

## DISCIPLINE AND COMPLAINTS POLICY AND PROCEDURE

\* Indicates a section that has been adapted from the [UCCMS](#)

### Purpose

1. Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, By-laws, rules, and regulations of Golf NB. Non-compliance may result in the imposition of sanctions pursuant to this Policy.

### Application of this Policy

2. This Policy applies to all Participants.
3. This Policy applies to matters that may arise during the business, activities, and events of Golf NB including, but not limited to, competitions, practices and training, treatment, or consultations (e.g., massage therapy), camps and clinics, travel associated with the activities of Golf NB, and any meetings.
4. This Policy also applies to Participants' conduct outside of the business, activities, and events of Golf NB when such conduct adversely affects the relationships (or the work and sport environment) of Golf NB, is detrimental to the image and reputation of Golf NB or is in violation of Golf NB policy or conduct expectations.
5. \*This Policy applies to alleged breaches of the [Code of Conduct and Ethics](#) by Participants who have retired from the sport where any claim regarding a potential breach of the *Code of Conduct and Ethics* occurred when the Participant was active in the sport. In addition, this Policy will apply to breaches of the *Code of Conduct and Ethics* that occurred when the Participants involved interacted due to their mutual involvement in the sport or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Participant(s).
6. Applicability of this Policy will be determined by Golf NB at its sole discretion and shall not be subject to appeal.
7. If it is considered appropriate or necessary based on 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. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions may be for the duration of the competition, training, activity, or event only.
8. In addition to being subject to disciplinary action pursuant to this *Discipline and Complaints Policy*, an employee of Golf NB who is a Respondent to a complaint may also be subject to consequences in accordance with the employee's Employment Agreement or policies for human resources, if applicable.

### Minors

9. Complaints may be brought for or against a Participant who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.



10. Communication from the Discipline Chair or Discipline Panel (as applicable) must be directed to the Minor's representative.
11. A Minor is not required to attend an oral hearing, if held.

### **Reporting a Complaint**

12. Any person may report a complaint to [Golf NB](#) , [Golf NB Personnel Committee](#) or to a case manager;

**1-833-913-1304 - [golfcanada@itpsport.ca](mailto:golfcanada@itpsport.ca)**

13. At its discretion, Golf NB may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, Golf NB will identify an individual to represent the organization.

### **Discipline and Complaints Procedure**

1. Complaints or incident reports should be made in writing for the discipline and complaints procedure to be initiated. The complainant may contact Golf NB Personnel Committee for direction regarding the formal submission of a complaint. The Case Manager may accept any formal complaint at their sole discretion.
2. Upon receipt of a complaint, the Personnel Committee Case Manager will proceed as follows:
  - a) Determine whether the complaint is within the jurisdiction of this Policy.
  - b) Determine whether the complaint is frivolous. If deemed frivolous, the complaint will be dismissed immediately and the Personnel Committee Case Manager's decision to dismiss the complaint may not be appealed.
  - c) Propose the use of alternative dispute resolution techniques.
  - d) Determine if the complaint should be handled by the Provincial Golf Association, Member Club, or Golf Canada. In making this decision, the Personnel Committee Case Manager will consider:
    - a. The setting in which the alleged incident leading to the complaint occurred - i.e., whether within the business, activities, or events of Golf Canada, a Provincial Golf Association, or a Member Club.
    - b. If the alleged incident leading to a complaint occurred outside of the business, activities, or events of any of these organizations, the Case Manager will determine jurisdiction by evaluating which organization's affairs are most impacted.
    - c. Whether the organization with jurisdiction may have a conflict of interest related to the complaint.
    - d. If the organization with jurisdiction has the capacity and resources to handle the complaint.
  - e) Determine if the complaint should be investigated pursuant to **Appendix A – Discipline and Complaints Policy Investigation Procedure**.
  - f) Choose which process (i.e., Process #1 or Process #2, as outlined below) should be followed to hear and adjudicate the complaint.

If the Case Manager determines that the complaint or incident should be handled by the relevant Provincial Golf Association or Member Club, the Personnel Committee Case Manager will notify the Provincial Golf Association or Member Club in question who shall appoint its own Case Manager to fulfil the responsibilities listed below. In such instance, any

reference to Case Manager in this procedure shall be understood as a reference to Case Manager of the Provincial Golf Association or Member Club.

## Hearing and Adjudication Processes

3. There are two different processes that may be used to hear and adjudicate complaints. The Personnel Committee and Case Manager will decide which process should be followed based on the nature of the complaint.

