



## **TRACK AND FIELD / ROAD RUNNING / CROSS COUNTRY**

145 Pacific Ave. Winnipeg, MB. R3B 2Z6 • Tel: 204-925-5745 • Fax: 204-925-5792  
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### **Manitoba Track and Field Association Inc. (Athletics Manitoba)**

#### **Complaints and Discipline Policy**

Revised Nov. 9, 2015; Accepted July 26, 2016

##### **1. Preamble**

The Association is committed to providing an environment in which all Individuals involved with the Association are treated fairly and with respect. Participation in the Association's activities brings many benefits and privileges. At the same time, Individuals are expected to fulfill certain responsibilities and obligations including complying with the Association's policies, bylaws, rules and regulations, and *Code of Conduct and Ethics*. Conduct that violates these values may be subject to sanctions pursuant to this Policy. Since discipline may be applied the Association provides Individuals with the mechanism outlined in this Policy so that complaints are handled fairly, expeditiously, and affordably.

##### **2. Definitions**

The following terms have these meanings in this Policy:

- "Association" – Athletics Manitoba.
- "Days" - Any day of the week, including weekends and holidays
- "Complainant"- party bringing the complaint forward
- "Frivolous" – Characterized by a lack of seriousness or serious purpose or value. The object of the complaint may be to undermine the organization, the sport, or the subject of the complaint by association with the lack of serious purpose of the complaint.
- "Individuals" – All categories of membership defined in the Association's Bylaws, as well as all individuals engaged in activities with the Association including, but not limited to, athletes, coaches, managers, officials, volunteers, and committee or board members of the Association.
- "Minor" - Anyone under 18 years of age
- "Official of the Association": Individuals recognized by Athletics Manitoba and Athletics Canada as having received training and having the skills to officiate events at Track and Field competitions.
- "Parties" – The Complainant, Respondent, and any other individuals affected by the complaint.
- "Respondent" – The alleged infracting Party.
- "Trivial" – having no import or consequence, of little value.
- "Vexatious" – a complaint brought forward in bad faith with the purpose of embarrassing the other party

##### **Application of this Policy**

3. This Policy applies to all Individuals defined in the Definitions Section. This Policy does not apply to any Association employees, acting in the capacity as employees, as such matters are governed by the Association's policies that expressly apply to its employees.
4. This Policy applies to discipline matters that may arise during the Association's business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with the Association, the Association Board of Director meetings and any other Association meetings.



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### **Reporting a Complaint**

5. Any Individual may report a complaint to a representative of the Association. That official may be a staff member or a volunteer position within the Association. Upon receiving a complaint, the official will provide it to the Executive Director (ED) or designate, if the ED is not available or unable to act or any other reason.

### **Time frame for a complaint**

6. A complaint referred to in Section 5 shall be provided within twenty-one (21) days of the alleged infraction and reduced to writing (whether electronic or hard copy). The complaint will contain:
  - The date(s) or time frame of the incident,
  - The identity and contact information of the Complainant
  - The identity of the Respondent
  - Possible witnesses
  - Sufficient details of the facts of the infraction to identify it.

The Complainant submitting the complaint may sign the complaint. Complaints, other than those mentioned in s. 9, will be forwarded to the Complaints Investigator.

### **Late complaints**

7.
  - a) Complaints submitted outside of the twenty-one (21) day period must include additional details providing reasons for the delay past 21 days. The decision to proceed with a complaint of this nature will be made by the Complaints Investigator.
  - b) With regard to serious complaints, the Complaints Investigator will take into account that the 21 day period should not act as an impediment to reporting.
  - c) The Complaints Investigator may find the reasons for delay to be reasonable and, may, without restricting itself to the following, take into account that;
    - i. The delay was frivolous, vexatious or trivial and contributed those qualities to the complaint itself,
    - ii. The delay was the result of intervening factors,
    - iii. That because of the delay or other consequences there are not further effective sanctions,
    - iv. The delay was due to honest mistake or confusion.
  - d) If the Complaints Investigator decides that a complaint has not been made in a reasonable time then it may be dismissed. The Complaints Investigator may, alternatively, give an extension to the complainant to the timeline above if the delay was reasonable or, for the purpose of providing further required information from 7(a) above.



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### **Anonymous Complaints**

8.

