

# BRITISH COLUMBIA WRESTLING ASSOCIATION

## DISCIPLINE AND COMPLAINTS POLICY

### 1. PURPOSE

Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with policies, Bylaws, rules, and regulations of BCWA, as applicable. Non-compliance may result in sanctions pursuant to this Policy.

### 2. PRINCIPLES

The following principles guide the findings and determinations under this Policy:

- a. Any form of Maltreatment violates the integrity of Participants and undermines the values of BC and Canadian sport;
- b. sanctions imposed will reflect the seriousness of the Maltreatment and the harm to those affected; and
- c. the values of BC and Canadian sport.

This Policy and its procedures will be:

- d. Harmonized (applied to all Participants across BC)
- e. Fair (procedural and substantive due process for all Participants)
- f. Comprehensive (all forms of Maltreatment addressed and potential sanctions described)
- g. Expert-informed (the determination of Maltreatment and impositions of sanctions will be informed by those with expertise in such areas as sport, child abuse, and the law)
- h. Trauma-informed (acknowledgement of the physical, psychological and emotional effects of trauma, and avoidance of re-traumatization)
- i. Evidence-driven (evidence of Maltreatment required, where Evidence or “proof” of Maltreatment may include the words/report of a complainant if found credible by the relevant authorities. Depending upon the nature of the Maltreatment, physical evidence, corroboration, or third-party verification may not be needed)
- j. Independent administration (free from all conflicts of interest)

### 3. APPLICATION OF THIS POLICY

- a. This Policy applies to all Participants.
- b. This Policy applies to matters that may arise during the business, activities, and events of BCWA including, but not limited to, competitions, practices, tryouts, training camps, travel associated with organizational activities, and any meetings.
- c. This Policy also applies to Participants’ conduct outside of the business, activities, and events of BCWA when such conduct adversely affects the organization’s relationships (and the work and sport environment) or is detrimental to the image and reputation of BCWA, or upon the acceptance of BCWA.

- d. Applicability will be determined by BCWA at its sole discretion and is not subject to appeal.
- e. If a Participant makes a complaint or reports an incident that occurred at a time during which a different BCWA policy was in force, the matter will be governed by the substantive rules in the policy in force at the time the incident occurred to determine whether an offense or breach of the policy occurred, unless the Panel hearing the matter determines that the principle of “lex mitior” applies to the circumstances of the case. In such cases, the Discipline and Complaints Policy will apply retroactively, prior to its approval dates, as it relates to procedural matters. Applicability of this Policy will be determined by the Complaints & Appeal Officer at its sole discretion and is not subject to appeal.
- f. 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).
- g. This Policy does not prevent immediate discipline or sanction from being applied as reasonably required at any BCWA sanctioned activity. Further discipline 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 will be for the duration of the competition, training, activity, or event only.
- h. An employee of BCWA who is a Respondent may also be subject to consequences in accordance with the employee’s Employment Agreement, if applicable. Violations may result in a warning, reprimand, restrictions, suspension, or other disciplinary actions up to and including termination of employment.

#### 4. ALIGNMENT

- a. BCWA recognizes that Participants may also be registered with WCL, PTSOs, CAWO, and/or Clubs. Pursuant to the Reciprocity Policy, organizations are required to have discipline decisions involving Participants submitted to BCWA which may take further action at its discretion. Further action may include the involvement of the Complaints & Appeal Officer when the decision involved an element of discrimination, harassment, workplace harassment, workplace violence, sexual harassment, Maltreatment or abuse.
- b. If BCWA decides to take further action upon becoming aware of a Participant who has been disciplined by WCL, a PTO, CAWO and/or a Club, the Participant will be the Respondent to a complaint initiated under the terms of this Policy. BCWA may act as the Complainant if the original Complainant is unwilling or unavailable to participate in this process.
- c. The Discipline Panel, as applicable, will review and consider the decision by WCL, PTO, CAWO and/or Club when deciding on the complaint per the terms of this Policy.

## 5. ADULT REPRESENTATIVE

- a. 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. If the Minor's adult representative is not their parent / guardian, the representative must have written permission to act such a capacity from the Minor's parent / guardian. Communications, as applicable, must be directed to the Minor's representative.
- b. A minor is not required to attend an oral hearing, if held.

