

## **TABLE TENNIS CANADA DISCIPLINE AND COMPLAINTS POLICY**

### **Definitions**

1. The following terms have these meanings in this Policy:
  - a) *“Case Manager”* – An individual appointed by the Discipline Chair to administer complaints under this *Discipline and Complaints Policy*. The Case Manager does not need to be a member of, or affiliated with Table Tennis Canada
  - b) *“Complainant”* – The Party making a complaint
  - c) *“Days”* – Days including weekends and holidays
  - d) *“Individuals”* – All categories of membership defined in Table Tennis Canada’s Bylaws, as well as all individuals employed by, or engaged in activities with Table Tennis Canada including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, Directors and Officers of Table Tennis Canada, spectators, and parents/guardians of athletes
  - e) *“Respondent”* – The Party responding to the complaint

### **Purpose**

2. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with Table Tennis Canada’s policies, Bylaws, rules and regulations, and *Code of Conduct and Ethics*. Non-compliance may result in sanctions pursuant to this Policy.

### **Application of this Policy**

3. This Policy applies to all Individuals.
4. This Policy applies to matters that may arise during Table Tennis Canada’s business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with the Organization’s activities, and any meetings.
5. This Policy also applies to Individuals’ conduct outside of Table Tennis Canada’s business, activities, and events when such conduct adversely affects relationships within the Organization (and its work and sport environment), is detrimental to the image and reputation of Table Tennis Canada, or upon the acceptance of the Organization. Applicability will be determined by Table Tennis Canada at its sole discretion.
6. This Policy does not prevent immediate discipline or sanction from being applied as reasonably required. 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.
7. An employee of Table Tennis Canada who is a Respondent will be subject to appropriate disciplinary action in accordance with the relevant and applicable policies of the Organization, as well as 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.

### **Adult Representative**

8. Complaints may be brought for or against an Individual who is a minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
9. Communication from the Discipline Chair or Case Manager, as applicable, must be directed to the minor's representative.
10. A minor is not required to attend an oral hearing, if held.

### **Process**

11. Any Individual may report an incident or complaint to the Chief Executive Officer in writing, within fourteen (14) days of the alleged incident, although this timeline can be waived or extended at the Chief Executive Officer's discretion. Anonymous complaints may be accepted at the sole discretion of Table Tennis Canada.
12. At the Organization's discretion, Table Tennis Canada may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, Table Tennis Canada will identify an individual to represent the Organization.
13. Upon receipt of a complaint, the Chief Executive Officer will appoint a Case Manager to oversee the management and administration of the complaint or incident. The Case Manager should not be in a conflict of interest and should have expertise in dispute resolution matters. Such appointment is not appealable.
14. The Case Manager has a responsibility to:
  - a) Determine whether the complaint is frivolous and/or within the jurisdiction of this Policy
  - b) Determine if the complaint is a minor or major infraction
  - c) Propose the use of Table Tennis Canada's *Dispute Resolution Policy*
  - d) Appoint the Discipline Panel, if necessary
  - e) Coordinate all administrative aspects and set timelines
  - f) Provide administrative assistance and logistical support to the Discipline Panel as required
  - g) Provide any other service or support that may be necessary to ensure a fair and timely proceeding
15. If the Case Manager determines the complaint is:
  - a) Frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately
  - b) Not frivolous and within the jurisdiction of this Policy, the Case Manager will notify the Parties that the complaint is accepted, whether the complaint will be dealt with as a minor or a major infraction, and of the applicable next steps.
16. The Case Manager's decision to accept or dismiss the complaint or their classification of the complaint as minor or major infraction may not be appealed.
17. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.