- a) The Executive Director or designate may receive an anonymous complaint and refer said complaint to the Executive where the nature of the complaint is detrimental to:
  - i. the integrity of the membership of the association, the Association or to the sport of Athletics itself, or
  - ii. the psychological, social or moral integrity of an athlete or group of athletes.
- b) Where, in the opinion of the Executive, the complaint is
  - i. outside the jurisdiction of Athletics Manitoba, or
  - ii. frivolous, trivial or vexatious, or
  - iii. insufficient to meet tests in 8(a)(i) or 8(a)(ii) abovethe Executive shall dismiss the complaint.
- c) All complaints not so dismissed will be referred to the Complaints Investigator

### **Interim Suspension without Notice for Serious Complaints:**

9. Where a complaint reveals behavior of either a criminal, abusive, or harassing nature, the Executive Director shall immediately notify the President to convene an emergency meeting of the Executive of the Athletics Manitoba Board of Directors to consider suspension of the Respondent identified as the topic of the complaint.
  - a) The primary consideration of the meeting will be the protection of the membership of the Association and the integrity of the Association.
  - b) Should the Executive of the Board of Directors conclude that the behaviour alleged in the complaint significantly affects the psychological, social, physical or moral integrity of a member, the Association or the sport, the Executive of the Board of the Directors shall immediately suspend the Respondent from all activities within the organization and inform:
    - i. The Complainant
    - ii. Appropriate members of the Justice system
    - iii. The Executive Director
    - iv. The Complaints Investigator, where appropriate
    - v. The public, as to the suspension only, when appropriate only
    - vi. Athletics Canada
  - c) After a suspension of this nature, the matter will be referred back to the Executive Director until the conclusion of any criminal charges associated with the complaint.
  - d) Where no criminal charges are laid or no suspension occurs the Executive Director will deal with the matter as with any other complaint.

### **Complaints Investigator**

10. Any complaint not referred to the Executive of the Board of Directors under Section 9 will be referred to a Complaints Investigator, with 14 days of the receipt of the complaint by the Association.



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### 11. The Complaint Investigator will:

- a) Be selected by the Executive Director or designate from the Board of Directors
- b) Carry out such further investigations, as are in the opinion of the Complaints Investigator, necessary to define or clarify the complaint
- c) Consider what infraction or infractions are appropriate
- d) Inform the respondent and any other parties to the complaint of the complaint and instruct the Respondent to respond to the content of the complaint
  
- e) If, as a result of further investigation, is made aware that the complaint entails matters of a criminal, abusive or harassing nature, immediately refer the matter back to the Executive Director
- f) Provide administrative assistance and logistical support to any Independent Review Panel as required
- g) Co-ordinate the administrative aspect of the complaint

### **Dismissal by the Complaints Investigator**

### 12. Where, in the opinion of the Complaints Investigation a complaint is:

- a) Outside the jurisdiction of Athletics Manitoba, or
  - b) Frivolous, trivial or vexatious,
- the Complaints investigator shall dismiss the complaint, and, within 7 days give notice by ordinary or electronic mail to any known Complainant. Such dismissals may be appealed in accordance with the Association's Appeal Policy.

13. All complaints, except those referred to the Executive of the Board of Directors under s. 8, or those dismissed under Section 12, will be treated with the objective of resolving the complaint by either Mediation or Alternate Dispute Resolution. By communicating with the Complainant and Respondent the Complaints Investigator will first determine if it is possible to reach a resolution of the dispute by mediation or alternative dispute resolution. In doing so, the Complaints Investigator will inform the Complainant and Respondent of the provisions of this section.

### 14. Should the complaint not be resolved by either Alternative Dispute Resolution or Mediation, the Complaints Investigator shall:

- a) Determine the number and type of each infraction, either major or minor
- b) Inform the Complainant(s), Respondent(s) and any parties of the infraction and their type
- c) In the case of major infractions, , within 14 days of the failure of Alternative Dispute Resolution or Mediation ,select three (3) people, one of which is to be a member of the Board of Directors, to form an Independent Review Panel,. The procedure thereafter to be followed is described in Section 22 et seq.
- d) In the case of Minor Infractions, notify the appropriate individuals in Section 17.

15. This Policy does not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behaviour that constitutes either a minor or major infraction. Further sanctions may be applied in accordance with the procedures set out in this Policy.



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16. Any infractions or complaints occurring within competition will be dealt with pursuant to the appropriate procedures at that competition. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this Policy.

### **Minor Infractions**

17. Minor infractions are single incidents of failing to achieve expected standards of conduct that generally do not result in harm to others or to the Association. Examples of minor infractions can include, but are not limited to, a single incident of:
- Disrespectful, offensive, abusive, racist, or sexist comments or behavior
  - Disrespectful conduct such as outbursts of anger
  - Conduct contrary to the values of the Association
  - Being late for, or absent from, the Association events and activities at which attendance is expected or required
  - Non-compliance with the Association's policies, procedures, rules, or regulations, and
  - Minor violations of the Association's *Code of Conduct and Ethics*.
18. All disciplinary situations involving minor infractions will be dealt with by a person who has authority over both the situation and the individual involved. The person in authority can be, but is not restricted to being, staff, organizers, or Association decision-makers.
19. Provided that the Individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident, procedures for dealing with minor infractions will be informal (compared to the procedures for major infractions) and will be determined at the discretion of the person responsible for discipline of such infractions (as noted above).
20. Penalties for minor infractions, which may be applied singularly or in combination, include the following:
- Verbal or written reprimand from the Association to one of the Parties
  - Verbal or written apology from one Party to the other Party
  - Service or other voluntary contribution to the Association
  - Removal of certain privileges of membership for a designated period of time
  - Suspension from the competitions, activities, or events
  - Restriction of activities
  - Any other sanction considered appropriate for the offense.
21. Minor infractions that result in discipline will be recorded and records will be maintained by the Association.