## 6. REPORTING A COMPLAINT

- a. Any person may report a complaint to the BCWA by emailing the Executive Director at: [execdirector@bcwrestling.com](mailto:execdirector@bcwrestling.com).
- b. At its discretion, BCWA may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, BCWA will identify an individual to represent the organization.
- c. Complaints or incident reports must be made in writing using the [Notice of Complaint Form](#).
- d. The person making the complaint may contact the Executive Director for direction and understanding the process.
- e. The BCWA may accept any report, at their sole discretion.
- f. All sections of The Notice of Complaint Form need to be completed and will include the following information:
  - i. Contact information of the Complainant
  - ii. Name of the Respondent and any affected parties
  - iii. Date and location of the incident
  - iv. Grounds that describe the complaint
  - v. Detailed summary of the incident
  - vi. All evidence that supports the complaint
  - vii. The remedies or resolutions that the complainant is seeking
- g. Anonymous complaints may be accepted at the sole discretion of BCWA, however BCWA strongly discourages anonymous complaints recognizing that non-criminal offences are virtually impossible to address without the involvement of the Complainant.
- h. Upon receipt of a Notice of Complaint Form from an individual(s), the BCWA will determine the jurisdiction under which the notice of complaint will be addressed and notify Complainant.

- i. The BCWA shall make the above-mentioned determination by taking into consideration whether the incident occurred within BCWA’s business, activities or events as described in Section 3 above. If the incident occurred outside of the business, activities, or events of BCWA, the BCWA will determine which organization’s relationships are adversely affected or which organization’s image or reputation will be detrimentally affected by the incident as described in Section 4 above and notify that organization to assume the notice of complaint.

## 7. RECEIVING A COMPLAINT

- a. The BCWA may determine that the alleged incident requires investigation. In this case, BCWA may appoint an Investigator in accordance with the Investigations Policy and BCWA and the Investigator, will have additional responsibilities as described in that Policy.
- b. Upon receipt of a written complaint, the BCWA has a responsibility to:
  - i. Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy;
  - ii. Propose the use of the Alternative Dispute Resolution Policy;
  - iii. Determine if an investigation is required; and/or
  - iv. Choose which process should be followed, and may use the following examples as a general guideline:

### PROCESS #1

The Complaint alleges the following incidents:

- i. Disrespectful conduct
- ii. Minor incidents of violence (e.g., tripping, pushing, elbowing)
- iii. Conduct contrary to the values of BCWA, a Member, or a Club
- iv. Non-compliance with the organization’s policies, procedures, rules, or regulations
- v. Minor violations of the Code of Conduct and Ethics

### PROCESS #2

The Complaint alleges the following incidents:

- i. Disrespectful, abusive, racist, or sexist comments or behaviour
- ii. Repeated minor incidents
- iii. Any incident of hazing
- iv. Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
- v. Major incidents of violence (e.g., fighting, attacking, sucker punching)
- vi. Pranks, jokes, or other activities that endanger the safety of others
- vii. Conduct that intentionally interferes with a competition or with any athlete’s preparation for a competition
- viii. Conduct that intentionally damages the organization’s image, credibility, or reputation
- ix. Consistent disregard for the bylaws, policies, rules, and regulations
- x. Major or repeated violations of the Code of Conduct and Ethics
- xi. Intentionally damaging the organization’s property or improperly handling the organization’s
- xii. monies

- xiii. Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
  - xiv. A conviction for any Criminal Code offense
  - xv. Any possession or use of banned performance enhancing drugs or methods
- c. If the BCWA determines the complaint is frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately, and a written decision of such decision will be provided to BCWA and the Complainant.
- d. The BCWA's decision to accept or dismiss the complaint may not be appealed.

**Process #1:**

Following the determination that the complaint or incident should be handled under Process #1, the BCWA will appoint a Discipline Panel, which shall consist of a single Arbitrator, who will review the submissions related to the complaint or incident and determine one or more of the sanctions listed below.

**Process #2:**

Following the determination that the complaint or incident should be handled under Process #2, the BCWA has a responsibility to:

- i. Appoint the Discipline Panel, if necessary
  - ii. Coordinate all administrative aspects and set timelines
  - iii. Provide administrative assistance and logistical support to the Discipline Panel as required
  - iv. Provide any other service or support that may be necessary to ensure a fair and timely proceeding
- e. The BCWA will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
- f. The BCWA may propose using the Alternative Dispute Resolution Policy with the objective of resolving the dispute. If applicable, and if the dispute is not resolved, or if the parties refuse to use the Alternative Dispute Resolution Policy, the BCWA will appoint a Discipline Panel, which shall consist of a single Arbitrator, to hear the complaint.
- g. At the discretion of the BCWA, a Discipline Panel of three persons may be appointed to hear the complaint. In this event, the BCWA will appoint one of the Discipline Panel's members to serve as the Chair.
- h. The BCWA, 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. The hearing will be governed by the procedures that the BCWA and the Discipline Panel deem appropriate in the circumstances, provided that:

- i. 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
  - ii. Copies of any written documents which the parties wish to have the Discipline Panel consider will be provided to all Parties, through the BCWA, in advance of the hearing
  - iii. The Parties may engage a representative, advisor, or legal counsel at their own expense
  - iv. The Discipline Panel may request that any other individual participate and give evidence at the hearing
- i. 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
- j. The decision will be by a majority vote of the Discipline Panel
- k. 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.
- l. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
- m. 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.
- n. In fulfilling its duties, the Discipline Panel may obtain independent advice.
- o. The Discipline Panel will inform the Parties of the decision, which will take effect immediately.
- p. Records of all decisions will be maintained by BCWA.

## 8. DECISION

- a. 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 fourteen (14) days of the hearing's conclusion, the Discipline Panel's written decision, with reasons, will be distributed to all Parties, and to the BCWA. 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.

## 9. DISCLOSURE

- a. A summary of the decision and sanction will be considered a matter of public record unless decided otherwise by the Discipline Panel.

## 10. SANCTIONS

- a. Prior to determining sanctions, the Discipline Panel will consider factors relevant to determining appropriate sanctions which include:
  - i. The nature and duration of the Respondent's relationship with the Complainant, including whether there is a Power Imbalance;
  - ii. The Respondent's prior history and any pattern of inappropriate behaviour or Maltreatment;
  - iii. The ages of the individuals involved;
  - iv. Whether the Respondent poses an ongoing and/or potential threat to the safety of others;
  - v. The Respondent's voluntary admission of the offense(s), acceptance of responsibility for the Maltreatment, and/or cooperation in the process of BCWA;
  - vi. Real or perceived impact of the incident on the Complainant, sport organization or the sporting community;
  - vii. 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);
  - viii. Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
  - ix. A Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
  - x. Other mitigating and aggravating circumstances.
- b. Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required, and a single incident of Maltreatment or other prohibited behaviour may justify elevated or combined sanctions.
- c. The Discipline Panel may apply the following disciplinary sanctions, singularly or in combination:
  - i. **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
  - ii. **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
  - iii. **Verbal or Written Apology** - The requirement that a Participant provide to the affected individuals in either verbal or written format a sincere reasonable apology
  - iv. **Service or Other Contribution to BCWA** – The requirement to provide to participate in a service or contribution to the BCWA
  - v. **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
  - vi. **Suspension** - Suspension, either for a set time or until further notice, from participation, in any capacity, in any and or all program, practice, activity, team event, or competition sponsored by, organized by, or under the jurisdiction of BCWA. 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
- vii. **Eligibility Restrictions** - Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions
  - viii. **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 BCWA, a PTSO, and/or any sport organization subject to the UCCMS
  - ix. **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
- d. The Discipline Panel may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:
    - i. Sexual Maltreatment involving a Minor Complainant shall carry a presumptive sanction of permanent ineligibility;
    - ii. Sexual Maltreatment, Physical Maltreatment with contact, and Maltreatment related to interference or manipulation of process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions.
    - iii. While a Respondent has pending charges or dispositions in violation of the criminal law, the presumptive sanction shall be a period of suspension
  - e. A Participant's conviction for a Criminal Code offense shall carry a presumptive sanction of permanent ineligibility from participating with BCWA. Criminal Code offences may include, but are not limited to:
    - i. Any child pornography offences
    - ii. Any sexual offences
    - iii. Any offence of physical violence
    - iv. Any offence of assault
    - v. Any offence involving trafficking of illegal drugs
  - f. 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.
  - g. Records of all sanctions will be maintained by BCWA.

## 11. APPEALS

- a. The decision of the Discipline Panel may be appealed in accordance with the Appeal Policy.

## 12. SUSPENSION PENDING A HEARING

- a. BCWA 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.



- b. A Participant who has been charged for a Criminal Code offense, as determined by BCWA will be immediately suspended from BCWA until a determination is made regarding the charges. If an individual is subsequently cleared from the charges their suspension will be lifted.

### **13. CONFIDENTIALITY**

- a. The discipline and complaints process is confidential and involves only BCWA, the Parties, 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.
- b. All participants will be reminded of their obligation of confidentiality, however complete confidentiality of the discipline and complaint process can not be guaranteed.

### **14. TIMELINES**

- a. 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 Discipline Panel may direct that these timelines be revised.

### **15. RECORDS AND DISTRIBUTION OF DECISIONS**

- a. 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.
- b. BCWA 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.