### **Minor Infractions**

18. Minor infractions are single incidents of failing to achieve the expected standards of conduct that generally do not result in harm to others, Table Tennis Canada or to the sport of table tennis. Examples of minor infractions include, but are not limited to, a single incident of:
- a) Un-sportsmanlike conduct;
  - b) Disrespectful comments or behavior directed towards others; and
  - c) Non-compliance with the bylaws, policies, procedures, rules, regulations and directives of Table Tennis Canada.
19. All disciplinary situations involving minor infractions will be dealt with by the appropriate person having authority over the situation and the individual involved (the person in authority may include, but is not restricted to, staff, officials, coaches, organizers, or Table Tennis Canada's decision makers).
20. Procedures for dealing with minor infractions will be informal as compared to those for major infractions and will be determined at the discretion of the person responsible for discipline of such infractions (as noted above in Section 19). This is provided that the Respondent being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident.
21. Penalties for minor infractions, which may be applied singly or in combination, include the following:
- a) Verbal or written warning;
  - b) Verbal or written apology;
  - c) Service or other voluntary contribution to Table Tennis Canada;
  - d) Removal of certain privileges of membership for a designated period of time;
  - e) Suspension from the current competition, activity or event; or
  - f) Any other sanction considered appropriate for the offense.
22. Minor infractions that result in discipline will be recorded and maintained by Table Tennis Canada. Repeat minor infractions may result in further such incidents being considered a major infraction.

### **Major Infractions**

23. 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, to Table Tennis Canada or to the sport of table tennis. Examples of major infractions include, but are not limited to:
- a) Repeated Minor Infractions;
  - b) Intentionally damaging Table Tennis Canada's property or improperly handling the Organization's monies;
  - c) Incidents of physical abuse;
  - d) Pranks, jokes or other activities that endanger the safety of others, including hazing;
  - e) Disregard for the bylaws, policies, rules, regulations and directives of Table Tennis Canada;
  - f) Conduct that intentionally damages the image, credibility or reputation of Table Tennis Canada;

- g) Behavior that constitutes harassment, sexual harassment or sexual misconduct; or
  - h) Abusive use of alcohol, any use or possession of alcohol by minors, use or possession of illicit drugs and narcotics.
24. Major infractions will be decided using the disciplinary procedures set out in this policy, except where a dispute resolution procedure contained within a contract or other formal written agreement takes precedence.
25. Major infractions occurring within competition may be dealt with immediately, if necessary, by an appropriate person having authority. 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. This review does not replace the appeal provisions of this Policy.

### **Procedure for Major Infractions**

26. After notifying the Parties that the complaint has been accepted and that it constitutes a major infraction, the Case Manager may propose using *Table Tennis Canada's 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 *Dispute Resolution Policy*, the Case Manager will appoint a Discipline Panel, which shall consist of a single Arbitrator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a Discipline Panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Discipline Panel's members to serve as the Chair.
27. The 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. The hearing will be governed by the procedures that the Case Manager and the Discipline Panel deem appropriate in the circumstances, provided that:
- a) 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
  - b) Copies of any written documents which the parties 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
  - f) The decision will be by a majority vote of the Discipline Panel
28. 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.
29. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.

30. 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.
31. In fulfilling its duties, the Discipline Panel may obtain independent advice.

#### Decision

32. 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, the Case Manager, and Table Tennis Canada. 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

33. The Discipline Panel may apply the following disciplinary sanctions, singularly or in combination:
- a) Verbal or written reprimand
  - b) Verbal or written apology
  - c) Service or other contribution to Table Tennis Canada
  - d) Removal of certain privileges
  - e) Suspension from certain teams, events, and/or activities
  - f) Suspension from all Table Tennis Canada activities for a designated period
  - g) Payment of the cost of repairs for property damage
  - h) Suspension of funding from Table Tennis Canada or from other sources
  - i) Expulsion from Table Tennis Canada
  - j) Any other sanction considered appropriate for the offense
34. 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.
35. Records of all decisions will be maintained by Table Tennis Canada.

#### Appeals

36. The decision of the Discipline Panel may be appealed in accordance with Table Tennis Canada's *Appeal Policy*.

#### **Suspension Pending a Hearing**

37. Table Tennis Canada may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending completion of a criminal process, the hearing, or a decision of the Discipline Panel.

#### **Criminal Convictions**

38. An Individual's conviction for a *Criminal Code* offense, as determined by Table Tennis Canada, will be deemed an infraction under this Policy and will result in expulsion from the Organization. *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

### **Confidentiality**

39. The discipline and complaints process is confidential and involves only the Parties, the Case Manager, 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.

### **Timelines**

40. 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.

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

41. Other individuals or organizations, including but not limited to, national sport organizations, provincial sport organizations, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.