### **Major Infractions**



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22. Major infractions are instances of failing to achieve the expected standards of conduct that result, or have the potential to result, in harm to other persons, or to the Association. Examples of major infractions include, but are not limited to:
- a) Repeated minor infractions
  - b) Any incident of hazing
  - c) Incidents of physical or sexual abuse
  - d) Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
  - e) Pranks, jokes, or other activities that endanger the safety of others
  - f) Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
  - g) Conduct that intentionally damages the Association's image, credibility, or reputation
  - h) Disregard for the Association's bylaws, policies, rules, and regulations
  - i) Major or repeated violations of the Association's *Code of Conduct and Ethics*
  - j) Intentionally damaging Association property or the property at which the activity takes place or improperly handling of the Association's monies
  - k) Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illegal drugs
  - l) Any possession or use of performance enhancing substances or methods
  - m) Theft of money and/or property of others
  - n) Cheating during a competition.

### **Procedure for Major Infraction**

23. The Independent Review Panel, hereinafter referred to as the IRP, will decide upon a chairperson and proceed to a hearing regarding the infraction. The IRP may receive the assistance of the Complaints Investigator including a report when requested by the IRP.
24. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may still hold a hearing for the purpose of determining an appropriate sanction.
25. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
26. The IRP will determine the format of the hearing, which may involve an oral in-person hearing, an oral hearing by telephone, 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 IRP deems appropriate in the circumstances, provided that:
- a) The Parties will be given appropriate notice of the day, time, and place of the hearing
  - b) Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing
  - c) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
  - d) Where the Respondent is a minor, the right to have parents or guardians notified of the alleged infractions and be given an opportunity to participate in the hearing
  - e) The Panel may request that any other individual participate and give evidence at the hearing
  - f) The Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the



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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

- g) The decision will be by a majority vote of Panel members
- h) The Panel may assign its costs to either or both of the parties, in its discretion, or can decide not to order costs

27. In fulfilling its duties, the Panel may obtain independent advice.

### **Decision**

28. After hearing the matter, the IRP 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 Panel's written decision, with reasons, will be distributed to all Parties, Complaints Investigator, and the Association. In extraordinary circumstances, the 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 Panel.

### **Sanctions**

29. The Panel may apply the following disciplinary sanctions, singularly or in combination, for major infractions:

- a) Verbal or written reprimand from the Association to one of the Parties
- b) Verbal or written apology from one Party to the other Party
- c) Service or other voluntary contribution to the Association
- d) Suspension from the Association competitions, activities, or events
- e) Expulsion or dismissal from the Association
- f) Withholding of awards
- g) Payment of the cost of repairs for property damage
- h) Suspension of funding from the Association or from other sources
- i) Any other sanction considered appropriate for the offense

30. Unless the Panel decides otherwise, any disciplinary sanctions will begin immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension from the Association competitions, activities or events until such time as compliance occurs.

### **Criminal Convictions**

31. An Individual's conviction for any of the following *Criminal Code* offences will be deemed a major infraction under this Policy and will normally result in ineligibility from the Association competitions, activities or events:

- a) Any child pornography offences
- b) Any sexual offences
- c) Any offence of physical or psychological violence
- d) Any offence of assault
- e) Any offence involving trafficking of illegal drugs

### **Confidentiality**



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32. The discipline and complaints process is confidential and involves only the Parties, the Complaints Investigator, the Executive Director or Designate, the Executive, the IRP, and any advisors to the Parties or the 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.

### **Timelines**

33. 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 Panel may direct that these timelines be revised.

### **Records and Distribution of Decisions**

34. Minor and major infractions that result in discipline, as well as decisions of any appeals, shall be recorded and maintained by the Association.
35. Decisions and appeals are matters of public interest and shall be publicly available with the names of the individuals redacted. Names of persons disciplined may be disclosed to the extent necessary to give effect to any sanction imposed.

### **Appeals Procedure**

36. The decision of the IRP may be appealed in accordance with Association's Appeal Policy.

**Athletics Manitoba**

**Board Approval Date: July 26, 2016**