In general, **Process #1** will be used for complaints related to the following:

- Disrespectful conduct
- Minor incidents of physical violence (e.g., tripping, pushing, elbowing)
- Conduct contrary to the values of Golf Canada or a Provincial Golf Association or Member Club
- Non-compliance with the organization's policies, procedures, rules, or regulations
- Minor violations of the [Code of Conduct and Ethics](#), [Social Media Policy](#), or [Athlete Protection Policy](#)

In general, **Process #2** will be used for complaints related to the following:

- Racist, sexist, or discriminating comments or behaviour
- Repeated improper conduct or repeated disregard for bylaws, policies, rules, and regulations
- Hazing
- Harassment, sexual harassment, or sexual misconduct
- Major incidents of physical violence (e.g., fighting, attacking, sucker punching)
- Conduct that endangers the safety of others
- Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
- Conduct that intentionally disparages the organization's image, credibility, or reputation
- Major or repeated violations of the *Code of Conduct and Ethics*
- Intentionally damaging the organization's property
- Improperly handling the organization's finances
- Alcohol or drugs
- A conviction for any *Criminal Code* offense
- Any possession or use of banned performance enhancing drugs

## PROCESS #1: Handled by Discipline Chair

### Discipline Chair

4. Following the determination that the complaint or incident should be handled under Process #1, the Personnel Committee Case Manager will appoint a Discipline Chair who may:
  - a) Recommend mediation;
  - b) Make a decision;
  - c) Ask the Complainant and the Respondent for either written or oral submissions regarding the complaint or incident; or
  - d) Convene the parties to a meeting, either in person or by way of video or teleconference in order to ask the parties questions.



5. Thereafter, the Discipline Chair shall determine if a breach occurred and if sanctions should be applied (see: **Sanctions**).
6. The Discipline Chair will inform the Parties of the decision, which will take effect immediately.
7. Records of all sanctions will be maintained by Golf Canada. Provincial Golf Associations and Member Clubs will submit all records to Golf Canada.

### **Request for Reconsideration**

8. If there is no sanction, the Complainant may contest the non-sanction by informing the Discipline Chair, within five (5) days of receiving the decision, that the Complainant is not satisfied with the decision. The initial complaint or incident will then be handled under Process #2 of this procedure.
9. If there is a sanction, the sanction may not be appealed until the completion of a Request for Reconsideration. However, the Respondent may contest the sanction by submitting a Request for Reconsideration within five (5) days of receiving the sanction. In the Request for Reconsideration, the Respondent must indicate:
  - a) Why the sanction is inappropriate;
  - b) Summary of evidence to support the Respondent's position; and
  - c) What alternative penalty or sanction (if any) would be appropriate.
10. Upon receiving a Request for Reconsideration, the Discipline Chair may decide to accept or reject the Respondent's suggestion for an alternative sanction.
11. Should the Discipline Chair accept the Respondent's suggestion for an alternative sanction, that sanction will take effect immediately.
12. Should the Discipline Chair not accept the Respondent's suggestion for an alternative sanction, the initial complaint or incident will be handled under Process #2 of this policy.

### **PROCESS #2: Handled by Personnel Committee Case Manager and Discipline Panel**

#### **Case Manager**

13. Following the determination that the complaint or incident should be handled under Process #2, the Personnel Committee Case Manager has a responsibility to:
  - a) Propose the use of alternative dispute resolution techniques
  - b) Appoint the Discipline Panel, if necessary
  - c) Coordinate all administrative aspects of the process and set reasonable 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
14. The Personnel Committee Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
15. The Personnel Committee Case Manager may propose using alternative dispute resolution methods, such as mediation or negotiated settlement.

16. If the dispute is not resolved using alternative methods, the Personnel Committee Case Manager will appoint a Discipline Panel of three people to hear the complaint. The Personnel Committee Case Manager will appoint one of the Discipline Panel's members to serve as the Chair.
17. The Personnel Committee 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, 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.
18. The hearing will be governed by the procedures that the Personnel Committee Case Manager and the Discipline Panel deem appropriate for the circumstances. The following guidelines will apply to the hearing:
  - a) The Parties will be given appropriate notice of the day, time, and place of the hearing.
  - b) Copies of any written documents which any Party 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.
19. 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.
20. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
21. In fulfilling its duties, the Discipline Panel may obtain independent advice.
22. Discipline Panel decisions will be made by majority vote.

### **Decision**

23. After hearing the matter, the Discipline Panel will determine by majority vote whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the hearing's conclusion, the Discipline Panel's written decision and explanation will be distributed electronically to all Parties, the Personnel Committee Case Manager, to, the Member Club 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 fourteen (14) day period. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

