willing to enter a mediation agreement.

The BFC Official shall have the authority to impose sanctions, if warranted, in light of the determinations.

The complainant(s) and the respondent(s) shall be given a reasonable opportunity to make submissions to the BFC Official prior to the imposition of sanctions.

Sanctions may include, but are not limited to:

- a) a recommendation that a person's membership be revoked in accordance with the by-laws of the BFC.
- b) temporary or permanent suspension from employment with BFC, or from participation in some or all of the competitions or activities over which the BFC has jurisdiction (hereinafter collectively referred to as "BFC activities").
- c) the imposition of such temporary or permanent conditions on continued employment with BFC, or participation in BFC activities as the BFC Official may view as appropriate in the circumstances.
- d) the issuance of a warning and/or reprimand.

The BFC Official shall provide the complainant(s) with such information about any sanctions imposed as is appropriate in the circumstances.

Should any sanction that the BFC Official views as appropriate require a resolution to be passed by either the BFC Executive Committee or Board of Directors, the BFC Official shall take such action as is appropriate to have the matter placed before the Executive Committee or Board for its consideration, but the matter will not be considered prior to any appeal under these guidelines.

The BFC Official may impose interim measures pending the investigation and disposition of a complaint, if the BFC Official is of the view that the imposition of such measures is in the best interest of the complainant(s), respondent(s) and/or BFC.

Interim measures are not sanctions, and they may take many forms, including but not limited to:

- a) the imposition of conditions upon the continued participation of the respondent(s) in the activities or work of the BFC.
- b) suspension of the respondent(s) from participation in the activities or work of the BFC, with or without pay, or under such other terms as are seen to be appropriate.
- c) security arrangements.

**GUIDELINES on Discrimination and Harassment  
RECORD KEEPING**

The CEO shall keep a secure record of every report and complaint under these guidelines. The record shall contain all relevant documentation, including:

- a) details of the report(s) and/or a copy of the complaint(s);
- b) the response(s), if any;
- c) the terms of reference of the investigator, if any;
- d) the interim measures, if any;
- e) any witness statements;
- f) the investigation report, if any;
- g) the terms of any informal resolution or written resolution agreement;
- h) the NSF Official's determinations, if any;
- i) the sanctions imposed, if any;
- j) all other correspondence;
- k) any appeal(s) filed;
- l) any material pertaining to an appeal; and
- m) any minutes of the BFC Executive Committee or Board of Directors

**GUIDELINES on CONFIDENTIALITY**

To the extent possible, reports, complaints, witness statements and other documents produced under these guidelines shall be held in confidence by BFC.

However, no absolute guarantees of confidentiality may be made by BFC. Circumstances in which information may be shared include:

- a) when criminal conduct may be involved.
- b) when child abuse may have occurred.
- c) when it is felt to be necessary to protect others from harassment or discrimination.
- d) when required to ensure fairness or natural justice in the procedures contemplated by these guidelines.
- e) in the course of an investigation by a law enforcement agency.
- f) to protect the interests of the BFC.
- g) when required by law.

**Appeals arising from this Discipline Policy will be referred to BFC Dispute Resolution/Appeals Policy**