### **Sanctions**

24. \*Prior to determining sanctions, the Discipline Chair or Discipline Panel, as applicable, will consider factors relevant to determining appropriate sanctions which include:
  - 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 inappropriate behaviour or Maltreatment;
  - c) The 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 Maltreatment, and/or cooperation in the process of Golf NB;
  - 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 *Code of Conduct and Ethics*; 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 and aggravating circumstances.
25. \*Any single factor, if severe enough, may be sufficient to justify the sanction(s) imposed. A combination of several factors may justify elevated or combined sanctions.
26. \*The Discipline Chair or Discipline Panel, as applicable, may apply the following disciplinary sanctions, singularly or in combination:
- a) **Verbal or Written Warning** - A verbal reprimand or an official, written notice and formal admonition that a Participant has violated the *Code of Conduct and Ethics* and that more severe sanctions will result should the Participant be involved in other violations.
  - b) **Education** - The requirement that a Participant undertake specified educational or similar remedial measures to address the violation(s) of the *Code of Conduct and Ethics*.
  - c) **Probation** - Should any further violations of the *Code of Conduct and Ethics* occur during the probationary period, will result in additional disciplinary measures, likely including 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 of time.
  - d) **Suspension** - Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, practice, activity, event, or competition sponsored by, organized by, or under the auspices of Golf. A suspended Participant is eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Participant 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** - Permanent ineligibility to participate, in any sport, in any capacity, in any program, activity, event, or competition sponsored by, organized by, or under the auspices of Golf Canada, Golf NB or Member Club, and/or any sport organization subject to the UCCMS.
  - 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.
27. \*The Discipline Chair or Discipline Panel, as applicable, 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 shall carry a presumptive sanction of permanent ineligibility.
  - b) Sexual Maltreatment, Physical Maltreatment with contact, and Maltreatment related to Process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions.
  - c) While a Respondent has pending charges or dispositions in violation of the criminal law, the presumptive sanction shall be a period of suspension.



28. A Participant's conviction for a *Criminal Code* offense shall carry a presumptive sanction of permanent ineligibility from participating with Golf Canada. *Criminal Code* offences may include, but are not limited to:
- a) Any child pornography offences
  - b) Any sexual offences
  - c) Any offence of physical violence
  - d) Any offence of assault
  - e) Any offence involving trafficking of illegal drugs
29. 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.
30. Records of all decisions will be maintained by Golf Canada. Provincial Golf Associations and Member Clubs will submit all records to Golf Canada.

### **Appeals**

31. The decision of the Discipline Panel may be appealed in accordance with the [Appeal Policy](#).

### **Suspension Pending a Hearing**

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

### **Confidentiality**

33. The discipline and complaints process is confidential and involves only Golf NB, the parties, the Personnel Committee, 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.
34. 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**

35. 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**

36. Other individuals or organizations, including but not limited to, national sport organizations, Provincial/Territorial sport organizations, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.
37. \*Golf NB recognizes that a publicly-available searchable database or registry of Respondents who have been sanctioned, or whose eligibility to participate in sport has in some way been restricted, may be maintained and may be subject to provisions in the UCCMS.

## Appendix A – Discipline and Complaints Policy Investigation Procedure

\* Indicates a section that has been adapted from the [UCCMS](#)

### Determination

1. When a complaint is submitted pursuant to the *Discipline and Complaints Policy*, the Case Manager will determine if the incident should be investigated.

### Investigation

2. The Case Manager will appoint an Investigator. The Investigator must be an independent third-party skilled in investigating. The Investigator must not be in a conflict-of-interest situation and should have no connection to either party.
3. Federal and/or Provincial/Territorial legislation related to Workplace Harassment may apply to the investigation if Harassment was directed toward a worker 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 Federal and/or Provincial/Territorial legislation. The investigation may include:
  - a) Interviews with the Complainant
  - b) Witness interviews
  - c) Statement of facts (Complainant's perspective) prepared by Investigator, acknowledged by the Complainant and provided to the Respondent
  - d) Interviews with the Respondent
  - 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 report that should include a summary of evidence from the parties (including both statements of facts, if applicable) and recommendations from the Investigator of whether, on a balance of probabilities, a breach of the *Code of Conduct and Ethics* occurred.
6. \*The Investigator must be aware that sport-specific differences exist with respect to such aspects as acceptable levels of touch, physical contact, and aggression during training or competition and will consider such differences during the investigative process.
7. The Investigator's Report will be provided to the Case Manager who will disclose it, at their discretion, to Golf NB or any other third party.
8. Should the Investigator find that there are possible instances of offence under the *Criminal Code*, particularly related to Criminal Harassment (or Stalking), Uttering Threats, Assault, Sexual Interference, or Sexual Exploitation, the Investigator shall advise the Complainant and Golf Canada to refer the matter to police.
9. The Investigator must also inform Golf NB of any findings of criminal activity. Golf NB 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 sexual crime involving Minors, fraud against Golf Canada, or other offences where the lack of reporting would bring Golf Canada into disrepute.

### **Reprisal and Retaliation**

10. \*A Participant who submits a complaint to Golf NB 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 Maltreatment and will be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy*.

### **False Allegations**

11. A Participant who submits allegations that the Investigator determines to be malicious, false or for the purpose of retribution, retaliation, or vengeance (or that otherwise fall within the definition of Maltreatment) 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. Golf NB or the Participant against whom the allegations were submitted may act as the Complainant.

### **Confidentiality**

12. The Investigator will make reasonable efforts to preserve the anonymity of the complainant, respondent, and any other party. However, Golf NB recognizes that maintaining full anonymity during an investigation may not be feasible.